Chapter 290

ZONING

[HISTORY: Adopted by the Town Meeting of the Town of Carver 7-26-1963; amended through the 4-12-2022 ATM.[1] Subsequent amendments noted where applicable.]

Part 1
PURPOSE

§ 290-1.1. Purpose and authority.

These by-laws are enacted to promote the general welfare of the Town of Carver; to regulate the use of land throughout the town to protect the health and safety of its inhabitants; to lessen congestion in the streets; to provide adequate light and air; to prevent overcrowding of land; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to preserve the cultural, historical and agricultural heritage of the community; and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by the provisions of the Zoning Act, G.L. c. 40A, as amended, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

Part 2
USE, DIMENSIONAL, AND TIMING REGULATIONS

Article 2-1
DISTRICTS

§ 290-2-1.1. Establishment.

A. For the purposes of this By-Law, the Town of Carver is hereby divided into the following districts:

RESIDENTIAL-AGRICULTURAL	RA
GENERAL BUSINESS	GB
VILLAGE BUSINESS	VB
GREEN BUSINESS PARK	GBP
HIGHWAY COMMERCIAL	HC
VILLAGE	V
INDUSTRIAL "A"	IA

---

1. **Editor's Note: The Zoning By-law was also amended 4-27-1998, 6-16-2003, 5-19-2009 ATM, 5-17-2010 ATM, 11-8-2010 STM, 6-14-2011 ATM, 6-4-2012 ATM/STM, 12-6-2012 STM, 6-3-2013 ATM, 6-16-2014 ATM, 4-13-2015 ATM, 4-11-2016 ATM, 4-11-2017 ATM, 4-24-2018 ATM, 4-22-2019 ATM, and 4-13-2021 ATM. The Zoning By-law was amended 4-22-2019 ATM by Art. 13 to change "Board of Selectmen" and "Selectmen" to "Select Board."**

INDUSTRIAL "B"	IB
INDUSTRIAL "C"	IC
AIRPORT	AP
SPRING STREET INNOVATION DISTRICT	SSID

B. "Overlay" districts are also hereby created:

(1) WATER RESOURCE PROTECTION DISTRICT (see Article 4-3)

(2) WETLAND DISTRICT (see Article 4-4)

(3) PLANNED TOURIST COMMERCIAL DISTRICT (PTCD) (see Article 4-5)

(4) WIRELESS COMMUNICATION FACILITIES DISTRICT (WCF) (see Article 4-6)

(5) PLANNED NEIGHBORHOOD DEVELOPMENT (PND) OVERLAY DISTRICT (see Article 2-8)

(6) LANDFILL OVERLAY DISTRICT (see Article 4-7)

C. The boundaries of these districts are defined and set forth on the map entitled, "Zoning Map, Town of [10]Carver, Massachusetts", dated September 1999, as amended June, 2010 and as may be subsequently amended by vote of Town Meeting. This map is on file with the Town Clerk. This map and all explanatory matter therein are hereby made a part of this Zoning By-Law.

§ 290-2-1.2. Boundary Definition.

Except when labelled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines at water body shoreline or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or at an angle to such lines shall be construed to be actually parallel, perpendicular, or at an angle thereto. When not located in any other way, boundaries shall be determined by scale from the map.

Article 2-2
USE REGULATIONS

§ 290-2-2.1. General.

A. No structure shall be erected or used or land used except as set forth in § 290-2-2.3, "Use Regulation Schedule", or in § 2-2.4, "Accessory Buildings and Uses", unless exempted by § 2-2.5, or by statute. Uses not expressly provided for herein are prohibited.

B. Symbols employed below shall mean the following:

Y A permitted use.

N An excluded or prohibited use.

SP A use authorized under special permit from the Board of Appeals as provided under Article 5-3.

SP* A use authorized under special permit from the Planning Board as provided under Article 5-3.

SP A use authorized under special permit from the Select Board as provided under Article 5-3.

§ 290-2-2.2. Applicability.

When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

§ 290-2-2.3. Use Regulation Schedule. [Amended 4-11-2023 ATM by Art. 29]

USE REGULATION SCHEDULE											
Principal Use	**RA**	**HC**	**GB**	**VB**	**V**	**GBP**	**IA**	**IB**	**IC**	**AP**	**SSID**
A. RESIDENTIAL											
Detached single-family dwelling	Y	N	Y	N	Y	N	N	N	N	N	N
Conservation subdivision	SP*	N	N	N	N	N	N	N	N	N	N
Duplex and Two Family Dwelling	SP*	N	SP*	SP*	SP*	N	N	N	N	N	N
Planned Neighborhood Development	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Townhouse Development	SP*	SP*	SP*	N	SP*	N	N	N	N	N	N
Mixed Use Structures	N	N	Y	Y	Y	N	N	N	Y	N	SP*
Dwelling units above commercial or office uses	N	N	SP*	SP*[6]	SP*[6]	N	N	N	SP*	N	SP*
Agricultural use exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Agricultural use not exempted by G.L. c. 40A, s. 3	SP	N	Y	Y	Y	N	Y	Y	Y	Y	N
Cranberry receiving station	SP	N	SP*	N	N	N	Y	Y	Y	Y	N
Child care facility or day care facility exempted by GL c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Municipal facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Airport	N	N	N	N	N	N	N	N	N	Y	N
Heliport	N	N	N	N	N	N	SP*	SP*	N	SP*	N
Cemetery	SP	N	SP	N	SP	N	N	N	N	SP	N
Earth Removal+	Y	N	Y	N	N	N	Y	Y	N	Y	N
Mobile Home Park	SP	N	N	N	N	N	SP	SP	N	SP	N

USE REGULATION SCHEDULE											
Principal Use	**RA**	**HC**	**GB**	**VB**	**V**	**GBP**	**IA**	**IB**	**IC**	**AP**	**SSID**
B. COMMERCIAL	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
Office, including medical office	N	Y	Y	Y	SP*	Y	Y	N	Y	SP*	Y
Bank, including freestanding ATM and drive-in facilities	N	Y	Y	Y	SP*	Y	SP*	N	SP*	SP*	SP*
Retail sales with manufacturing or assembly in a building less than 20,000 sq. ft. building footprint.	N	Y	SP*	Y	SP*	Y	SP*	SP*	N	SP*	SP*
Retail sales or rental less than 80,000 square feet in gross floor area for a single structure without display outdoors	N	Y	Y	N	SP*	Y	SP*	N	N	N	SP*
Retail sales or rental less than 80,000 square feet in gross floor area for a single structure with display outdoors	N	Y	SP*	N	N	SP*	SP*	N	N	N	SP*
Retail sales or rental less than 25,000 sq. ft. in gross floor area for a single structure without display outdoors	N	Y	SP*	Y	N	Y	SP*	N	N	N	SP*
Retail sales or rental less than 25,000 sq. ft. in gross floor area for a single structure with display outdoors[1]	N	Y	SP*	Y	N	Y	SP*	N	N	N	SP*
Motor vehicle service station	N	SP*	SP*	SP*	N	N	Y	N	N	N	N
Motor vehicle repair shop	N	SP*	SP*	SP*	N	N	Y	N	N	N	N
Establishment for the sale or consumption of alcoholic beverages, with or without entertainment, including clubs, whether for profit or not for profit	N	SP	SP	SP	SP	N	SP	SP	N	SP	SP
Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N	N
Hospital or sanitarium	N	Y	SP	N	N	Y	SP	N	N	N	SP
Convalescent or nursing home, or assisted elderly housing	SP	Y	SP	N	N	N	SP	N	N	N	SP
Hotel or motel	N	Y	SP*	N	N	Y	SP*	N	N	N	SP
Bed and Breakfast	SP*	N	Y	Y	SP*	N	N	N	N	N	SP
Print shop	N	Y	SP*	Y	N	Y	Y	N	Y	N	Y
Craftsman/Tradesman	N	Y	Y	Y	Y	Y	N	N	Y	N	Y
Essential services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Service shop	N	Y	Y	Y	Y	N	N	N	Y	N	Y

USE REGULATION SCHEDULE											
Principal Use	**RA**	**HC**	**GB**	**VB**	**V**	**GBP**	**IA**	**IB**	**IC**	**AP**	**SSID**
Restaurant, not including fast-food or drive-in restaurant	N	Y	Y	Y	SP*	SP*	SP*	N	N	SP*	Y
Fast-Food or drive-in restaurant	N	SP*	SP*	SP*	SP*	N	N	N	N	SP*	SP*
Places of assembly	N	SP*	SP*	N	SP*	N	SP*	N	N	N	N
Animal Hospital or Hobby or Commercial Kennel[2]	SP*	SP*	SP*	SP*	SP*	SP*	Y	SP*	N	N	SP*
Drive-in service at facility other than restaurant or bank	N	SP*	SP*	SP*	SP*	SP*	SP*	N	SP*	SP*	SP*
Adult Use	N	N	N	N	N	N	SP	SP	N	N	N
Landscaping business[3]	SP*	N	SP*	N	SP*	N	Y	N	N	N	N
Nursery/Greenhouse	Y	N	Y	SP*	SP*	N	Y	Y	Y	N	N
Car wash	N	N	SP*	N	N	N	Y	N	N	N	N
Commercial recreation, outdoors[3]	SP*	N	SP*	N	N	N	SP*	N	N	N	N
Major Commercial Project	N	SP*	SP*	N	SP*	SP*	SP*	SP*	N	SP*	SP*
Tattoo Parlor/Body Piercing	N	SP*	N	N	N	N	SP*	SP*	N	N	N
Non-Exempt educational use	N	Y	N	SP*	N	Y	SP*	SP*	N	N	Y
C. INDUSTRIAL	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
Light manufacturing in a building with less than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	Y*	Y*	N	SP*	Y
Light manufacturing in a building with more than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	SP*	Y	Y	N	Y
Manufacturing, processing, assembly, or fabrication in a building with less than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	N	N
Manufacturing, processing, assembly, or fabrication in a building with more than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	N	N
Wholesale, warehouse, or distribution facility in a building with less than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	Y	Y	Y	SP*	SP*
Wholesale, warehouse, or distribution facility in a building with more than 20,000 sq. ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	SP*	SP*
Bituminous concrete or concrete batching plant	N	N	N	N	N	N	N	SP*	N	N	N

USE REGULATION SCHEDULE											
Principal Use	**RA**	**HC**	**GB**	**VB**	**V**	**GBP**	**IA**	**IB**	**IC**	**AP**	**SSID**
Contractor's yard	N	N	N	N	N	SP*	SP*	SP*	Y	N	SP*
Sawmill[4]	SP	N	SP*	N	N	SP*	SP*	SP*	N	N	N
Truck, bus or freight terminal	N	N	N	N	N	SP*	SP*	SP*	N	SP*	N
Auto Body Shops	N	N	N	N	N	N	Y	Y	N	N	N
Self-Storage Facility	N	N	N	N	N	Y	Y	N	N	Y	N
Research and Development facilities, not limited to Renewable or Alternative Energy research and development facilities	N	N	N	N	N	Y	Y	Y	Y	N	Y
Manufacturing, processing, assembly, or fabrication of alternative energy components	N	N	N	N	N	Y	N	N	Y	N	Y
Publicly Owned Treatment Works or POTW	N	N	N	N	N	Y	Y	Y	N	N	Y
Privately Owned Wastewater Treatment Facility or PWTF[5]	N	N	N	N	N	SP*	SP*	SP*	N	N	SP*
Large-scale ground mounted solar photovoltaic installations	SP*	N	N	N	N	SP*++	SP*	SP*	SP*	SP*++	N
Battery Storage Tier 1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Battery Storage Tier 2	SP*	SP*	SP*	N	N	SP*	SP*	SP*	SP*	SP*	SP*
Battery Storage Tier 3	N	SP*	N	N	N	N	SP*	SP*	SP*	SP*	N

+ Allowed by right with approval by the Earth Removal Committee under the General Bylaws.

++ Denotes Large Scale Ground Mounted Solar Photovoltaic limited to 15% maximum area within the underlying zoning district

+++ See Article 4-11

[1] Outdoor displays and sales of flowers and plants are allowed by special permit in the Village District.

[2] The raising, breeding, and training of dogs that qualifies as agricultural use under G.L.c. 40A Section 3 shall be allowed on parcels of more than 5 acres in any district. See Chapter 114, Article II, of the General By-laws

[3] Minimum sites of 5 acres in RA district

[4] Minimum sites of 5 acres in RA District

[5] Does not include package treatment plants as accessory uses to subdivision, commercial or industrial development which are permitted by right as an accessory use structure.

§ 290-2-2.4. Accessory Buildings and Uses.

Any use permitted as a principal use is also allowed as an accessory use, as are others customarily accessory and incidental to permitted principal uses. The occupation or profession shall be carried on wholly within the principal building, or alternately the home occupation may be carried on within a structure accessory thereto.

A. Home Occupations As of Right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:

(1) The occupation or profession shall be carried on wholly within the principal building; or alternately the home occupation may be carried on within a structure accessory thereto which has been in existence at least three (3) years, without extension thereof.

(2) Not more than thirty (30) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation.

(3) No person not a member of the household shall be employed on the premises in the home occupation.

(4) The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.

(5) There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

(6) No disturbance, as defined in § 290-3-8.1, shall be caused, nor shall the home occupation use or store hazardous materials in quantities greater than associated with normal household use.

(7) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

B. Home Occupations by Special Permit. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling upon the issuance of a special permit by the Board of Appeals; provided, however, that all of the following conditions shall be satisfied:

(1) All of the requirements of § 290-2-2.4A(1), (2), and (7).

(2) Not more than one (1) person not a member of the household shall be employed on the premises in the home occupation.

(3) An unlighted sign of not more than three (3) square feet in area may be permitted. The visibility of exterior storage of materials and other exterior indications of the home occupation, or other variation from the residential character of the premises, shall be minimized through screening and other appropriate devices.

(4) Parking generated by the home occupation shall be accommodated off-street, other than in a required front yard, and shall not occupy more than 35% of lot area.

(5) No disturbance, as defined in Article 3-8, shall be caused. The use or storage of hazardous materials in quantities greater than associated with normal household use shall be subject to design requirements to protect against discharge to the environment.

C. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific

research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

D. Boarders in Single-Family Dwelling. The renting of rooms and/or furnishing of board to not more than one person in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to two, three or four persons in a single-family dwelling by the owner/occupant thereof shall be an accessory use permitted upon the issuance of a special permit by the Board of Appeals.

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

(1) permitted signs may be located within a required front yard; and

(2) a permitted one-story accessory structure may be located within a required rear or side yard provided that it is not located within 10 feet of any property line or in front of the front line of the principal building. However, where a detached single-family dwelling is located one hundred (100) feet or more back from the front lot line, an accessory building may be placed within the front yard provided that said accessory structure is located no closer than sixty (60) feet from the front property line and meets all other setback requirements for an accessory structure. An accessory structure in a mobile home park may be located any distance from any property line, provided it is behind the front line of the principal structure and at least five (5) feet from any dwelling.

(3) 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.

F. Major Recreational Equipment. No major unregistered recreational equipment shall be stored on any lot in a residential district other than in a carport or enclosed building or behind the front building line of the principal building, provided however that such equipment may be parked anywhere on residential premises for a period not to exceed seventy-two (72) hours. No such equipment shall be used for living or housekeeping purposes when stored on a residential lot, or in any location not approved for such use. All equipment which does not conform to these regulations shall be considered nonconforming.

§ 290-2-2.5. Nonconforming Uses and Structures.

A. Applicability. This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

B. Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

(1) Change or substantial extension of the use;

(2) Change from one nonconforming use to another, less detrimental, nonconforming use.

C. Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

(1) Reconstruction, extension or structural change of a nonconforming structure, provided said reconstruction, extension or change does not increase an existing nonconformity or create a new nonconformity including, but not limited to, an extension of an exterior wall at or along the same nonconforming distance within a required yard. Except as provided in § 290-2-2.5D, any increase in an existing structural nonconformity or creation of a new structural nonconformity may be permitted only upon the issuance of a variance.

(2) Alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

(3) Reconstruction after a catastrophe, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within eighteen (18) months after such catastrophe, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure.

D. Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Zoning Enforcement Officer that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, and the issuance of a building permit, where applicable. In the event that the Zoning Enforcement Officer determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

E. Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law.

F. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert back to a nonconforming use.

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

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

§ 290-2-2.6. Accessory Apartments.

A. Purpose.

(1) For the purpose of enabling elderly (as defined by 55 years of age and older) and/ or handicapped persons to provide small additional dwelling units to rent or reside in without adding to the number of buildings in the Town, or substantitially altering the appearance of the Town for the reason of (a) enabling elderly/handicapped owners of single family dwellings to share space and the burdens of home ownership or (b) providing an alternative housing option for elderly/handicapped persons. Accessory apartments shall not be allowed in a Townhouse Development pursuant to Article 3-10.

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

B. Requirements.

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

(2) Once an accessory apartment has been added to a single-family residence, the accessory apartment shall never be enlarged beyond the eight hundred (800) square feet.

(3) The owner(s) of the residence in which the accessory unit is created must continue to occupy the single-family house as their primary residence. The Permit shall automatically lapse if the owner no longer resides at the home.

(4) This section shall specify that the owner must reside at the home. The owner shall provide to the Building Commissioner a notarized letter stating that the owner does live at this home and that this is their primary residence.

(5) Any new outside entrance to serve an accessory apartment shall be located on the side or in the rear of the building.

(6) Only one (1) accessory apartment may be created within a single-family house or house lot.

(7) An accessory apartment may not be occupied by more than three (3) people.

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

C. Conditions of Issuance of Permit. Permit for an accessory apartment is only good for three (3) years. Subsequent permits issued for an existing accessory apartment shall be granted after certification by affidavit is made by the applicant to the Building Commissioner that the accessory apartment has not been extended, enlarged or altered to increase its original dimensions, as defined in the initial permit application, and that the unit still meets the requirements of § 290-2-2.6B.

§ 290-2-2.7. Accessory Dwelling Units above Commercial Developments.

A. Purpose. For the purpose of allowing a mixture of different types of residential housing in the Town without increasing the number of buildings, or substantially altering the appearance of the Town and to allow greater utilization of commercial developments, a special permit may be granted in accordance with the following requirements.

B. Procedure.

(1) The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Accessory Dwelling Units above Commercial Developments. Accessory dwelling units above commercial developments may only be allowed in the Village and General Business Districts.

(2) The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit.

(3) Commercial buildings may be permitted a base density of two accessory dwelling units to be located on the second floor. Additional accessory dwelling units may be permitted in the special permit application by the transferring of development rights. The number of accessory dwelling units that may be permitted shall be determined by using the total gross square feet of first floor commercial space multiplied by .001. The maximum number of accessory dwelling units allowed for any commercial building shall be 15.

C. Design Requirements.

(1) All commercial developments with accessory dwelling units shall be limited to a maximum of two stories.

(2) The primary entrance/stairway to the second story accessory dwelling units shall be enclosed.

(3) One clearly marked parking space within 100 feet of the primary entrance should be provided per unit. This space may be double counted towards the total parking requirement of the development depending on the commercial uses, traffic flow and other site conditions as determined by the Board. In cases where the Board may have concerns about the total number of parking spaces, a condition of the permit may require the applicant to provide additional spaces.

(4) The development shall conform to the applicable requirements of Title V of the State Environmental Code[2] and compliance with any conditions which may be imposed by the Board of Health with regard to sanitary wastewater disposal on the site.

(5) The Architectural details including the textures of the walls and roof materials of new building or additions to existing buildings should enhance the rural character of the development and surrounding area. The use of pitched roofs, dormers and setbacks to alter the roofline is encouraged.

(6) Design shall meet Massachusetts State Building Code.

(7) All commercial developments with accessory dwelling units shall be limited to 1,000 square feet of total gross livable space/unit.

(8) Dwelling units may be allowed on the ground floor under this Special Permit provision in a Village (V) or Village Business (VB) District provided they meet all other requirements under § 290-2-2.7.

2. Editor's Note: See 310 CMR 15.00.

Article 2-3
DIMENSIONAL REQUIREMENTS

By-Law or by statute (see G.L. c. 40A, s.6).

§ 290-2-3.1. (Reserved)

§ 290-2-3.2. Table of Dimensional Requirements. [Amended 4-11-2023 ATM by Art. 31]

REQUIREMENT	RA	HC	GB	VB[a]	V (Com.)	V (Res.)	GBP[b]	IA[d]	IB	IC[c]	AP	SSID[e]
Min. Lot Size[4,5,10] (X 1000 square feet)	60	60	40	30	30	30	60	60	60	60	40	60
FRONTAGE (feet)	150	250	200	100	100	100	175	175	175	250	150	175
FRONT SETBACK (feet)[6]	50	40	40	15	15	40	50	50[7]	50[7]	40	40	50
REAR YARD (feet)	50	40	25	15	15	40	40	30	30	40	30	40
SIDE YARD (feet)	30	40	25	15	15	25	40	30	30	40	30	40
MAX. BUILDING HEIGHT (feet)[8,9,11]	35	40	40	30	30	30	40[11]	40	40	40	40	40
MINIMUM LOT WIDTH at building line (% of frontage in district)	80	80	80	80	80	80	80	80	80	80	80	80
MAXIMUM % OF LOT COVERED BY BUILDINGS	30	60	50	70	70	70	70	50	50	60	50	25

[a] Same as V (Comm.);

[b] mix of HC and IA, IB;

[c] IC same as HC since that is what the existing structures were under at the time of development;

[d] Registered Marijuana Dispensaries, see § 290-4-11;

[e] based on GBP

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

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

[6] Front setbacks shall be measured from the street layout line.

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

REQUIREMENT	RA	HC	GB	VB[a]	V (Com.)	V (Res.)	GBP[b]	IA[d]	IB	IC[c]	AP	SSID[e]

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

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

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

[11] If a building contains more than two (2) stories, then this minimum requirement shall be increased by twenty-five (25) feet per story for each story that the building exceeds two stories in height up to a maximum setback requirement of two hundred (200) feet. For example, a building containing three (3) stories shall not be located closer than seventy-five (75) feet from the boundary line of the District and a building containing four (4) stories shall not be located closer than one hundred (100) feet from the boundary line of the District. Where a building or improvement is not divided into stories, a story shall be considered fifteen (15) feet in height.

Notwithstanding anything to the contrary in this Zoning Bylaw, Building Height shall mean the vertical distance measured from the mean finished grade of the ground adjoining the building or improvement to the highest point of such building or improvement, provided that steeples, cupolas, stage lofts, bulkheads, and other appurtenances above roof line shall not be considered as additional stories or considered in determining the height of a building or other improvement. Rooftop mechanicals and rooftop solar will be included in determining the overall height of the building.

[12] Municipal Facilities may be increased to 40 feet in height provided they meet all public safety standards, except that a water tower owned or operated by the North Carver Water District shall be considered Municipal Facilities, and shall not exceed 175 feet in height within the GBP District provided they meet all public safety standards.

§ 290-2-3.3. Multiple Principal Structures.

Except in the Residential District, more than one principal non-residential structure maybe erected on a lot, pursuant to a special permit issued by the Planning Board in accordance with Article 5-3 herein and the following conditions:

A. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

B. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

C. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

§ 290-2-3.4. Rear Lots.

Rear lots shall be allowed only in the RA District. Individual lots in the RA District need not have the required amount of street frontage, provided that all of the following conditions can be met for each individual lot lacking such frontage:

A. The area of said lot is at least three (3) acres.

B. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in the district.

C. Lot width is at no point less than 40 feet, and lot frontage is not less than 40 feet. Frontage shall meet all of the requirements contained in the definition for "frontage" in Part 6, herein.

D. Not more than one (1) rear lot shall be created from a property, or a set of contiguous properties held in common ownership as of May 4, 1998. In order to be eligible for a rear lot, such property or set of contiguous properties held in common ownership as of May 4, 1998 shall not have been divided after such date. No further division of said property or properties shall be permitted after the creation of a rear lot. Documentation to this effect shall be submitted to the Building Inspector. The Building Inspector shall not issue a building permit for any rear lot without first establishing that compliance with this provision has been determined by the Planning Board.

E. The front, rear, and side yards shall equal or exceed those required in the district.

§ 290-2-3.5. Sight Obstruction.

At corners, no sign (except signs erected by a public agency), fence, wall, hedge, or other obstruction shall be allowed to block vision between 2 1/2 and 8 feet above the street grade within an area formed by the intersecting street lines and a straight line joining the points of said street lines 20 feet back from their point of intersection.

Article 2-4

RATE OF DEVELOPMENT

§ 290-2-4.1. Purpose.

The purpose of this article, "Rate of Development," is to promote orderly residential growth in the Town of Carver, consistent with the rate of residential growth, to phase growth so that it will not unduly strain the community's ability to provide basic public facilities and services, to provide the Town, its boards and its agencies information, time, and capacity to incorporate such growth into the Town's Master Plan for the community, and to preserve and enhance existing community character and the value of property.

§ 290-2-4.2. General.

For the purposes of this article, a two-family structure shall constitute two dwelling units, and so on. An accessory apartment, townhouse and dwellings above a commercial use shall constitute a dwelling unit.

§ 290-2-4.3. Procedures.

Any residential building permits issued shall be issued in accordance with the following procedures:

A. The Building Inspector shall act on each permit application in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant and shall require new submittal. No party shall submit more that three permit applications in a calendar month.

B. Three (3) permits shall be issued in each month of Calendar Year 2006. In calendar Year 2007, four (4) permits shall be issued in the months of January, April, July and October, with three (3) permits in each of the remaining months. In calendar year 2008, three (3) permits shall be issued in March, June, September and November, with four (4) permits issued in each of the remaining months. In the calendar year 2009 four (4) permits shall be issued in each month. In calendar year 2010 five (5) permits shall be issued in January, April, July and October, with four (4) issued in each of the remaining months. Permits not issued in any month of the calendar year in accordance with this schedule shall be available in any subsequent month of that calendar year for issuance by the Building Inspector.

C. The Building Inspector shall mark each application with the time and date of submittal, and shall act on each application in a timely manner.

D. Any Building Permits not issued in any calendar year shall not be available for issuance in any subsequent year, except any permits available for the month of December can be carried over into the month of January the following calendar year.

§ 290-2-4.4. Exemptions.

The provisions of this article shall not apply to, nor limit in any way, the granting of building or occupancy permits for:

A. the enlargement, restoration, replacement, or reconstruction of dwellings existing on lots as of the date of passage of this by-law, but shall apply to the creation of an accessory apartment in accordance with § 290-2-4.2 above.

B. permits for dwelling units within a division of land awarded a special permit pursuant to § 290-2-5.4 below.

C. a single permit issued to an individual for the construction of a dwelling unit on a property or a set of contiguous properties in common ownership as of May 4, 1998.

D. permits for commercial and industrial uses.

E. An accessory apartment as regulated in § 290-2-2.6.

F. A dwelling unit above a commercial development as regulated in § 290-2-2.7.

G. Rear lots as regulated in § 290-2-3.4.

§ 290-2-4.5. Extension.

This article may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to January 1, 2011.

Article 2-5
SUBDIVISION PHASING

§ 290-2-5.1. Purpose.

The purpose of this article, "Subdivision Phasing," is to assure and promote orderly growth that shall be phased so as not to unduly strain the town's ability to provide reasonable public facilities and services, so that it will not disturb the social fabric of the community, and so that it will be in keeping with the community's desired rate of growth, in accordance with the goals and objectives of the Town's Master Plan.

§ 290-2-5.2. Applicability.

The issuance of building permits for the construction of residential dwellings on any tract of land divided pursuant to G.L. c. 41, ss. 81K - 81GG, the Subdivision Control Act, into more than seven (7) lots after the effective date of this by-law shall be subject to the following regulations and conditions set forth herein. The provisions of this by-law shall be applicable to all divisions of land within the Town of Carver even if approval under the Subdivision Control Law, G.L. c. 41, is not required (ANR). For the purposes of this bylaw, a "tract of land" shall mean a property or combination of properties which were in the same ownership and contiguous as of May 4, 1998.

§ 290-2-5.3. Permit Issuance Limitations.

Not more than seven (7) building permits shall be issued in any twelve month period for construction of residential dwellings on any tract of land divided into more than seven (7) lots.

§ 290-2-5.4. Special Permit.

More than seven (7) building permits on a tract of land in a twelve month period may be allowed upon the award of a special permit from the Planning Board. The Planning Board may grant a special permit for such permits only where the Board determines that two or more of the following goals are likely to be promoted by the award of a special permit:

A. the impact of the proposed division of land on schools, recreational facilities, and other public facilities is projected to be less than 50% of that feasible by orthodox development on the parcel; or

B. the proposed division of land preserves open space, unique natural features, and/or agricultural resources; or

C. The proposed division of land promotes housing for citizens over the age of fifty-five (55).

D. The proposed division of land has an extraordinary significance which enhances the Town's historical, cultural, enviromental, agricultural and/or recreational character. Examples of possible features would be construction or rehabilitation of playgrounds and/or ballfields, rehabilitation of historic structures or entities, protection of vernal pools, protection of endangered or threatened species, conveyance of public drinking supply, and any other action deemed appropriate by the Carver Planning Board.

§ 290-2-5.5. Divisions Of Land With More Than 70 Lots.

Where a tract of land will be divided into more than seventy (70) lots, the Planning Board may, by special permit, authorize development at a rate not to exceed ten percent (10%) of the units per year, in order to permit build-out of the project within a reasonable time.

§ 290-2-5.6. Extension of Zoning Freeze.

The protection against subsequent zoning change granted by G.L. c. 40A, s.6 to land in a subdivision shall, in the case of a development whose completion has been constrained by this article, be extended to ten years.

Article 2-6
(Reserved)

Article 2-7

TRANSFER OF DEVELOPMENT RIGHTS

§ 290-2-7.1. Purpose and Intent.

A. 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 TDR program is consistent with the Carver Master Plan's goals.

B. 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, while also sending development to areas of town with adequate water service and transportation infrastructure for appropriate growth.

C. The purpose of the sending area is 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; and the preservation of historical, cultural, archaeological, architectural, recreational, community character, and scenic values of Carver. As such, they are areas with one or more of the following attributes: location on a scenic road or vista; aquifer protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard Area or 500-year flood hazard area; adjacent to other preserved lands; significant wetland and bog areas; or areas with significant agricultural soils and practices; and areas that can host uses for passive recreation as defined per MGL 301 CMR 5.00.[3]

D. The purpose the receiving area is to provide opportunity for 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; and the development of an adequate supply of affordable housing. As such, they are areas with one or more of the following attributes: connection or potential connection to water service; and proximity and access to arterial transportation routes.

§ 290-2-7.2. DEFINITIONS.

SENDING PARCEL(S) — Shall mean land from which development rights may be transferred to a receiving parcel(s). Receiving Parcel(s) shall mean land that may receive development rights from a sending parcel(s).

TRANSFER OF DEVELOPMENT RIGHTS (TDR) — Shall mean the process by which a development right (house lot) can be severed and transferred from a sending parcel(s) in the mapped designated sending area to a receiving parcel(s) in the mapped designated receiving area.

3. Editor's Note: So in original; see 301 CMR 5.00.

§ 290-2-7.3. Applicability.

The provisions of Article 2-7 shall apply to land identified as follows:

A. Sending areas. Sending areas are those parcels or portions of parcels categorized as sending area on TDR Overlay Map. Any land that falls within the designated sending area on the map is part of the sending area and eligible to generate sending area development credits as part of the TDR program.

B. Minimum Sending Area. A sending area must be a minimum of five acres. These five acres can be comprised of multiple adjacent parcels.

C. Receiving areas. Receiving areas are those parcels or portions of parcels categorized as receiving area on TDR Overlay Map. Any land that falls within the designated receiving area on the map is part of the receiving area and eligible to receiving development credits as part of the TDR program.

D. The minimum gross area of a receiving area shall be 5 acres, except for:

(1) Receiving areas in the village district, and

(2) Receiving areas having frontage on Route 58, which have no minimum area.

§ 290-2-7.4. Permitted Uses on Sending and Receiving Parcels.

A. Uses Permitted on Sending Parcels. After development rights have been severed from a sending parcel and transferred to a receiving parcel or into the TDR credit bank, the following uses are the only uses permitted on the parcel:

(1) Open space conservation.

(2) Passive recreation.

(3) Agricultural fields and support structures, with the exception of farmland workforce housing, which is not permitted.

B. Units Permitted on Receiving Parcels.

(1) Certain residential uses, limited to:

(a) Townhouse dwellings;

(b) Condominium dwellings;

(2) Commercial units.

(3) Mixed-use buildings with residential and commercial units.

C. Receiving parcel mixed-use commercial space requirement. In each receiving area development, a minimum of twenty-five percent (25%) and a maximum of sixty six percent (66%) of all new constructed floor area must consist of commercial space. For the purpose of the TDR by-law, commercial space includes office space. This commercial space may be located within a stand-alone building that is fully occupied by commercial uses, or may be located in the same building as residential units. In

cases where commercial uses and residential uses are located in the same building, commercial units must be located on the ground floor, with residences on the stor(ies) above.

§ 290-2-7.5. Special Permit Requirement.

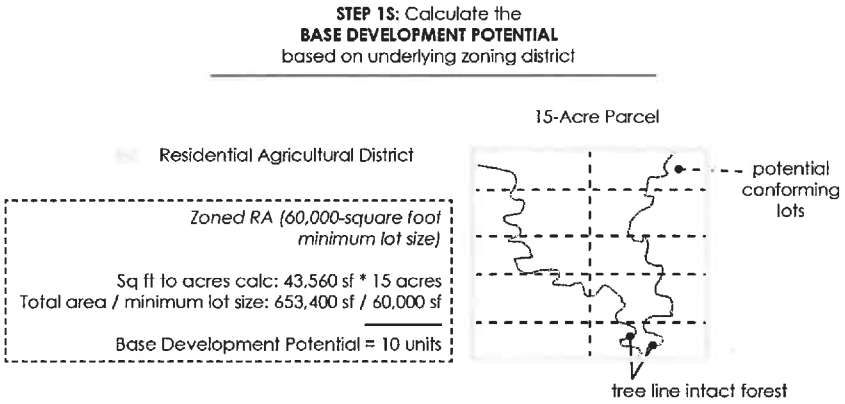
A. Properties within the designated sending and/or receiving areas may either be developed under existing By-laws and regulations or may file for a Transfer of Development Rights (TDR) Special Permit. A TDR Special Permit shall be required for the determination of sending area development rights; and a TDR Special Permit shall be required for the approval of receiving area development plan. The TDR Special Permit requires sending area development potential and receiving area plans to be part of a single application The Special permit shall require an applicant to follow the steps described below, including the preparation of a preliminary plan submittal for the sending parcel(s) as noted in § 290-2-7.3.

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

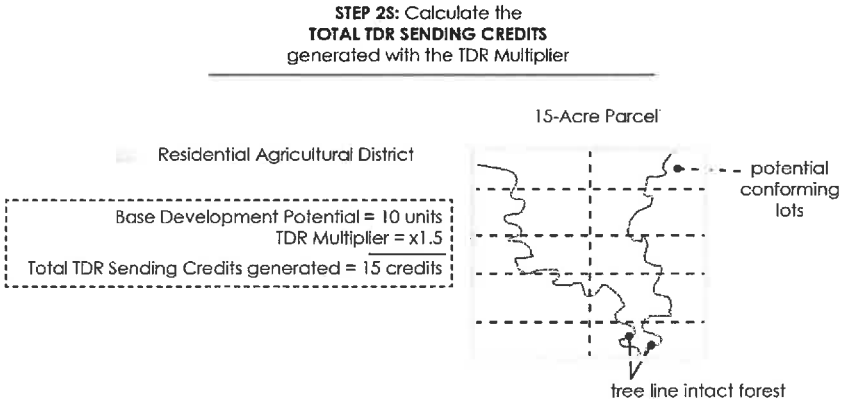
§ 290-2-7.6. Determination of Sending Area Development Credits.

The total amount of development credits generated by a particular sending area parcel is a function of (1) the underlying zoning district density regulations; and (2) the TDR multiplier. To establish the development rights available for transfer, the sending parcel(s)'s owner shall undertake the following steps.

A. STEP 1S: Determine the base development potential. First the parcel(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 of the base zoning district 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 submitted preliminary plan defines the base development rights of the sending parcels by showing the number of units that could be achieved thereon in compliance with the established zoning district in which the parcel(s) are located. Example:



B. STEP 2S: Apply the TDR multiplier. The base development rights (number of units) of the sending parcel(s) as established by the Planning Board from the Preliminary Plan shall be multiplied by 1.5, 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 equal 10 units, 10 x 1.5 = 15 units available for a TDR application. If the base development rights equal 15 units, 15 x 1.5 = 22.5, which is rounded down to 22 units.



C. The Planning Board shall note the importance of the sending parcel in the Sending lot(s) Special Permit decision. The Planning Board shall note the total number of development rights generated by he[4] sending area.

§ 290-2-7.7. Sending area land preservation requirements.

A. 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 and wholly 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. Applicants cannot claim a portion of unused development potential on a sending area as a TDR credit. To qualify as a sending area, a parcel must remain wholly in a natural state.

4. Editor's Note: So in original; should be "generated by the sending area."

B. 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).

C. 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.

D. 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.

E. 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.

§ 290-2-7.8. Approval of Receiving Area Development Plan.

To establish the development potential available on a receiving parcel(s), the owner shall follow the following steps to calculate the receiving area maximum development potential. After calculations are complete, the 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.

A. STEP 1R: Establish the Net Usable Land Area. The receiving area's maximum development potential shall be established through a Net Usable Land Area (NULA) Plan for the entire receiving area(s), which shall be submitted to the Planning Board. The NULA is established by subtracting all water bodies, wetlands, marshes, bogs and land within a sixty-five (65) foot wetland buffer area around these regulated lands. The remaining upland area is the NULA.

B. STEP 2R: Establish the receiving area's maximum development potential. The receiving area's maximum development potential is equal to three (3) times the NULA. The resultant figure is the number of units that can be developed on the receiving parcel(s). Fractions of a unit shall be rounded down. The total number of units allowed on the receiving parcel is equal to the receiving area maximum development potential calculation, with the exception of bonuses for any Exceptional Housing Need Overage as described below.

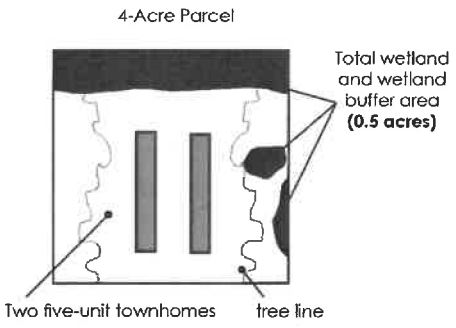
C. STEP 3R: Calculate the Affordable Housing Requirement. For any receiving area development of five or more units, a minimum of 20% of the housing units constructed in a receiving area that generated from the application of TDR credits onto the receiving area shall qualify as affordable housing for low- and moderate-income households as qualified and required per Massachusetts Chapter 40B regulations. Unit calculations are rounded down to the nearest whole number. Example:

STEPS 1R, 2R and 3R: Calculate the
Receiving Area Maximum Development Potential
And Affordable Housing Requirement

Step 1R - NULA Calculation:
Total Parcel Size = 4 Acres
Wetland and Wetland Buffer Area = - 0.5 Acres
NULA = **3.5 Acres**

Step 2R - Receiving Area's Maximum Development Potential:
3-Units Per Acre Density Multiplier = 3
NULA = x 3.5 Acres
Receiving Area Maximum Development Potential = 10 Units
(10.5, rounded down)

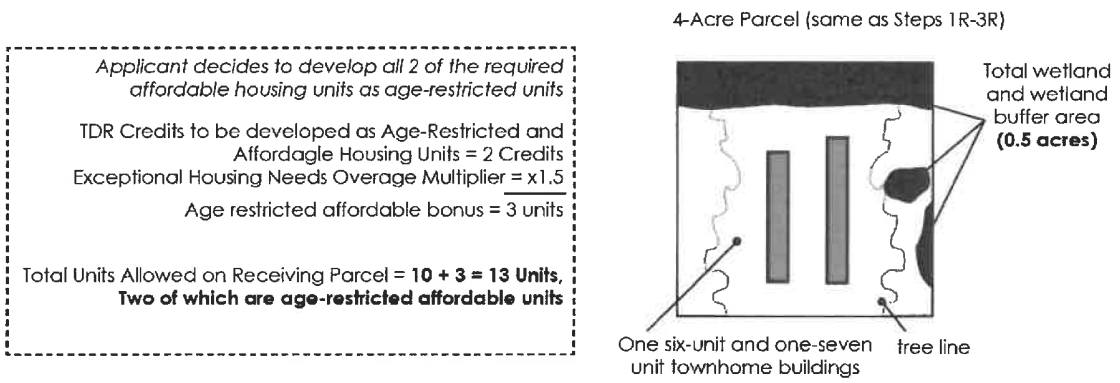
Step 3R - 20% Affordable Housing Requirement:
10 units * 0.20 = minimum of 2 affordable units



§ 290-2-7.9. Exceptional Housing Needs Overages.

In one instance, it is possible for the total number of units on a receiving area parcel(s) to exceed the receiving area maximum development potential figure. Developments that add to Caver's[5] supply of housing for seniors generate additional development potential overages on a receiving area parcel. Each transferred TDR credit that is to be used in the receiving area for either affordable housing that meets the requirements of Massachusetts Chapter 40B regulations that is also age-restricted housing may be multiplied by 1.5, allowing for additional TDR credit units to be applied and increasing the overall maximum permitted on the receiving parcel(s). Fractions of a unit shall be rounded down. Units constructed as a result of this allowed overage consume TDR sending credits, and cannot be constructed in absence of enough sending credits to cover the additional units. Example:

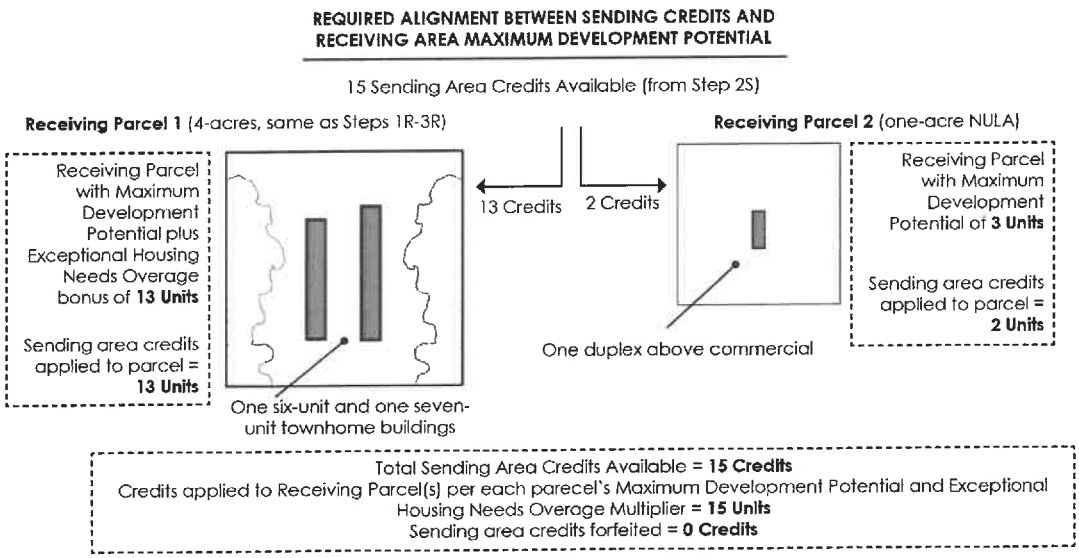
5. Editor's Note: So in original; should be "Carver's."



§ 290-2-7.10. Development Credits Equalization.

The calculation of total sending area credits is a separate process from the determination of the maximum number of units that can be placed on a receiving parcel, the process for which is outlined below.

If the number of credits generated by a sending parcel(s) is less than or equal to the maximum number of units that can be placed on a receiving parcel in the current TDR project under review, the sending area credits can be transferred to the receiving parcel in question. If, however, the number of credits generated by a sending parcel exceeds the maximum number of units that can be placed on a receiving parcel in a current TDR project under review, the exceeding number of credits will be forfeited. Multiple receiving parcels can be proposed to accommodate sending area credits, but the maximum development potential calculated must be respected and not exceeded for each receiving parcel that is part of an individual TDR project special permit process. Example:



§ 290-2-7.11. Dimensional Standards and Parking Requirements.

A. The following Dimensional Standards shall apply:

(1) Frontage: 40'

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

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

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

(5) Route 58 Setback: 40' (notwithstanding the foregoing)

(6) 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.

(7) Height: 35' or 3.5 stories (subject, however, to Footnote 8 in § 290-2-3.2)

B. The Planning Board shall have the authority to negotiate with the applicant to modify the dimensional standards the least amount required in order to ensure that the proposed development can fit on the receiving area parcel so that the receiving area maximum development potential and all allowed unit overages can be accommodated on the receiving parcel.

C. The Planning Board shall have the authority to modify the number of parking spaces otherwise required by Article 3-3 if one or more of the units are age-restricted.

D. The Receiving Area Development Plan shall show all existing legal restrictions, easements or limitations on development.

E. The receiving parcel(s) shall have public water and public septic services available or said services shall be provided privately by the developers part of the TDR special permit development approval. Packaged treatment plans can meet this requirement.

§ 290-2-7.12. 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 establish the positive finding for each of the following criteria:

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

B. The development preserves or provides one or more of the following: water source protection land; intact forest areas; significant wildlife habitat as determined through field investigation or designation in datasets like the BioMap2 state dataset or Natural Heritage and Endangered Species program; area in the 100-year Special Flood Hazard

Area or 500-year flood hazard area; adjacency to other preserved lands; significant wetland areas; significant agricultural soils and practices; or scenic vistas;

C. The development provides adequate water and sanitary facilities;

D. The development design is appropriate to the natural topography, soils and other characteristics of the site and to the visual character of its surroundings;

E. 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 a traffic study and/or mitigation improvements may be required to address capacity, safety and access management issues;

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

§ 290-2-7.13. 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 MGL c. 40A.

Article 2-8
PLANNED NEIGHBORHOOD DEVELOPMENT (PND) OVERLAY DISTRICT

§ 290-2-8.1. Purpose.

A. The purpose of this Article 2-8 is to authorize and encourage planned neighborhood developments that promote a broad range of housing types and limited small retail/ office uses, all centered around areas of usable public open space. Traditional neighborhood developments should incorporate pedestrian, bike, and transit-friendly design. Traditional neighborhood developments should include conditions and safeguards to prevent detrimental effects and impacts upon neighboring land uses and upon the Town of Carver generally.

B. The PND overlay district further serves as a receiving area for development rights transferred under Article 2-7, Transfer of Development Rights.

§ 290-2-8.2. Applicability.

The PND is an overlay district superimposed over the underlying zoning district(s). The boundaries of the PND are defined as the area designated "PND" shown on the Zoning Map. The PND district only comes into effect for developments that utilize transfer of development rights (TDR) as described in Article 2-7. The enhanced density, dimensional, and use regulations contained in this article shall only apply to developments that utilize TDR's. Furthermore, there must be a minimum of 50 TDR units transferred into the PND per planned neighborhood development for the enhanced density, dimensional, and use

regulations of the PND to take effect. Developments that do not utilize TDR's or do not meet the 50 TDR requirements are limited to the density, dimensional, and use regulations of the underlying zoning district(s).

§ 290-2-8.3. Minimum parcel size.

Each planned neighborhood development must contain at least Sixty (60) acres.

§ 290-2-8.4. Use Regulations.

A. All principle and accessory uses that are allowed in the Village district pursuant to § 290-2-2.3, either by right or special permit, shall be allowed in the PND, subject to the following restrictions:

(1) All commercial uses (i.e. retail, office, banks, restaurants, etc.) shall have less than 8,000 sq. ft. of gross floor area per establishment;

(2) All commercial uses should be two stories and include flexible floor space on the second story to allow for office or residential uses.

B. In addition, the following uses shall also be allowed in the PND:

(1) Multi-family dwellings may take the form of apartments and/or Townhouses; Townhouse dwellings may contain up to six (6) dwelling units per building, apartment dwellings may contain up to ten (10) dwelling units per building.

(2) Mixed-use buildings may include residential uses accessory to non-residential uses. Other uses include convalescent or nursing home, or assisted elderly housing, health/membership club, intermodal passenger terminal, small (neighborhood) office and/or small (neighborhood) retail.

C. All PND uses are subject to the dimensional regulations and design standards/ requirements of this article.

D. Prohibited Uses: All principle and accessory uses prohibited in the Village district pursuant to § 290-2-2.3 shall be prohibited in the PND. In addition, drive-in/through facilities shall be prohibited in the PND.

E. Use mix: Each planned neighborhood development must contain a least three (3) different land uses. For the purposes of this subsection, single-family residential is considered a different land use than multi-family residential; retail is considered a different land use than office, etc. 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. The maximum percentage of land area allowed per land use category within a planned neighborhood development phase shall be as follows:

USE CATEGORY	Maximum Percentage of a PND Phase, in Acres
Single-family residential	45%

USE CATEGORY	Maximum Percentage of a PND Phase, in Acres
Multi-family residential, including residential in mixed-use buildings	35%
Community uses (religious, education, municipal)	10%
Commercial uses (retail, office, bank, restaurant, etc.)	10%

F. The above use regulations apply only to developments that utilize TDR's and meet the 50 TDR requirements. Developments that do not utilize TDR's or do not meet the 50 TDR requirements are limited to the use regulations of the underlying zoning district(s).

§ 290-2-8.5. Density and Dimensional Regulations:

A. Developments that do not utilize TDR's or do not meet the 50 TDR requirements are limited to the dimensional regulations of the underlying zoning district(s). Developments that utilize TDR's and meet the 50 TDR requirements shall conform to the following dimensional requirements:

Planned Neighborhood Development Overlay District	
Minimum Area (1)	7,000 sq. ft.
Minimum Frontage	65 feet
Minimum Depth	75 feet
Minimum Front Setback (2)	10 feet
Maximum Front Setback	20 feet
Minimum Side Setback (2)	10 feet
Minimum Rear Setback (2)	15 feet
Maximum % Building Coverage	55%
Maximum % Lot Coverage	75%
Maximum Height:	
{i1}1-family or 2-family residential	Two and a half (2.5) stories or 35 ft
{i1}Multi-family residential	Three (3) stories or 40 feet
{i1}Non-residential or mixed-use buildings	Three (3) stories or 40 feet

1. For multi-unit residential dwellings, add 2,000 sq. ft. to the minimum lot requirement for each additional unit in addition to the first unit (example: 2 units requires 9,000 sq. ft., 3 units 11,000 sq. ft., etc.). Mixed-use buildings containing residential and non-residential uses are exempted from this requirement.

2. Parking and loading spaces shall not be allowed in the setbacks.

B. Density Limitation: The maximum density of a planned neighborhood development shall be six (6) units per net usable land area (NULA) acre. The NULA calculation is explained in § 290-2-8.7C.

§ 290-2-8.6. Design Standards/Requirements.

A. 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.

(1) The green/square should be surrounded by buildings with complementary ground floor uses such as restaurants and cafes (preferably with seasonal outdoor seating), and other businesses that operate in both daytime and evening hours, to create a festive, welcoming, well-populated attraction for pedestrians.

(2) Additional public open spaces as needed to meet the 20% open space requirement or the active/passive recreation requirement should be sited throughout the district to serve a variety of purposes, such as commons or greens, walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation. All public land for active/passive recreation shall be accessible via pedestrian connections and shall be properly maintained. Small-scale "pocket parks" and community gardens are encouraged in all residential areas, particularly adjacent to multi-family dwellings with limited private open space.

(3) The total acreage of all public land for active/passive recreation may be used toward calculating the allowable density for one of the nearby land uses within that phase.

B. Affordable housing: 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. Fractional units of .5 or greater should be rounded up to the next whole unit; fractional units less than .5 shall be rounded down. It is intended that the affordable housing units that result from this By-law shall qualify as Local Initiative Program (LIP) units in compliance with the requirements for the same as specified by the Department of Housing and Community Development and that said units count toward the Town's requirements under M.G.L. c. 40B, § 20-23. The affordable units shall be marketed through the Carver Housing Authority, South Shore Housing Development Corporation, or other housing organization approved by the Planning Board. The affordable units must be marketed fairly and openly in accordance with state and federal laws. All affordable units shall be initially sold or rented at an affordable price to qualified affordable housing occupants, and resale restrictions will assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase/occupancy of unit.

(1) In lieu of providing said affordable units on-site, the applicant may satisfy the affordable housing requirement by providing fifteen percent (15%) of the total number of dwelling units as affordable off-site, through the purchase of vacant or abandoned units, redevelopment and/or new construction within the Town.

(2) Affordable dwelling units shall remain available to persons of qualifying income levels in perpetuity through the use of an affordable housing deed restriction as defined in M.G.L. c. 184 § 31.

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

(4) All affordable units constructed or rehabilitated under this By-law shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

(a) Affordable units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units.

(b) Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market-Rate Unit %	Affordable Housing Units %
Up to 30%	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

C. Parking.

(1) On-street parking is encouraged throughout the PND overlay district. Parking lanes should be provided on at least one side of the street in predominantly residential areas and on both sides of the street in predominantly mixed use and non-residential areas. On-street spaces along the front property lines of a block shall be designed as either parallel to or diagonal to the curb and be consistent on both sides of the same side of the street within the same block. On-street spaces along the front property line of an individual lot shall be counted toward the minimum number of parking spaces required for the use on that lot.

(2) Off-street parking as an accessory use shall only be provided at the sides or the rear of a building. Surface parking lots and/or private garages may be provided

for all uses. For multi-family, mixed, and non-residential uses, pedestrian connections shall be provided from all side or rear parking facilities to the front of the building. Where a parking facility is located behind and serves multiple adjacent buildings, pedestrian connections to the street shall be provided between buildings at regular (maximum 400 foot) intervals.

(3) Required Parking Spaces.

(a) Residential: Two (2) spaces per dwelling unit.

(b) Residential in Mixed-Use Buildings residential parking may be reduced to One and one-half (1 1/2) spaces.

(c) Non-Residential Uses: Spaces shall be provided as per the requirements of Article 3-3. A 25% reduction in required spaces may be permitted when the developer provides common parking areas and submits information on peak times by use, confirming that uses are compatible relative to parking demand. On street parking in front of a building may be utilized to help fulfill this requirement. Common parking areas for commercial uses should be within 1,000 feet of business and connected by lighted sidewalks or paths.

D. Pedestrian Access:

(1) All new streets shall have paved sidewalks to maintain continuous pedestrian connections throughout the PND and to/from adjacent public ways. On streets with mixed and non-residential uses, sidewalks shall be a minimum six (6) feet wide; for residential uses, a minimum four (4) feet wide. Accessible curb cuts shall be provided at all intersections and pedestrian crosswalks.

(2) Crosswalks are required at all intersections where pedestrian and vehicular traffic are expected to intersect. Crosswalks may designated by painted lines or changes in paving materials.

(3) Footpaths/bikeways shall be provided throughout the PND to facilitate pedestrian connections throughout the District, particularly to and from the Village Square/ Green, and to and through public open spaces. Footpaths need not be paved, but shall be accessible to the public, well lit, and regularly maintained. Paved footpaths may double as bikeways as long they meet AASHTO Standards.

E. Building Design:

(1) The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.

(2) Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Carver.

(3) Front and sides of the building facades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth, to break up the building's mass.

F. Other requirements and standards.

(1) Public trash receptacles should be provided throughout the mixed-use area and the Village square/green.

(2) Underground utilities shall be required.

(3) All mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, shall be located out of public view and situated with the intent of causing minimal acoustic intrusion on building occupants and adjacent uses. Visual screening or acoustic buffering may be required, by means of parapets, walls, fences, dense evergreen foliage, or other suitable means.

(4) All other applicable design regulations of this By-law, including but not limited to landscaping, lighting, and signage, shall apply to Planned Mixed-use Developments. If the design standards/requirements of this section conflict with another section of the By-law, the standards/requirements of this section shall apply.

§ 290-2-8.7. Procedures.

All Planned Neighborhood Developments are subject to a Special Permit. The Planning Board is hereby designated as the Special Permit Granting Authority (SPGA) for a PND special permit.

A. Pre-application Meeting and Preliminary PND Concept Plan; A pre-application meeting between the applicant and the Town Planner is strongly encouraged. The purpose of the pre-application meeting is to identify issues relating to the proposed PND. At this pre-application meeting, applicants are encouraged to submit a Preliminary PND Concept Plan for review and comments by the Planning Board. A Preliminary PND Concept Plan shall consist of a sketch plan showing the layout, lotting, and number of units of all proposed land uses, as well as the location of all public open space and road networks. The sketch plan should show the proposed PND in a general or schematic way. The applicant is further encouraged to submit several alternative sketch plans where appropriate.

B. Planned Neighborhood Development Plan: Applicants for a Planned Neighborhood Development shall submit to the Planning Board an application for a special permit and ten (10) copies of a Planned Neighborhood Development Plan in such form as may be required in the Planning Board's Rules and Regulations governing Planned Neighborhood Development Special Permits. Applicants shall also submit a Net Usable Land Area plan as described in § 290-2-8.7C and an application for Site Plan Approval under Article 3-1. Applicants shall include a statement indicating the number and types of dwelling units, as well as the proposed use and ownership of all open space. Applicants shall also submit a mitigation plan for the Planned Neighborhood Development. The mitigation plan should include any needed or required offsite improvements to roads or other infrastructure.

C. Net Usable Land Area Plan: The base density of the tract under consideration for a Planned Neighborhood Development shall be established by having a Net Usable Land Area (NULA) plan submitted to the Planning 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 NULA divided by the minimum lot size in the underlying zoning district equals the base number of units that could be developed on the tract. Fractions of a unit shall be rounded down. The base density may be increased by adding TDR's up to the 6 units per NULA acre cap stipulated in § 290-2-8.5B. The applicant shall demonstrate how the proposed density can be achieved by a combination of base density and available TDRs.

D. The Planning Board shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other Town boards, commissions and or departments, the Planning Board may grant such a permit. The Planning Board shall also impose, in addition to any applicable conditions specified in this section, such conditions as it finds reasonably appropriate to improve the site design or mitigate the impacts of the proposed development. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the Planning Board.

§ 290-2-8.8. Criteria for Review and Approval.

PND special permits may be granted by the Planning Board upon its written determination that benefits of the proposed planned mixed-use development or phase thereof outweigh the detrimental impacts of the development in the PND overlay district and on the Town. The SPGA shall review and make all determinations on the application. In order to approve, the SPGA shall also make a positive finding on each of the following criteria:

A. The resulting development complies with the currently accepted versions of the Master Plan and the Open Space and Recreation Plan.

B. The mixed-use design provides a superior pedestrian friendly neighborhood.

C. The resulting development meets the design standards/requirements of § 290-2-8.6.

D. The resulting development provides adequate water and wastewater that meet Title V[6] and Board of Health requirements.

E. The development will not create a greater demand on public facilities and services than would have occurred in the absence of a PND special permit, or such increases have been adequately mitigated.

F. The projected traffic generation from the development onto local roads and intersections is within the capacity of the existing local and regional road network and adequately adheres to acceptable principles of access management. If deemed necessary by the Planning Board, traffic mitigation improvements may be required to address capacity, safety and access management issues.

6. Editor's Note: See 310 CMR 15.00.

G. The design and layout of streets, parking and loading of the development is suitable to the property and surrounding neighborhood, creates a network of interconnecting, pedestrian-oriented streets, and is acceptable to the Planning Board.

Article 2-9
BED AND BREAKFAST

§ 290-2-9.1. Purpose.

The purpose of this article 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.

§ 290-2-9.2. Powers and Administrative Procedures.

A. 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.

B. 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:

(1) number of rooms to be rented;

(2) signage requirements;

(3) off-street parking requirements;

(4) statement that only breakfasts and dinner may be served on the premises.

C. The Bed and Breakfast may be specially permitted where the Planning Board determines that:

(1) 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.

(2) There shall be no significant alteration of the buildings exterior. This shall not include safety or general maintenance measures such as painting, etc.

(3) 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.

(4) 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.

(5) 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.

(6) Trash/waste containers are to be enclosed and secured from entry and screened.

Part 3
GENERAL REGULATIONS

Article 3-0
INCLUSIONARY ZONING

§ 290-3-0.1. Purposes.

The purposes of this article 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.

§ 290-3-0.2. Definitions.

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.

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.[7]

7. **Editor's Note: So in original. See MGL c. 44, § 55C.**

INCLUSIONARY UNIT(S) — shall mean any finished dwelling unit required to be for sale or rental under this article of the zoning ordinance.

A. 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.

B. 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.

C. Where fewer than three Inclusionary Units are provided in a development under this article 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.

D. Where three or more Inclusionary Units are provided in a development under this article, 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.

E. Where two or more Inclusionary Units are provided in a development under this article, 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 article, 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.

§ 290-3-0.3. Scope; Monitoring.

A. 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 article. This inclusionary zoning article does not apply to accessory units or hotel/motel units.

B. 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.

§ 290-3-0.4. Inclusionary Units; Bonus Units.

A. Where a special permit is required for development as described in this article, 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.

B. In order to mitigate the costs of this requirement, developments covered by this article, excepting conventional subdivisions, shall be allowed a bonus of one Market Rate unit of the same bedroom size for each Inclusionary Unit provided.

C. 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.

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

(1) 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.

(2) There shall be no bonus units provided for a conventional subdivision.

§ 290-3-0.5. 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 article. 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 Select Board that proceeds have been used for the purposes stated herein.

§ 290-3-0.6. Off-Site Development.

A. 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.

B. 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.

C. 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.

§ 290-3-0.7. 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.

§ 290-3-0.8. 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 article, 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 article as a condition to the grant of a special permit.

§ 290-3-0.9. Inclusionary Housing Plans and Covenants.

As part of the application for a special permit under this article, 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 article 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:

(1) 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;

(2) 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.

§ 290-3-0.10. Public Funding Limitation.

The intent of this article is that an Applicant is not to use public funds to construct Inclusionary Units required under this article; 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 article. 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.

§ 290-3-0.11. 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 a 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 subsection 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 Subsection B above. Any such contribution shall not reduce the contribution required in future years.

§ 290-3-0.12. 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 article.

§ 290-3-0.13. No Effect on Accessory Apartments.

This article shall not apply to accessory apartments regulated under this ordinance.

§ 290-3-0.14. No Effect on Prior or Existing Obligations.

This article 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 article applied for or granted prior to the effective date of this amendment.

§ 290-3-0.15. 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 article. Where the Select Board 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.

§ 290-3-0.16. Severability, Effect on Other Laws.

The provisions of this article are severable. If any subsection, provision, or portion of this article is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this article shall continue to be valid.

Article 3-1
SITE PLAN REVIEW

§ 290-3-1.1. Applicability.

A. The following types of activities and uses require site plan review by the Planning Board:

(1) Construction, exterior alteration or exterior expansion or change of use of a municipal, institutional, commercial, industrial, or multi-family structure;

(2) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure;

(3) Grading, clearing, or other land development activity except for the following: work in an Agricultural-Residential District, landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with a approved subdivision plan or earth removal permit.

B. At the request of the applicant, the Planning Board may waive any or all requirements of site plan review for exterior enlargements of less than 25% of the existing floor area,

and for building or site alterations where the Board determines that the standards set forth in this bylaw are not relevant to the alterations.

C. Upon written request of the applicant, the Planning Board may waive any of the submittal requirements set forth in Article 3-1 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 Article 3-1, 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 § 290-3-1.6 below.

§ 290-3-1.2. Procedures.

A. Applicants are encouraged to meet with the Planning Board prior to making a formal submission of plans to discuss site plan requirements and possible waivers. The board may provide a set of guidelines to assist applicants in meeting site plan, architectural, and landscaping objectives.

B. An application for a building permit to perform work as set forth in § 290-3-1.1A(1) shall be accompanied by an approved site plan. Prior to the commencement of any activity set forth in § 290-3-1.1A(2) or (3), the project proponent shall obtain site plan approval from the Planning Board. Applicants for site plan approval shall submitt ten (10) copies of the site plan to the Planning Board at a regularly scheduled meeting, and within three (3) days thereafter shall submit a copy to the Town Clerk for filing. The Planning Board shall, within seven (7) days of receipt, transmit copies to the Building Inspector, the Police Chief, the Fire Chief, the Emergency Medical Service, the Town Treasurer, the Conservation Commission, and the Select Board for their advisory review and comments. Said boards shall have fourteen (14) days from the receipt of the site plan to make a written recommendation to the Planning Board. The Planning Board shall hold a public hearing to consider the plan in accordance with the requirements of M.G.L. 40A, s. 11.

C. For site plan review of a use or structure available by right, the Planning Board shall review and act upon the plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing.

D. Uses or structures available by special permit.

(1) 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.

(2) 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.

E. Failure of the board to take final action upon the plan within the allotted time shall be construed as approval unless an extension has been agreed upon by the applicant and the board.

§ 290-3-1.3. Submittals.

A. Plans subject to this article shall show:

(1) All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2 foot contour intervals and the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding and unique natural features;

(2) Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, signs, rubbish disposal areas, and storage areas, with proposed building elevations or renderings; utilities and snow disposal methods.

(3) Water provision, including fire protection measures;

(4) Sanitary sewerage;

(5) Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulations;

(6) Parking, walkways, driveways, and other access and egress provisions;

(7) Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening;

(8) Existing and proposed exterior lighting;

(9) Compliance with all applicable provisions of this Zoning By-Law;

(10) Certified list of abutters;

(11) Sign permit application, where new signage is proposed;

(12) Application fees and inspection fees, as set forth in the Site Plan Rules and Regulations of the Planning Board.

B. The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts.

C. Failure by the applicant to submit any of the required materials may constitute grounds for denial of the site plan application.

§ 290-3-1.4. Preparation of Plan.

Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40'.

§ 290-3-1.5. Waiver of Technical Compliance.

The Planning Board may, upon written request of the applicant, waive any of the technical requirements of § 290-3-1.3 or 290-3-1.4 where the project involves relatively simple development plans.

§ 290-3-1.6. Performance Standards.

Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the requirements found in Article 4-2: Utilities. New building construction or other site alteration shall be designed so as to:

A. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

B. Maximize pedestrian and vehicular safety both on the site and egressing from it;

C. Minimize obstruction of scenic views from publicly accessible locations;

D. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

E. Minimize glare from headlights through plantings or other screening;

F. Minimize lighting intrusion through use of such devices as cut-off luminaires confining direct rays to the site, with fixture mounting not higher than 11 feet in pedestrian areas; and 15 feet in parking lots, except as otherwise provided under § 290-3-3.4G.

G. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways. The front building facade facing a street shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a building front shall be in the same vertical plane. A main business entrance to each ground floor business, identified by the larger doors, signs, canopy or similar means of highlighting, shall be located in the front of the building. Building fronts shall contain windows covering at least 15% of the facade's surface. Windows shall be highlighted with

frames, lintels and sills or equivalent frame features. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.

H. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; in accordance with Article 4-3, Water Resource Protection.

I. Comply with all applicable provisions of this Zoning By-law and other Town regulations, including but not limited to, Article 3-2, General Landscaping Requirements, and Article 3-3, Townwide Parking and Loading Requirements.

§ 290-3-1.7. Approval. [Amended 4-11-2023 ATM by Art. 32]

Site plan approval shall be granted upon determination of the board that the requirements of this Article 3-1, Site Plan Review, and all other applicable requirements have been satisfied. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to ensure that the performance standards are met. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

§ 290-3-1.8. Compliance.

No final occupancy permit shall be issued until the Planning Board notifies the Building Inspector in writing that the project has been completed in compliance with the site plan and its conditions. Where final landscaping cannot be completed because of weather conditions, the Building Inspector may issue a temporary occupancy permit, or the Planning Board may require a surety until the work is complete.

§ 290-3-1.9. Regulations.

The Planning Board may adopt and from time to time amend reasonable regulations for the administration of the Site Plan guidelines

Article 3-2
GENERAL LANDSCAPING REQUIREMENTS

§ 290-3-2.1. Purpose.

This Article 3-2 is designed to accomplish the following objectives:

A. To provide a suitable boundary or buffer between residential uses and districts and nearby nonresidential uses;

B. To define the street edge and provide visual connection between nonresidential uses of different architectural styles;

C. To separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare

from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;

D. To provide visual relief to parking lots and protection from wind in open areas;

E. To preserve or improve the visual and environmental character of Carver, as generally viewed from residential or publicly accessible locations; and

F. To offer property owners protection against diminution of property values due to adjacent nonresidential use.

§ 290-3-2.2. Applicability.

The requirements of this article shall apply to any nonresidential use and any multi-family dwelling of three (3) or more units.

§ 290-3-2.3. Landscaping Requirements Along Roadways and Property Lines:

A. Roadways/Front Property Lines: The roadway/front property line landscaped buffer is intended to contribute to the creation of tree-lined roadways and shall create a strong impression of separation between the street and the developed area of the site without necessarily eliminating visual contact between them. Planted buffer areas shall be established adjacent to any public road, and shall be continuous except for approved access ways. The roadway/front property line shall have shade trees planted at least every thirty-five (35) feet along the roadway. Planted buffer areas along roadways/front property lines shall be of the following minimum depth in each district, as measured from the layout of the roadway:

IA or B	HC	GB	V
30 feet	20 feet	20 feet	10 feet

B. Side and Rear Property Lines. Side and rear property line landscaped buffers are intended to promote proper visual separation and adequate buffering between adjoining properties. Planted buffer areas along side and rear property lines shall be of the following minimum depth in each district:

IA or B	HC	GB	V
20 feet	10 feet	10 feet	0 feet

C. Property lines bordering residential uses.

(1) Wherever a nonresidential use or multi-family dwelling is located on a lot which abuts or is across a street from land developed or zoned for residential use, a landscaped buffer shall be provided and maintained on the nonresidential/multi-family lot along the bordering lot line in order to minimize the visual effect of all the nonresidential/multi-family use on the adjacent land. Planted buffer areas along property lines bordering residential districts or uses shall be of the following minimum depth in each district:

1A or B	HC	GB	V
100 feet	50 feet	50 feet	10 feet

(2) The bordering residential buffer shall supercede the applicable front, side or rear property line buffer required by § 290-3-2.3A and B.

§ 290-3-2.4. Landscaping Requirements for Parking Areas:

A. Parking lot interior landscaping: Interior parking lot landscaping shall provide visual and climatic relief from broad expanses of pavement and shall be designed to define logical areas for pedestrian and vehicular circulation and to channel such movement on and off the site. Parking areas with more than 10 spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, appropriately situated within the parking area. All interior parking lot landscaping shall occur in landscaped islands containing at least 150 square feet of unpaved area and measuring at least 10 feet across. A landscaped island may be up to thirty-three percent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas. The distance from one landscaped island to next or to the perimeter of the parking lot shall be no more than 180 feet.

B. Parking lot perimeter landscaping:

(1) Perimeter parking lot landscaping shall create visual screening of automobile parking areas, create summer shade along paved surfaces and reduce wind velocity across open lot areas. Buffer strips shall be located along the perimeter of at least three sides of all parking lots with more than 10 spaces, and shall meet the following specifications:

Number of Spaces in Lot	Depth of Buffer Strip
Up to 10	10 feet
11 - 24	10 feet plus one foot for each space in excess of 10 spaces
25 or more	25 feet

(2) If the parking perimeter buffer requirements conflict with roadway/property line buffer requirements, the larger requirement shall apply.

C. All interior and perimeter parking lot landscaped areas shall be suitably protected by raised curbing to avoid damage to the plant materials by vehicles and by snowplows and to define the edge of the landscaped area.

§ 290-3-2.5. Landscaping Requirements for Buildings and Screening of Unsightly Features.

A. Landscaped areas at least ten (10) feet in depth shall be provided adjacent to buildings on every side of the building that has a public entrance, and shall contain trees and shrubs.

B. Unsightly features such as loading areas, storage areas, refuse storage and disposal areas, service areas and mechanical or utility equipment shall be screened from view, to the extent feasible, from all public ways; and from adjacent properties, by the use of planted buffers, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

§ 290-3-2.6. Planting Requirements.

A. All landscaping and buffers shall consist of grass, shrubs and trees of a species common to the area and appropriate for their intended purpose. "Such plants shall not be deemed invasive species by the Massachusetts Department of Agricultural Resources." Such plantings shall be provided and maintained by the owner of the property used for nonresidential/multi-family purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or space intended for or used as a parking area, driveway, or drive through may be located within the buffer area.

(1) The side/rear property line, bordering residential, and parking lot perimeter buffers, may include plantings, berms, natural contours, opaque fences, walls or a combination of the above. If berms, fences, or walls are used, accompanying plantings are required on the side facing the public.

(2) Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of twenty (20) feet within ten (10) years after planting. Evergreens shall be a minimum of eight (8') feet in height at the time of planting. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees. Shrubs and hedges shall be at least two and half (2.5) feet in height at the time of planting, and have a spread of at least eighteen (18) inches.

B. Grass is preferable to mulch where practical.

C. Wherever possible, the planting and screening requirements of this article shall be met by the retention of existing vegetation and topography. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

§ 290-3-2.7. Coordination with Site Plan Approval.

The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Article 3-2.

§ 290-3-2.8. Maintenance of Landscaped Areas.

The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this article. All plant materials required by this chapter shall be maintained in a healthful condition. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth.

Article 3-3
TOWNWIDE PARKING AND LOADING REQUIREMENTS

§ 290-3-3.1. General.

Adequate off-street parking for non-residential uses must be provided to service all parking demand created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Such parking shall be on the same premises as the activity it serves, or within 200 feet on a separate parcel, which may be jointly used with other premises for this purpose, provided that the continued joint use of such parcel be ensured through an agreement recorded in the Registry of Deeds.

§ 290-3-3.2. Reduction of Parking Requirement by Special Permit.

Notwithstanding the provisions of § 290-3-3.3, the Planning Board may, by special permit, reduce the number of parking spaces required for nonresidential uses upon its determination that the intended use of the premises can be adequately served by fewer spaces. The Planning Board may consider on-street parking available near the premises as a factor in making this determination.

§ 290-3-3.3. Table of Parking Requirements.

Parking shall be provided in accordance with the following schedule. Any computation resulting in a fraction of a space shall be rounded to the highest whole number.

Principal Use	Minimum Number of Parking Spaces
PRINCIPAL USE A. RESIDENTIAL	PARKING
Detached single family dwelling	2 for each dwelling unit
Flexible development	1 for each dwelling unit up to 50 units and 1.5 for each dwelling unit in excess of 50
Conservation subdivision	2 for each dwelling unit up to 50 units and 1.5 for each unit dwelling in excess of 50
Townhouse development	2 for each dwelling unit

Principal Use	Minimum Number of Parking Spaces
B. EXTENSIVE USES AND COMMUNITY FACILITIES	
Airport	1 per 500 s.f. of gross floor area
Religious or educational use exempted by G.L. c. 40A, s.3	1 per 8 occupants + 1 per 2 employees
Educational use not exempted by G.L. c. 40A, s.3	1 per 8 occupants + 1 per 2 employees
Agricultural use not exempted by G.L. c.40A, s.3	Not Applicable
Cranberry receiving station	As may be determined by the building commissioner
Child care facility or day care facility exempted by G.L. c.40A, s.3	1 per 8 occupants + 1 per 2 employees
Municipal facilities	Based on Occupancy Load, 1 space for every 3 people
Essential services	Based on Occupancy Load, 1 space for every 3 people
Cemetery	1 per 8 occupants + 1 per 2 employees
Earth removal	Not Applicable
Mobile home park	2 for each dwelling unit, plus one space per each five homes
Non Exempt Educational Use	1 space for each teacher and employee, plus 1 space for each 10 students
C. COMMERCIAL	
Office	1 per 250 s.f. of gross floor area
Motor vehicle services station	4 spaces for every service bay/plus employees
Retail sales or rental without display outdoors	1 per 250 s.f. of gross floor area
Retail sales or rental with display outdoors	1 per 250 s.f. of gross floor area
Retail sales with manufacturing or assembly in a building less than 20,000 s.f. building footprint	1 per 500 s.f. of gross floor area

Principal Use	Minimum Number of Parking Spaces
Establishment for the sale or consumption of alcoholic beverages, with or without entertainment, including clubs, whether for profit or not for profit	1 space for each 4 seats plus employees
Junkyard or automobile graveyard	Not Applicable
Hospital or sanitarium	1 space for each 3 beds plus 1 for each 50 s.f. of outpatient facilities plus employees; plus 1 for each 400 s.f. net floor space of medical office buildings related to hospitals
Convalescent or nursing home, or assisted elderly housing	1 space for each 6 beds plus employees
Hotel or motel	(Hotel) 1 space for each 3 sleeping rooms/ plus employees (Motel) 1 space for each unit/plus employees
Service shop	1 for each 400 square feet of gross floor space
Fast food or drive in restaurant	1 space for each 300 s.f. of gross floor space
Animal hospital or Hobby or Commercial Kennel	1 space for each 400 s.f. of gross floor space
Drive in service at facility other than restaurant or bank	Not Applicable
Landscaping business	1 for each 400s.f. of gross floor space
Car wash	Spaces for employees
Commercial recreation outdoors	Based on Occupancy Load, 1 space for every 2 people
Major commercial project	1 for each 300 s.f. of gross floor space
Tattoo parlor/body piercing	1 for each 400 s.f. of gross floor space
Adult Use	1 space for each 4 seats plus employees
School or day care facility	1 per 4 occupants plus 1 per 2 employees
General Retail	1 per 250 square feet of gross floor area
Retail sales accessory to industrial use	1 per 500 square feet of gross floor area
Printing and Publishing	1 per 500 square feet of gross floor area
Medical Office	1 per 150 square feet of gross floor area
General Office	1 per 250 square feet of gross floor area

Principal Use	Minimum Number of Parking Spaces
Restaurants, not including fast-food or drive-in restaurant	1 per two seats plus 1 per two employees
Research and Development, Manufacturing, or Industrial	1 per 500 square feet of gross floor area, or 1 per employee, whichever is greater.
Warehousing and storage	1 per two employees but not less than 1 space per 5,000 square feet of area devoted to indoor or outdoor storage.
Inns and Bed and Breakfasts	1 per sleeping room plus 1 per 2 employees
Church, Library, Museum or similar place of assembly	1 per 8 occupants plus 1 per 2 employees
Bank, including free standing ATM and drive in facilities	1 per 175 square feet of gross floor area
Gasoline service station	2 per service bay plus 1 per employee
Self Storage Facility	1 off-street parking space shall be provided for each employee at the largest shift, plus 1 space for every 10,000 sq ft of gross floor area
D. INDUSTRIAL	
Light manufacturing in a building with less than 20,000s.f. building footprint	1 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Light manufacturing in a building with more than 20,000 s.f. building footprint	2 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Manufacturing, processing, assembly or fabrication in a building with less than 20,0000s.f. building footprint	3 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Manufacturing, processing, assembly or fabrication in a building with more than 20,0000 s.f. building footprint	4 per 500 s.f. of gross floor area, or 1 per employee, whichever is greater
Wholesale, warehouse or distribution facility in a building with less than 20,000 s.f. building footprint	1 space for each 2 employees in the maximum working shift; others as may be determined by the building commissioner
Wholesale, warehouse or distribution facility in a building with more than 20,000 s.f. building footprint	2 spaces for each 2 employees in the maximum working shift; others as may be determined by the building commissioner
Bituminous concrete or concrete batching plant	As may be determined by the building commissioner
Contractors yard	1 space for each 2 employees in the maximum working shift

Principal Use	Minimum Number of Parking Spaces
Sawmill	Based on Occupancy Load, 1 space for every 3 people
Truck, bus or freight terminal	Based on Occupancy Load, 1 space for every 3 people

§ 290-3-3.4. PARKING LOT DESIGN.

A. To the extent feasible, required parking areas shall not be located forward of any building front line on the lot.

(1) Notwithstanding the above, in any district except for RA, V, and PTCD, the Planning Board may grant permission in the course of site plan review to locate not more than eight (8) parking spaces in front of the principal building, where such location promotes a better site layout. As condition of such permission, the board may require that provisions be made for a common access way linking the property with existing or future adjacent uses.

B. Parking spaces shall be at least 10'x 18'.

C. The Planning Board may require the paving of all parking areas, except those serving residential premises.

D. In parking areas with eight or more spaces, individual spaces shall be delineated by painted lines, wheel stops, or other means.

E. For parking areas of fifteen (15) or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per five (5) parking spaces or fraction thereof, but not more than fifteen (15) bicycles. Such bicycle rack(s) may be located within the parking area or in another suitable location as deemed appropriate by the Planning Board.

F. Parking lot aisles shall be designed in conformance with the following:

Parking Angle	Minimum Aisle Width (one-way traffic)	Minimum Aisle Width (two-way traffic)
0 degrees (parallel)	12 feet	20 feet
30 degrees	13 feet	20 feet
45 degrees	14 feet	21 feet
60 degrees	18 feet	23 feet
90 degrees	24 feet	24 feet

G. All artificial lighting shall be not more than twenty (20) feet in height in pedestrian areas, and twenty (20) feet in parking lots, except that site lighting poles in the GBP Zone may be no more than 40 feet in height, and shall be arranged and shielded so as to prevent direct glare from the light source onto any public way or any other property

except at driveways and access ways where illumination is desireable for public safety purposes. All parking facilities which are used at night shall be lighted as evenly and fully as possible. The Planning Board shall require the applicant to provide the type and wattage of all proposed lighting for the parking areas.

H. Parking facilities shall provide specially designated parking stalls for the physically handicapped in accordance with the Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety[8] or any agency superseding such agency. Handicapped stalls shall be clearly identified by a sign stating that such stalls are reserved for physically handicapped persons. Said stalls shall be located in that portion of the parking facility nearest the entrance to the use or structure which the parking facility serves. Adequate access for the handicapped from the parking facility to the structure shall be provided.

§ 290-3-3.5. Driveway Design.

Access driveways to nonresidential premises shall be a minimum of 12 feet wide for one-way traffic and a minimum of 24 feet for two-way traffic.

A. Curb cuts shall be clearly defined with curbing. The number of curb cuts shall be minimized. Where possible, access shall be provided onto side streets rather than major roadways. Curb cuts shall be no closer than seventy-five (75) feet to existing curb cuts, and seventy-five (75) feet to intersecting roadways.

B. To the extent feasible, lots and parking areas shall be served by common private access ways, in order to minimize the number of curb cuts. Such common access ways shall be in conformance with the functional standards of the Subdivision Rules and Regulations of the Planning Board for road construction, sidewalks, and drainage. Proposed documentation (in the form of easements, covenants, or contracts) shall be submitted with the application, demonstrating that proper maintenance, repair, and apportionment of liability for the common access way and any shared parking areas has been agreed upon by all lot owners proposing to use the common access way, and that the common access way shall be permanently available to uses on adjacent or nearby lots. Common access ways may serve any number of parcels deemed appropriate by the Planning Board.

§ 290-3-3.6. Loading Requirements.

Adequate off-street loading facilities and space shall be provided to service all needs created by construction whether through additions, change of use, or new structures. Facilities shall be so sized and arranged that no vehicle need regularly to back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so. Such areas shall be landscaped in accordance with § 290-3-2.4. Loading spaces shall be at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than one thousand three hundred (1,300) square feet which includes access and maneuvering space, used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the

8. Editor's Note: Now the Architectural Access Board of the Office of Public Safety and Inspections.

Planning Board during Site Plan Review to no less than six hundred (600) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area set forth above.

Article 3-4
DRIVE THROUGH FACILITIES

§ 290-3-4.1. Purpose:

The purpose of this article 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 drive-through facilities which have a substantial impact upon the character of the Town of Carver and upon traffic, utilities and services therein.

§ 290-3-4.2. Powers and Administrative Procedures:

The Planning Board is hereby designated the Special Permit Granting Authority (SPGA) for Drive-Through Plan Approval. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any conditions specified in this article, such applicable as the SPGA finds reasonably appropriate to improve the site design as based on the design requirements listed below, traffic flow, safety and or otherwise serve the purpose of this article. The Applicant shall provide a traffic impact study at the discretion of the Planning Board. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

§ 290-3-4.3. Design Requirements:

A. Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table.

Posted Speed Limit (MPH)	Access Connection Spacing (Feet)
20	140
30	210
40	280
50	350

B. The width of the access connections at the property line of the development shall not exceed 25 feet, unless a traffic impact study identifies and the SPGA agrees to the need for turning lanes from the development onto the adjacent public road.

C. For a site at an intersection where no alternatives exist, such as joint or cross access, the Board may allow construction of an access connection at a location suitably

removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/right out only and/or a restrictive median) as required by the Board.

D. A system of joint use driveways and cross access easements shall be established wherever feasible along Route 58 and the proposed development shall incorporate the following:

(1) A service driveway or cross access corridor extending the width of the parcel.

(2) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.

(3) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.

E. Developments that provide service drives between properties may be permitted a 10% reduction in the required number of parking spaces. If information can be provided to show that peak demand periods of development with shared parking or a service drive connection are not simultaneous, the number of required parking spaces may be reduced by 20%.

F. Drive-through facilities shall provide a minimum of eight (8) stacking spaces (within the site) before the order board. The facility shall provide another four (4) stacking spaces between the order board and the transaction window. If the facility has two transaction windows, the four (4) stacking spaces may be split between each of the windows. An additional stacking space shall be provided adjacent to the last transaction window.

G. Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lane shall be a minimum of twelve (12) feet in width along curved segments.

H. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians. An analysis that indicates the best option will be reviewed by the board.

I. Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.

J. Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of twenty-five (25) feet from the property line of a residential use.

(1) Menu Boards shall be a maximum of thirty square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties.

(2) Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from abutting properties and streets.

(3) Buffering between the stacking lanes, menu boards, speaker etc. when applicable will be provided utilizing any combination of landscaping, fencing and/or other material as determined by the Planning Board.

Article 3-5
SIGNS

§ 290-3-5.1. Purpose.

The purpose of this Article 3-5, Signs, is to promote the safety, comfort, and well-being of the user of streets, roads, and highways in Carver; to reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon pubic ways; to discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and to preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context, so as to be easily readable.

§ 290-3-5.2. General Regulations.

A. Permitted Signs. Only signs which refer to a use permitted by the Zoning By-Law or protected by statute are permitted, provided such signs conform to the provisions of this Sign By-Law.

VILLAGE AND AGRICULTURAL/RESIDENTIAL DISTRICTS[#]					
Sign	**Permitted**	**Max. Number**	**Max. Area**	**Max Height**	**Clearance/ Setback**
Address*	Yes	1 per building	2 square feet	4 feet	Setback at least 3 feet from right of way
Traffic Flow*	Yes	Unlimited	3 sq. feet per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	4 sq. ft. for the name of the building; 2 sq. ft. for each business	5 feet	
Freestanding♣	Yes	1 per single-occupancy commercial building	4 square feet	5 feet	
Marquee/Canopy	Yes	1 per business	4 square feet; letters may not exceed 12" in height	Lowest point of the roof	10 foot clearance above sidewalk

VILLAGE AND AGRICULTURAL/RESIDENTIAL DISTRICTS[#]					
Sign	**Permitted**	**Max. Number**	**Max. Area**	**Max Height**	**Clearance/ Setback**
Monument	No	1 per single-occupancy commercial building or business park			
Wall	Yes	1 per business♦	10% of wall area	Lowest point of the roof	Shall not project more than 6" from building
Window	Yes	1 per business	30% of the window area		
Individual letters or symbols	No				
TOTAL OF ALL SIGNS		2 per business	8 sq. ft. per business		
# Signs for home occupations are subject to the provisions of § 290-2-2.4A and B					

GENERAL BUSINESS AND SPRING STREET INNOVATION DISTRICT (SSID)					
Sign	**Permitted**	**Max. Number**	**Max. Area**	**Max. Height**	**Clearance/ Setback**
Address*	Yes	1 per building	2 sq. feet	4 feet	setback at least 3 feet from right of way
Traffic Flow*	Yes	unlimited	3 sq. ft. per sign	4 feet	
Directory♦	Yes	1 per multiple-occupancy commercial building	16 sq. ft. for the name of the building; 2 sq. ft. for each business	10 feet	
Freestanding	Yes	1 per single-occupancy commercial building	10 sq. feet	10 feet	
Marquee/Canopy	Yes	1 per business	8 sq. feet; letters may not exceed 12" in height	lowest point of roof	10 foot clearance above sidewalk
Monument	Yes	1 per single-occupancy commercial building or business park	10 square feet	4 feet	
Projecting	Yes	1 per business	10 square feet	Bottom sill of the second story window or the lowest point of the roof of a 1 story building	setback at least 2 ft from the curb; 8" clearance above sidewalk; 13" clearance above driveway

GENERAL BUSINESS AND SPRING STREET INNOVATION DISTRICT (SSID)					
Sign	**Permitted**	**Max. Number**	**Max. Area**	**Max. Height**	**Clearance/ Setback**
Wall	Yes	1 per business♦	10% of wall area	lowest point of the roof	shall not project more than 6" from building
Window	Yes	1 per business	30% of the window area		
Individual letters of symbols	Yes		10% of wall area		shall not project more than 12" from building surface
TOTAL OF ALL SIGNS		2 per business	16 sq. ft. per business		

HIGHWAY COMMERCIAL/INDUSTRIAL/GREEN BUSINESS PARK DISTRICTS					
Sign	**Permitted**	**Max. Number**	**Max. Area**	**Max. Height**	**Clearance/ Setback**
Address*	Yes	1 per building	2 square feet	4 feet	setback at least 3 feet from right of way
Traffic Flow*	Yes	unlimited	3 sq. ft per sign	4 feet	
Directory♦	Yes	1 per multiple-occupancy commercial building	16 sq. ft. for the name of the building; 2 sq. ft. for each business	10 feet	
Freestanding	Yes	1 per single-occupancy commercial building	16 sq. feet	10 feet	
Marquee/Canopy	Yes	1 per business	8 sq. Feet letters may not exceed 12" in height	lowest point of the roof	10 foot clearance above sidewalk
Monument	Yes	1 per single-occupancy commercial building or business park	16 square feet	4 feet	
Projecting	Yes	1 per business	10 square feet	bottom sill of the second story window or the lowest point of the roof of a 1 story building	setback at least 2 ft from the curb; 8' clearance above sidewalk; 13' clearance above driveway
Wall	Yes	1 per business♦	10% of wall area	lowest point of the roof	Shall not project more than 6" from building
Window	Yes	1 per business	30% of the window area		

HIGHWAY COMMERCIAL/INDUSTRIAL/GREEN BUSINESS PARK DISTRICTS					
Sign	**Permitted**	**Max. Number**	**Max. Area**	**Max. Height**	**Clearance/ Setback**
Individual letters or symbols	Yes		10% of wall area		Shall not project more than 12" from building surface
TOTAL OF ALL SIGNS		2 per business	32 sq. ft. per business		

* Shall not count in the total number or area of signs allowed per business.

♦ 2 wall signs may be permitted per business where the business has frontage on two streets.

♣ Free standing signs over six feet in height may have no more than two sides; those less than six feet in height may have three or four sides.

The name of the business included within a directory sign will not count as the one sign per business. However, the aggregate area will include both the directory sign and the additional sign permitted per business.

§ 290-3-5.3. Prohibited Signs.

A. Billboards, streamers, pennants, ribbons, spinners, signs tacked, posted, painted or otherwise attached to utility poles, posts, trees, sidewalks, buildings or curbs, or to motor vehicles and trailers regularly located for fixed display or other similar devices shall not be constructed, posted or erected in any zone; provided, however, that streamers, pennants, ribbons, spinners, or other similar devices may be permitted in conjunction with the grand opening of a business and for twenty (20) days thereafter. Flags and bunting exhibited to commemorate national patriotic holidays, and temporary banner announcing charitable or civic events are exempted from this prohibition.

B. Flashing signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this By-law.

C. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.

D. Off-premises signs are not permitted in any district, with the exception of directional signs on public property.

E. Roof signs which project above the highest point of the roof are not permitted in any district.

F. When visible from a public way, no advertising shall be permitted on storage tanks, vehicles or similar types of containers. This restriction applies to both permanently located and mobile units, and trailers and trucks regularly located for fixed display. This prohibition shall not apply to properly registered vans, panel trucks, or any other business vehicles used on a regular basis on public ways for normal business.

G. Signs on trees, etc., except for approved subdivision entrance signs or signs warning of danger or prohibiting trespass or the like; no sign shall be painted on or affixed to any tree, fence, utility pole, painted or posted on any wall.

H. Signs shall be illuminated from the exterior only by a stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. Signs of the exposed neon or other gas-filled tube type are prohibited. No sign shall be internally illuminated, except those utilizing the "soft-glo" method.

I. Illuminated features other than approved signs, on the exterior of a building that call attention to the building, product or services available within the building are prohibited.

J. Individual freestanding signs are not permitted for multiple-occupancy commercial buildings. All information relating to establishments within the building or complex must be contained within one directory sign permitted for the entire premises.

§ 290-3-5.4. Standards.

A. Illumination Standards.

(1) Signs shall be illuminated only with steady, stationary light sources directed solely onto the sign without causing glare. Internal illumination is prohibited. Lightbulbs and gas-filled tubes providing external illumination shall be shielded in such a way as to be hidden from view from any point along the roadway or sidewalk.

(2) Strings of bulbs are not permitted, except as part of a holiday celebration; provided, however, that strings of bulbs may be permitted to decorate trees where such display does not interfere with neighboring land uses.

(3) Signs may be illuminated during business hours and for thirty (30) minutes before and after the hours of operation of the business advertised thereon.

(4) No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.

(5) Decorative neon window signs may be permitted where the Building Commissioner determines that such window signs are compatible with the building's historic or architectural character in style, scale and color.

(6) Canopies shall not be illuminated from behind in such a way that light shines through canopy material creating the effect of an internally illuminated sign.

B. Placement Standards.

(1) No person may erect a sign which is affixed to a utility pole, tree, or shrub.

(2) No sign together with any supporting framework shall extend to a height above the maximum building height allowed in the zoning district in which it is located.

(3) Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices, and transom windows.

(4) Signs for businesses withing the same structure shall be coordinated as to placement, porportion, and format.

C. Safety Standards. No person may erect or maintain a sign which is structurally unsafe; constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment; obstructs free entrance or exit from a required door, window, or fire escape; obstructs the line of sight of drivers exiting from the property onto the street; obstructs light or air or interferes with proper functioning of the building; or does not conform to the State Building Code.

D. Materials Standards.

(1) Village and Residential Districts: All signs shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium density overlay (MDO) board.

(2) General Business, Highway Commercial, Industrial and Airport Districts: The use of wood or metal signs is highly recommended.

E. Color Standards.

(1) The number of colors shall be limited to three (3), except in the instance of an illustration.

(2) Colors should be chosen to complement the facade color of the building.

(3) Dark backgrounds with light colored lettering are strongly encouraged. Examples of preferred background colors are burgundy red, forest green, chocolate brown, black, charcoal, and navy blue.

(4) "Day Glow" colors are prohibited.

F. Measurement of Sign Area.

(1) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

(2) For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building.

(3) For a sign consisting of individual letters or symbols attached to, painted, or carved or engraved on a surface, building wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.

(4) The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.

(5) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall

be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

G. Measurement of Height. The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations measurement shall be from the surface of the lower roadway.

H. Maintenance. A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign permit and take possession of the sign until the owner pays the cost of removal, thus placing the sign owner in violation of the sign bylaw and liable for a fine as specified in § 290-5-5.7F.

I. Exceptions. For the purposes of this article, the term "sign" shall not include:

(1) signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation;

(2) a bulletin board or similar sign not exceeding twenty (20) sq. ft in display area, in connection with any church, museum, library, school, or similar public or semi-public structure, provided that the top of such sign shall not be more than eight (8) feet above ground level and provided that it does not possess any of the characteristics listed in § 290-3-5.3 above;

(3) signs relating to trespassing and hunting not exceeding two (2) sq. ft. in area.

§ 290-3-5.5. Nonconforming Signs.

Nonconforming signs and sign structures which were lawfully in existence before the adoption of this bylaw may remain except as qualified below:

A. Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size. Remodeling shall include changes in lettering or symbols due to change in tenancy or ownership of the premises. Changes in directory signs are excepted, and individual portions of a directory sign may be changed as tenancy or ownership dictate.

B. Nothing in this Sign By-Law shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs may be replaced, providing that such replacement makes structure conforming as to height, setback, and other requirements.

C. A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or

replaced unless such action makes the sign and sign structure conforming in all respects.

D. A nonconforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

§ 290-3-5.6. Additional Regulations For Specific Types Of Signs.

A. Directional Signs on Public Property.

(1) Such signs may be allowed with permission of the Building Commissioner

(2) Signs shall contain the business name and logo only (logo allowed for seasonal attractions only), with no additional advertising.

(3) Signs shall not exceed 3 sq. ft. and shall not be illuminated.

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

Type	Duration	Max. Size	Permit Required
Charitable or Civic Events	Week prior to event	80 square feet	no
Commercial	30 days; twice yearly	32 square feet	yes
Construction	6 months	12 square feet	no
For Sale/Rent/Lease	Till 30 days after sale or lease	6 square feet	no
Grand Opening Banner	21 days	32 square feet	no
Holiday displays: Banners and Bunting	4 separate 30 consecutive day periods in each calendar year	as appropriate (shall consist of cloth, canvas, vinyl or the like)	no
Political - unlighted[9]	30 days prior; 7 days after election*	6 square feet	no
Yard Sale	5 days prior	2 square feet	no

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

C. Projecting Signs.

(1) Such sign shall be hung at right angles to the building and shall not project closer than two (2) feet to the curb line.

(2) The supporting framework shall be in proportion to the size of such sign.

(3) No such sign shall overhang a public way travelled by vehicles of any kind.

9. Editor's Note: See also Ch. 232, Signs, Political, § 232-3.

(4) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the sign officer:

(a) Suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or

(b) The lowest point of the roof of a one story building.

(5) Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over a driveway, the clearance must be at least thirteen (13) feet.

D. Public Service Signs.

(1) Such signs necessary for public safety and convenience shall not exceed two (2) sq. ft.

(2) Such signs shall bear no advertising.

(3) Such signs are not included in computing total sign area allowed.

§ 290-3-5.7. Administration.

A. Sign Permits. No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action has been issued by the Building Commissioner. Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises, and shall be on forms prescribed by the Building Commissioner. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, color, support systems, and location on land or buildings with all relevant measurements. Permits shall be issued only if the Building Commissioner determines that the sign complies or will comply with all applicable provisions of this Sign By-Law.

B. Fees. A schedule of fees of such permits may be established and amended from time to time by the Building Commissioner.

C. Duration of Permits. The Building Commissioner may limit the duration of any sign permit and may condition said permit upon continued ownership or operation of the business advertised upon the sign.

D. Enforcement. The Zoning Enforcement Officer is hereby designated as the Sign Officer, and is hereby authorized to enforce this bylaw. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.

E. Removal of Signs. Any sign which has been ordered removed by the Sign Officer, or which is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove. Any sign not removed within the time limit shall be deemed a public nuisance, and shall be removed by the Town of Carver. The cost of said removal shall be borne by

the sign and/or property owner and may be recovered by the Town, if necessary, in an action in the appropriate court. A sign or structure removed by the Town shall be held for not less than thirty (30) days by the Town during which period it may be recovered by the owner upon payment to the Town of the cost of removal and storage, and upon payment of any fine which may have been imposed. If not recovered within said thirty (30) day period, the sign or structure shall be deemed abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

F. Penalties. Violation of any provision of this bylaw or any lawful order of the Sign Officer shall be subject to a fine of not more than $300.00 per offense. Each day that such violation continues shall constitute a separate offense.

§ 290-3-5.8. (Reserved)

Article 3-6

LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS
[Amended 4-11-2023 ATM by Art. 27]

§ 290-3-6.1. Purpose.

A. The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations (LSGMSPI) including conventional and SMART/dual use, defined as those with a minimum nameplate capacity of 250 kW or greater or covering 1 acre or more of land, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

B. The provisions set forth in this section shall apply to the construction, operation, and/or repair of LSGMSPI proposed to be constructed or materially altered after the effective date of this section and shall follow the guidelines set forth in the MA DOER/MA DEP/Mass CEC Clean Energy Results Ground Mounted Solar PV Systems dated June 2015, as amended to the most current guideline. To the extent that any particular provision of this bylaw is determined to be invalid, such invalidation shall not affect the validity of any other provision.

C. Smaller scale ground or building mounted solar electric installations which are an accessory structure to an existing residential or non residential use do not need to comply with this Section, but must comply with the other provisions of Carver's Zoning Bylaws as applicable.

§ 290-3-6.2. Exemptions.

Notwithstanding any other Zoning Bylaw provisions to the contrary, the following types of solar uses and structures are exempt from the provisions of Article 3-6 and are considered as allowed uses and structures by right and customarily accessory and incidental to permitted

principal uses: a. Roof-mounted solar electric installations on a new non-residential building within the GBP District; provided, however, that such uses and structures above shall comply with the other provisions of the Carver Zoning Bylaws as applicable, and with health and safety requirements of the Building Inspector and Fire Chief, and/or his/her designee

§ 290-3-6.3. General Requirements for all Large-Scale Solar Power Generation Installations.

The following requirements are common to all LSGMSPI to be sited in designated locations:

A. Site Plan Review. All LSGMSPI shall undergo site plan review prior to construction or modification by the Planning Board, prior to issuance of a building permit to ensure conformity with all applicable bylaws.

(1) General. All plans and maps shall be prepared, stamped and signed by a Professional Engineer and Professional Land Surveyor licensed to practice in Massachusetts.

(2) Required Documents. Pursuant to the site plan review process, the project proponent shall provide a site plan showing:

(a) Surveyed Plans and engineered drawings of Commercial Solar Energy Facility signed and stamped by a Registered Land Surveyor and by a Professional Engineer licensed to practice in Massachusetts, showing the proposed layout of the system;

(b) Existing Conditions: showing property lines and physical features including, but not limited to: wetlands and related buffer zones, rivers and associated riverfront areas, land subject to flooding, vernal pools, FEMA flood plains, logging or access roads, forested areas, forest density, existing vegetation, priority and estimated habitats;

(c) Proposed changes to the landscape of the site including: grading, vegetation clearing, pollarding, as well as boundaries of proposed vegetative buffer;

(d) Locations of public water supply as well as abutting properties' wells and septic systems;

(e) Proposed surveyed layout of the system/facility and related structures, including final stormwater and other site management devices, fences, and the location of 20-foot wide access roads, including emergency vehicle turnarounds. Potential shading from nearby trees or structures should also be included;

(f) Blueprints or drawings of the solar photovoltaic installation, and one or three line electrical diagrams detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system;

(g) Documentation of the major system components to be used, including makes and models of the PV panels, transformer, inverter, mounting system, and chemicals for cleaning and maintenance of equipment;

(h) Landscape plan(s) pursuant to 12.3.8.7[10] detailing the proposed natural vegetative buffer and visual screen. Boundaries of existing vegetation shall be shown in lighter lines beneath;

(i) Diagrams of sight lines from abutting residential and commercial structures and public ways, and visualizations of views of the site from which the facility would be visible;

(j) Construction stormwater management and erosion control;

(k) Post-installation stormwater management plan;

(l) Prior to the issuance of a Building Permit the applicant shall provide to the Building Inspector and to the Special Permit Granting Authority Safety Data Sheet (SDS)/Materials Data Sheets (MDS) for all components of (internal and external), and products for, construction of the Solar Energy Facility.

(m) Name, address, and contact information for proposed system installer, the project proponent(s), and property owners if different;

(n) The name, contact information, signature of any agents representing the project proponent; and

[1] Documentation of actual or prospective access and control of the project site (see also Subsection B);

[2] An operation and maintenance plan (see also Subsection C);

[3] District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);

[4] Proof of liability insurance; and

[5] Description of financial surety that satisfies § 290-3-6.6C.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the site plan review process.

B. Site Control. The project proponent shall submit documentation of prospective access and control of the project site sufficient to allow for construction and operation of the proposed LSGMSPI.

C. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the LSGMSPI, which shall include measures for maintaining safe access to the installation, repair or replacement of nonfunctioning

10. Editor's Note: So in original; see Art. 3-2, General Landscaping Requirements.

panels, storm water controls, as well as general procedures for operational maintenance of the installation. A ground fuels maintenance plan shall be submitted during the site plan review process and be approved by the Fire Chief. The approved plan shall become a condition of the general site maintenance requirements outlined in § 290-3-6.5.

D. Utility Notification. No proposed LSGMSPI shall be submitted for review until evidence has been given to the Planning Board that the utility company that operates the electrical grid to which the installation is to be connected has been informed of the LSGMSPI owner or operator's intent to install an interconnected customer-owned generator, and that the electrical grid can safely transmit the proposed power output of the installation.

E. Dimension and Density Requirements.

(1) Setbacks.

(a)

[1] For LSGMSPI, front, side, and rear setbacks shall be at least 50 feet on the applicant's property; provided, however, that where the lot is located in a Residential-Agricultural district, the setbacks shall not be less than 200 feet on the applicant's property. LSGMSPI shall be provided with 200 foot setbacks on all lot lines abutting the Residential-Agricultural district, regardless of the zoning designated for the proposed site. Vegetated screening shall be provided for a minimum of 50% of the specified setback.

[2] Every abutting property shall be visually and acoustically screened from the installation through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life, and replaced as necessary. As an alternate to providing the required screening through vegetation, it is acceptable to increase the setback to 600 feet on the applicant's property while providing an acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the project.

[3] The provided screening shall obscure from view on all sides at least 50% or 100% if the project is located in the Residential-Agricultural zoning district, of the project from adjacent properties, including upper levels of existing structures at the time of construction, within three years of the start of construction or earthwork activities. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid. Access roads and transmission lines shall be placed in such a manner as to not create an unobstructed view of the project from adjacent property lines.

(b)

[1] Direct abutters to large-scale ground mounted solar photovoltaic installations (LSGMSPI) have the option of reducing the setbacks to a minimum of 50' along their common border of the project in a Residential-Agricultural (RA) zoning district by providing a signed affidavit that waives standard setback and screening requirements. The Applicants are required to contact all direct abutters affected to establish their willingness to enter into an agreement to waive the requirements. Signed affidavits must be provided to the Planning Board and on file with the Planning Board and referenced in the Special Permit decision.

[2] Setbacks between arrays to be reduced to a minimum of 12.5 feet by right where arrays are proposed in a joint Application by owners, or common ownership of abutting properties.

(c) Other Setbacks: Large Solar Energy Facilities shall be sited at least one hundred fifty feet (150') from abutting properties' wells and septic systems.

(2) Maximum Site Density.

(a) For projects with 10-20 acres within the security fence or the inner limits of screening if no security fence, no more than 50% of the receiving lot may be developed. For projects greater than 20 acres, up to 66% of the receiving lot may be developed. The developed area shall include the area of the project within the security fence of inner limits of screening if no security fence, plus all other existing and proposed structures throughout the site.

(b) When one project is proposed on multiple contiguous parcels, only one single application is required.

(3) Appurtenant Structures. All appurtenant structures to LSGMSPI shall be subject to regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements contained elsewhere within the zoning bylaws. All such appurtenant structures shall be architecturally compatible with each other and be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts. The project shall be designed so that the transformer(s) and inverter(s) are sited in the most remote location practical.

F. Design Standards.

(1) Lighting. Lighting of LSGMSPI shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be shielded to eliminate glare from abutting properties, shall be directed downward, and shall incorporate cut-off fixtures to reduce light pollution.

(2) Signage. Signs on LSGMSPI shall comply with the Town of Carver's sign bylaw, Article 3-5. Signage at all site entrances shall be required to identify the owner and provide a 24-hour emergency contact phone number. LSGMSPI shall not be used for the display of any advertising.

(3) Utility Connections. All utility connections including associated equipment and utility equipment from the LSGMSPI shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by Town's Consulting Engineer dictate above ground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(4) Hazardous Materials. Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000, and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the LSGMSPI, including the photovoltaic panels or transformer(s), then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

(5) Glare: The solar PV modules shall be positioned in such a way that minimizes glare to greatest practicable extent on a residence or public way at any time during the day.

§ 290-3-6.4. Safety and Environmental Standards.

A. Emergency Services. The LSGMSPI owner or operator shall provide a copy of the project summary, electrical schematic, as built plans, and site plan to the Fire Chief and Emergency Management Director. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the LSGMSPI shall be clearly marked, and training required to allow emergency response personnel to safely shut down the LSGMSPI in event of an emergency provided at no cost to the Town as requested by the Town. The owner or operator shall identify a responsible person for public inquires throughout the life of the installation, all changes shall immediately be brought to the attention of the Town. Site access to LSGMSPI shall be conducive to emergency vehicle travel to allow for unimpeded access around the site at all times. Access requirements, not limited to gating, road widths and surfaces, etc. will be reviewed during the site plan review process, with approval being at the discretion of the Fire Chief.

B. Land Clearing, Soil Erosion and Habitat Impacts Pre Construction Conference.

(1) Prior to any site disturbance and construction, the limits of the approved buffer zones and any other approved site disturbances, shall be surveyed and clearly marked by a Professional Land Surveyor. Upon completion of the survey, the Professional Land Surveyor shall verify to the Planning Board, in writing, that the limit of work, as shown on the approved site plans, has been established on site.

(2) Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the LSGMSPI or otherwise prescribed by applicable laws, regulations, and bylaws. Not more than 30% of forested land up to a maximum of five acres per lot shall be deforested for any one LSGMSPI.

(3) Mitigation Measures. Mitigation for Loss of Forest Habitat within the Installation If forestland is proposed to be converted to a LSGMSPI, the plans shall show mitigation measures that create a wildflower meadow habitat, pollinator species within and immediately around the LSGMSPI and a successional forest habitat in the surrounding areas managed to prevent shading until the installation is decommissioned and the site restored to forest. The special permit may be conditioned to effect and make enforceable this requirement.

(4) No clearing or site work can begin prior to a Preconstruction Conference held with the applicant, their contractor(s) and Town Staff including the Building Commissioner, Conservation Agent and Town Planner.

C. Control of Vegetation. Mowing or the use of pervious pavers or geo-textile materials underneath the LSGMSPI is the preferred method of vegetation control. Herbicides may only be used where it can be demonstrated that no danger is posed to groundwater supplies, or to local agricultural activities. Use of chemical herbicides or pesticide is limited to those approved by the Department of Agriculture Pesticide Bureau.

D. Panel Maintenance. Any and all materials used for maintenance of the LSGMSPI or other structures shall be properly disposed of and no harmful chemicals shall be used or stored onsite.

§ 290-3-6.5. Monitoring and Maintenance.

A. Large-Scale Solar Photovoltaic Installation Conditions. The LSGMSPI owner or operator shall maintain the facility in good condition, including but not be limited to, snow removal, painting, structural repairs, repair or replacement of nonfunctioning panels, on an annual basis maintenance of landscaping and required screening, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for all maintenance.

B. Modifications. All material modifications to a LSGMSPI made after issuance of the required building permit shall require site plan review and approval by the Planning Board for continued compliance of all applicable bylaws.

C. Annual Reporting. The owner or operator of the LSGMSPI shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan and the requirements of this bylaw and their approved site plan including control of vegetation, maintenance of screening, adequacy of road access, information on the maintenance completed during the course of the year, and the amount of electricity generated by the facility. 6 copies of the report shall be submitted to the Board of Selectmen no later than 45 days after the end of the calendar year.

§ 290-3-6.6. Change of ownership: Abandonment or Decommissioning.

A. Ownership Changes. If the owner of the LSGMSPI changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the LSGMSPI

shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner in writing and meet with any permitting authority from which the original applicant received a permit.

B. Removal Requirements. Any LSGMSPI which has reached the end of its useful life, or has been abandoned consistent with § 290-3-6.6C of this bylaw, shall be removed no more than 120 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

(1) Physical removal of all LSGMSPI, structures, equipment, security barriers, and transmission lines from the site.

(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

(3) Stabilization or re-vegetation of the site as necessary to minimize erosion and runoff. Including the use of pollinator species and cranberry plants especially for Dual Use installations.

C. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the LSGMSPI shall be considered abandoned when it fails to operate for more than sixty days without the written consent of the Board of Selectmen. As a condition of approval, if the owner or operator of the LSGMSPI fails to remove the installation in accordance with the requirements of this section within 120 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation. The costs for the removal may be charged to the property owner.

D. Financial Surety.

(1) Proponents of LSGMSPI shall provide a form of surety through an escrow account to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Planning Board and form determined to be reasonable by the Treasurer, but in no event to be less than 75 percent nor to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified expert, which shall include a mechanism for calculating increased removal costs due to inflation.

(2) The financial surety may also be used to replace and maintain all required landscaping and vegetative screening when in the opinion of the Planning Board the owner/operator has failed to do so. All costs incurred by the Town for maintenance activities shall be paid by the property owner within 90 days, or the maintenance costs may be charged to the property owner.

§ 290-3-6.7. Special Permit for LSGMPI.

In the event that a Special Permit is required for a LSGMPI, the planning board may grant a Special Permit if the following conditions are met:

A. Such use will not nullify or substantially derogate from the intent or purpose of this bylaw;

B. Such use will not constitute a nuisance;

C. Such use will not adversely affect the neighborhood in which it is sited;

D. Such use complies with the standards for site plan review as spelled out in this bylaw;

E. The Planning Board may also provide for other conditions that it deems necessary.

§ 290-3-6.8. Dual Use Large Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI")

A. Required setbacks and screening for SMART/Dual Use Arrays:

SMART/Dual Use Array				
	Array Height	**Setback**	**% Screening in Setback**	**Abutters Notification**
Residential - Agricultural	8'+	200' *	100% **	300'
* Planning Board may reduce setbacks, but in no instance shall setbacks be less than 50' when abutting a Residential/Agricultural district.				
** 100% screening shall be attained from the greater of abutting street grade or yard grade. Topographical situations may require flexibility in either setback or screening decisions.				

B. To allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in G.L. c. 128, § 1A provided standard setbacks and screening requirements are waived in writing by all affected direct abutters in a Residential-Agricultural (RA) zoning district.

ARTICLE 3-7

BATTERY ENERGY STORAGE SYSTEMS

[Added 4-11-2023 ATM by Art. 28]

§ 290-3-7.1. Purpose.

A. The purpose of this article is to advance and protect the public health, safety, welfare, and quality of life by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

(1) To provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols;

(2) To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems and to mitigate any potential impacts on abutting and nearby properties; and

(3) To mitigate the impacts of battery energy storage systems on environmental resources such as agricultural lands, forests, wildlife, wetlands and other natural resources.

B. This article shall be construed to be consistent with state law, including but not limited to the provisions of General Laws chapter 40A, section 3, and state regulations, including but not limited to the provisions of the State Building Code, State Fire Code, and State Electrical Code. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

§ 290-3-7.2. Applicability.

A. The requirements of this bylaw shall apply to battery energy storage systems permitted, installed, decommissioned or modified after the effective date of this bylaw, excluding general maintenance and repair. BESS subject to this bylaw are only those that exceed the following capacities:

(1) Lead-acid with a capacity of greater than 70 kWh

(2) Nickel with a capacity of greater than 70 kWh

(3) Lithium-ion with a capacity of greater than 30 kWh

(4) Sodium nickel chloride with a capacity of greater than 20 kWh

(5) Flow with a capacity of greater than 20 kWh.

(6) Other battery technologies with a capacity of greater than 10 kWh BESS that do not meet the threshold capacities above are not subject to this bylaw and are allowed by right in all zoning districts.

B. A battery energy storage system that is subject to this bylaw is classified as a Tier 1, Tier 2 or Tier 3 Battery Energy Storage System as follows:

(1) Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than 0.5MWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

(2) Tier 2 Battery Energy Storage Systems have an aggregate energy capacity equal to or greater than 0.5 MWh but less than 1MWH or are comprised of more than one storage battery technology in a room or enclosed area.

(3) Tier 3 Battery Energy Storage Systems have an aggregate energy capacity greater than 1 MWh or are comprised of more than one storage battery technology in a room or enclosed area.

§ 290-3-7.3. General Requirements.

A. All permits required by state codes, including but not limited to building permit, an electrical permit, and a fire department permit shall be required for installation of all battery energy storage systems.

B. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system and (b) subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code 780 CMR, State Fire Code 527 CMR 1.00, and State Electrical Code 527 CMR 12.00. All battery energy storage systems shall comply with NFPA 855, Standard for the Installation of Stationary Energy Storage Systems.

C. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in NFPA 855.

D. All access roads should be at least 12' wide, constructed of an all-weather surface, and be cleared of obstructions on both sides by at least 2'. A 16' vertical clearance should be maintained for large vehicle access. Access gates erected onsite should be at least 12' wide, accessible via Carver Fire Department lock. Access to all four sides of each enclosure should be provided where practical.

§ 290-3-7.4. Permitting Requirements for Tier 1 Battery Energy Storage Systems.

Tier 1 Battery Energy Storage Systems are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, Electrical Code, Fire Code, and other applicable codes, and are subject to minor site plan review and such provisions of this bylaw as are applicable.

§ 290-3-7.5. Permitting Requirements for Tier 2 and Tier 3 Battery Energy Storage Systems.

Tier 2 and Tier 3 Battery Energy Storage Systems are subject to this bylaw and require the issuance of a special permit in those zoning districts identified in Use Regulations Schedule in § 290-2-2.3, and are subject to Site Plan Review pursuant to Article 3-1. Tier 1 and Tier 2 BESS shall comply with the applicable requirements set forth in this bylaw, as well as this Zoning Bylaw, and the Carver General Bylaws. The following requirements apply to all Tier 1, Tier 2 and Tier 3 BESS subject to this bylaw, except where it is specifically noted to apply only to Tier 2 and Tier 3 BESS:

A. Utility Connections. All utility connections including associated equipment and utility equipment shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the Town's Consulting Engineer dictate above ground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

B. Signage. Signage shall comply with the requirements of Article 3-5 of this Zoning Bylaw and the following additional requirements; in the event of a conflict between the provisions of Article 3-5 and this section, the requirements of this section shall prevail.

(1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.

(2) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(3) Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.

C. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety, security and operational purposes and shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, shall be shielded to eliminate glare from abutting properties, shall be directed downward, and shall incorporate cut-off fixtures to reduce light pollution.

D. Vegetation and tree-cutting. Areas within thirty feet on each side of Tier 2 or Tier 3 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

E. Setbacks.

(1) Tier 1, 2 and 3 Battery Energy Storage Systems shall be set back a minimum of 50 feet from all side, rear, and front lot lines. Tier 2 and Tier 3 BESS shall be set back a minimum of 200 feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family, or multi-family structures. The minimum setback areas shall include a vegetated Buffer/Screening Area at least twenty feet wide along all property lines. Access drives and parking are allowed in the setback areas, but shall not intrude into the required Buffer Areas except where necessary to provide access or egress to the property. In addition, a minimum of 10 feet must be maintained, if within a building, between BESS components and all stored combustible materials, hazardous materials, high-piled storage, infrastructure.

(2) Other Setbacks: Battery Energy Storage Systems shall be sited at least one hundred fifty feet (150') from abutting properties' wells and septic systems.

F. Dimensional. Tier 2 and Tier 3 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Article 2-3 of this Zoning Bylaw, unless otherwise provided in this bylaw.

G. Fencing Requirements. Tier 2 and Tier 3 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use

building. Security barriers, fences, landscaping, and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. Electrical equipment greater than 1,000V require a separate and additional means to restrict access. NFPA 855 requires specialty safety systems to be provided based on the BESS chemistry and installed location.

H. Screening and Visibility. Tier 2 and Tier 3 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components and must comply with the setbacks established in paragraph 6 above.

I. Noise: An Acoustic Study shall be provided in order to ensure that any increase in sound complies with Mass DEP requirement limiting any increase in ambient noise to be less than 10 decibels at the property line.

J. Mitigation for Loss of Carbon Sequestration and Forest Habitat. If land that is Forestland or has been Forestland within one year immediately preceding the filing an application to install a Tier 2 or Tier 3 BESS, the plans shall designate thereon an area of unprotected (meaning, not subject to G.L. c. 184, sections 31-33 at time of application) land on the same lot and of a size equal to two times the total area of Forestland that will be eliminated, cut, destroyed, or otherwise disturbed by such installation. Such designated land shall remain in substantially its natural condition without alteration, including prohibition of commercial forestry or tree cutting not related to the maintenance of the installation, until such time as the installation is decommissioned; except in response to a natural occurrence, invasive species or disease that impacts the trees and requires cutting to preserve the health of the forest.

K. Mitigation for Disruption of Trail Networks. If existing trail networks, old roads, or woods or cart roads are disrupted by the location of a Tier 2 or Tier 3 BESS, the plans shall show alternative trail alignments to be constructed by the applicant, although no rights of public access may be established hereunder.

L. Mitigation for Disruption of Historic Resources and Properties. Historic resources, structures and properties, such as cellar holes, farmsteads, stone corrals, marked graves, water wells, or pre-Columbian features, including those listed on the Massachusetts Register of Historic Places or as defined by the National Historic Preservation Act, shall be excluded from the areas proposed to be developed for a Tier 2 or Tier 3 BESS. A written assessment of the project's effects on each identified historic resource or property and ways to avoid, minimize or mitigate any adverse effects shall be submitted as part of the application. A suitable buffer area as determined by the PEDB shall be established on all sides of each historic resource.

M. Batteries. Failed battery cells and modules shall not be stored on the site and shall be removed no later than 30 days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Carver Fire Department in advance if the type of battery or batteries used onsite is to be changed.

N. Decommissioning Plan. The applicant shall submit with its application a decommissioning plan for Tier 2 or Tier 3 BESS to be implemented upon abandonment

and/or in conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty days prior to when a Tier 2 BESS or Tier 3 will be decommissioned. Decommissioning of an abandoned or discontinued Tier 2 BESS or Tier 3 shall be completed within six months after the facility ceases operation. The decommissioning plan shall include:

(1) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;

(2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

(3) The anticipated life of the battery energy storage system;

(4) The estimated decommissioning costs and how said estimate was determined;

(5) The method of ensuring that funds will be available for decommissioning and restoration;

(6) The method by which the decommissioning cost will be kept current;

(7) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

(8) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

O. Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or other surety acceptable to the Town, in a form approved by the Planning Board and Town Counsel, for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.

P. Proof of Liability Insurance. The applicant or property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the PEDB prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed, and the site restored in accordance with this bylaw.

§ 290-3-7.6. Site plan application.

For a Tier 2 or Tier 3 Battery Energy Storage System the site plan application shall include the following information, in addition to that required by Article 3-1 of this Zoning Bylaw:

A. A one- or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all State Electrical Code compliant disconnects and over current devices.

B. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.

C. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.

D. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL 9540A fire test data must be made available to the Planning Board and Fire Department for review: - BESS systems with a capacity of greater than 50kWh - BESS systems with spacing between arrays of less than 3 feet.

E. Safety data sheet (SDS) that address response safety concerns and extinguishment.

F. Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with NFPA 855 and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the Building Code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to Zoning Enforcement Officer and the Carver Fire Department prior to final inspection and approval and maintained at an approved on-site location.

G. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in § 290-3-7.8.

H. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth state codes and NFPA 855. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.

I. Depending on the location of the BESS in relation to and its interaction with the electrical grid, interconnection will be completed per 527 CMR 12.00. System

interconnections into utility grids shall be in accordance with NFPA 855. An accessible disconnect is required per 527 CMR 12.00.

J. Prior to the issuance of the building permit, engineering documents must be signed and sealed by a Massachusetts Licensed Professional Engineer.

K. Emergency Operations Plan. An Emergency Operations Plan compliant with NFPA 855 is required. A copy of the Emergency Operations Plan approved by the Carver Fire Department shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Commissioner, and Town Manager's office with contact information for personnel that can be reached 24 hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

(1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe startup following cessation of emergency conditions.

(2) Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.

(3) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.

(4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

(5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.

(6) Procedures for safe disposal of battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment and any affected soils from the facility.

(7) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.

(8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

L. Yearly Site Inspection Plan. Such plan shall specify that a yearly site plan is conducted by a Massachusetts Licensed Professional Engineer to document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes.

§ 290-3-7.7. Ownership Changes.

If the owner of the battery energy storage system changes or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner of such change in ownership or operator within 14 days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner in writing and meet with any permitting authority from which the original applicant received a permit.

§ 290-3-7.8. Safety.

A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) or approved equivalent, with subcomponents meeting each of the following standards as applicable:

(1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),

(2) UL 1642 (Standard for Lithium Batteries),

(3) UL 1741 or UL 62109 (Inverters and Power Converters),

(4) Certified under the applicable electrical, building, and fire prevention codes as required.

(5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

D. Yearly Site Inspection. A yearly inspection shall be conducted by a Massachusetts Licensed Professional Engineer per the Yearly Site Inspection Plan. A Corrective action plan shall be developed for any open or continuing issues that are reported. A report describing the results of the site inspection and corrective action plan shall be provided to the Carver Fire Department, Police Department, Carver Building Commissioner and Town Manager's Office.

§ 290-3-7.9. Abandonment.

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than 90 days. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a Tier 2 BESS or Tier 3 and restoration of the site in accordance with the decommissioning plan.

§ 290-3-7.10. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated. Terms that are not defined herein or elsewhere in this Zoning Bylaw shall be as defined in NFPA 855 if applicable.

ANSI — American National Standards Institute.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM (BESS) — An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

BATTERY OR BATTERIES — A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this bylaw, batteries utilized in consumer products are excluded from these requirements.

CELL — The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

COMMISSIONING — A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING — A building that is built for the primary intention of housing battery energy storage system equipment, and complies with the following:

A. The building's only use is battery energy storage, energy generation, and other electrical grid related operations.

B. No other occupancy types are permitted in the building.

C. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.

D. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:

(1) The areas do not occupy more than 10 percent of the building area of the story in which they are located.

(2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

DIRECT ABUTTER — An owner of property, as shown on the most recent applicable tax list, that is adjacent to the property(ies) seeking a permit.

FOREST LAND — An ecosystem at least one acre in size stocked with trees capable of producing timber or other wood products which have not been developed for other uses.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL) — A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NFPA — National Fire Protection Association. Non-Dedicated-Use Building: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

NON-PARTICIPATING PROPERTY — Any property that is not a participating property.

NON-PARTICIPATING RESIDENCE — Any residence located on non-participating property.

PARTICIPATING PROPERTY — A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

THIS BYLAW — Article 3-7 of the Zoning Bylaw.

UL — Underwriters Laboratory.

Article 3-8
ENVIRONMENTAL CONTROLS

§ 290-3-8.1. Disturbances.

No use shall be allowed if it will cause sound, noise, vibration, odor or flashing (except for warning devices, temporary construction, or maintenance work, parades, recreational or agricultural activities, or other special circumstances) perceptible without instruments more than 200 feet from the boundaries of the originating premises if in a non-residential district,

or more than 40 feet from the boundaries of the originating premises if in a residential district, unless otherwise specified herein. However, the Board of Appeals may grant a special permit for an exception for activities not meeting these standards, in cases where the Board determines that no objectionable conditions are thereby created for the use of other affected properties.

§ 290-3-8.2. Erosion Control.

Site design, materials, and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff by conformance with the following:

A. Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area, or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

B. All slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber.

C. No area or areas totalling 2 acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided, and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

D. The Building Inspector may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

E. In granting a special permit under Subsection A or B, the Planning Board shall require a performance bond to ensure compliance with the requirements of this article.

F. Hillside areas, except naturally occurring ledge or bedrock outcroppings or ledge cuts, shall be retained with retaining walls, or with vegetative cover as follows:

Average percentage slope	Minimum percentage of land to remain in vegetation
10.0 - 14.9	25
15.0 - 19.9	40
20.0 - 24.9	55
25.0 - 29.9	70
30.0 and above	85

§ 290-3-8.3. Wind Energy Facilities (WEF).

A. Purpose. The purpose of this article is to provide for the development and use of wind power as an alternative energy source, while protecting public health, safety and welfare, preserving environmental, historic and scenic resources, controlling noise levels and preventing electromagnetic interference.

B. Applicability. Any application to erect a structure that utilizes energy from wind shall comply with this article.

C. Definitions.

COMMERCIAL WIND ENERGY FACILITY (CWEF) — A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity greater than 10.1 kW, located in a designated commercial district.

(1) WEF located in commercial districts by commercial entities with a rated capacity of not more than 10.1 kW shall be permitted as residential.

(2) WEF serving neighborhoods or multiple residences are encouraged however; proposals shall be permitted as a CWEF, allowed in residential districts.

RESIDENTIAL WIND ENERGY FACILITY (RWEF) — A wind energy conversion system consisting of a wind turbine, and associated control or conversion electronics, which has a rated capacity of not more than 10.1 kW, located on a single lot, intended as an accessory use in a designated residential district or in connection with any residential use in a designated commercial district or in connection to any agricultural use in any zoning district.

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.

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 the definition of "temporary meteorological towers (MET towers)."

WIND TURBINE — A single device that converts wind to electricity or other forms of energy, typically consisting of a rotor and blade assembly, electrical generator, and tower without guy wires.

D. Special Permit Granting Authority.

(1) The Planning Board is hereby established as the Special Permit Granting Authority (SPGA) in connection with construction of Wind Energy Facilities (WEF).

(2) The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this bylaw (unless waived) and is consistent with the applicable criteria for granting special permits.

E. Development Requirements. The following requirements apply to all Wind Energy Facilities (WEF).

(1) Proposed WEF shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

(2) Applicants shall provide a complete description of CWEF including technical, economic, environmental, and other reasons for the proposed location, height and design.

(3) RWEF shall be limited to one (1) tower per lot or on contiguous lots held in common ownership. This number may be exceeded as part of the special permit process if the applicant can demonstrate that additional number is needed and that the additional benefits of the additional towers does not create any adverse impacts, as outlined in this bylaw.

(4) Tower Height.

(a) CWEF: Height limited by special permit. The SPGA shall make a finding that the height proposed is necessary for adequate operation of the CWEF.

(b) RWEF: Maximum height ninety (90) feet. This height may be exceeded as part of the special permit process if the applicant can demonstrate that additional height is needed and that the additional benefits of the height does not create any adverse impacts, as outlined in this bylaw.

(5) Monopole towers are the only type of support allowed.

(6) Height Calculation. Overall height of the wind turbine shall be measured from the land in its natural state prior to grading or filling to the highest point reached by any part of the wind turbine.

(7) Setbacks. The minimum setback for the wind turbine shall be maintained equal to the overall engineered designed height plus ten (10) feet from all boundaries of the site on which the WEF is located.

(a) No part of the WEF support structure may extend closer to the property boundaries than the standard structure setbacks for the zone where the land is located.

(b) WEF shall be setback a distance of four times the overall blade radius from access easements and above ground utility lines.

(c) The Planning Board may reduce setbacks distances for the WEF with the permission of the abutting property owner(s) together with an easement, as recorded at the Plymouth County Registry of Deeds, depicting such agreement.

(8) Wetlands. No part of a WEF shall be located within the jurisdiction of the Carver Conservation Commission unless a determination is made by the Conservation Commission.

(9) Noise. The WEF and associated equipment shall conform to the Massachusetts noise regulation (310 CMR 7.10). If deemed necessary by the SPGA, an analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

(a) Manufacturer's specifications may be accepted when in the opinion of the Planning Board the information provided satisfies the above requirements.

(b) Upon written notification of a complaint of excessive noise, the Inspector of Buildings/Chief Zoning Enforcement Officer or his designee, herein after referred to, as the Enforcing Person shall record the filing of such complaint. The Enforcing Person shall promptly investigate. If noise levels are determined to be excessive, the Enforcing Person shall require the property owner to perform ambient and operating decibel measurements at the nearest point from the wind turbine to the property line of the complainant and to the nearest inhabited residence.

(c) If the noise levels are found to have exceeded allowable limits the Enforcing Person shall notify in writing the owner of the property to correct the violation. If the noise violation is not remedied within 30 days the CWEF shall remain inactive until the noise violation is remedied which may include relocation or removal at the owner's expense.

(d) If determined that allowable limits have not been exceeded, notice in writing shall be provided to the person who has filed such complaint and the owner of the property stating that no further action is required, all within fourteen (14) days of the receipt of the request. Any person

aggrieved by the decision may appeal said decision to the Board of Appeals in accordance with Article 5-2 of this Bylaw. Any such appeal must be filed within (30) days after the receipt of the decision of the Chief Zoning Enforcement Officer or Enforcement Officer.

(10) Shadowing/Flicker. The WEF shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

(11) Prevention of Access. The applicant/owner shall ensure that all related components of the CWEF are protected from unlawful access.

(12) Visual Impact. The applicant shall employ all reasonable means, including landscaping and alternative locations, to minimize the visual impact of all WEF components. All components of the WEF and its support structure shall be painted plain non-reflective muted colors without graphics or other decoration.

(13) Lighting. If lighting is proposed (other than required FAA lights) the applicant shall submit a plan indicating the horizontal foot candles at grade, within the property line and twenty-five (25) beyond the property lines. The plan shall also indicate the locations and types of luminaries proposed.

(14) Provisions for inspection and maintenance must be submitted.

F. Procedural Requirements.

(1) Site Plan. A site plan must be submitted, prepared to scale by a registered land surveyor or civil engineer showing the location of the proposed WEF, distances to all property lines, existing and proposed structures, existing and proposed elevations, public and private roads, above ground utility lines, existing and proposed vegetation, and any other significant features or appurtenances. Any portion of this article may be waived if in the opinion of the Planning Board the materials submitted are sufficient for the Board to make a decision.

(2) Telecommunications. CWEF may include telecommunication antennas provided they comply with Article 4-6 of this bylaw. The telecommunications carrier shall be named as the co-applicant. Co-applications are encouraged.

(3) Compliance with Massachusetts State Building Code. Building permit applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. Documentation showing compliance with the Massachusetts State Building Code certified by a licensed professional engineer shall also be submitted. (Manufacturer specifications may be suitable at the discretion of the Inspector of Building).

(4) Compliance with FAA Regulations. WEF must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

(5) Compliance with National Electric Code. Building permit applications for WEF shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(6) Utility Notification. No WEF shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(7) Abandonment: A WEF shall be considered to be abandoned if it is not operated for a period of two years, or if it is designated a safety hazard by the Inspector of Buildings. Once a WEF is designated as abandoned, the owner shall be required to physically remove the WEF within 90 days of written notice. "Physically remove" shall include, but not be limited to:

(a) Removal of WEF, any equipment shelters and security barriers from the subject property.

(b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

(c) Restoring the location of the WEF to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(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.

(9) Professional Fees. The Planning Board may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be the expense of the applicant through the review and inspection fees.

(10) The submittals and permits of this article shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law

G. Security.

(1) Requirement. In conjunction with the above special permit approval process the Planning Board may require the posting of a bond or other security to assure satisfactory fulfillment of the above, in such sum and in accordance with such conditions as the Board may determine necessary.

(2) Exception. The Board need not require security where there is full assurance of compliance with the above special permit.

(3) Amount. The amount of security required shall not exceed either the estimated costs of the measures proposed, or the estimated cost of restoration of affected lands and property if the work is not performed as required, whichever is the greater.

H. Met Towers.

(1) 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 § 290-3-8.3 and all related sections, 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.

Article 3-9
FLOODPLAIN DISTRICT

§ 290-3-9.1. 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.

§ 290-3-9.2. Purpose.

The purpose of the Floodplain District is to:

A. Ensure public safety through reducing the threats to life and personal injury;

B. Eliminate new hazards to emergency response officials;

C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

D. 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;

E. Eliminate costs associated with the response and cleanup of flooding conditions;

F. Reduce damage to public and private property resulting from flooding waters.

§ 290-3-9.3. Floodplain District Delineation.

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Carver on the Plymouth County Flood Insurance Rate Map (FIRM) dated July 6, 2021, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 6, 2021. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Commissioner, Planning Board, and Conservation Commission.

§ 290-3-9.4. Administration, Abrogation, Liability, Severability.

A. Administration and Enforcement. The Town designates the position of Building Commissioner to be the official floodplain administrator for the Town of Carver. The Building Commissioner shall administer and enforce this by-law article in accordance with Article 5-1 of the Carver Zoning By-laws.

B. Abrogation. The Floodplain management regulations found in this Floodplain District article shall take precedence over any less restrictive conflicting bylaws or regulations.

C. Liability Disclaimer. The degree of flood protection required by this article is considered reasonable but does not imply total flood protection.

D. Severability. If any section, provision or portion of this article is deemed unconstitutional or invalid by a court, the remainder of the article shall be effective.

§ 290-3-9.5. New Technical Data Submission Requirements.

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these change(s) by submitting the technical or scientific data that supports the change(s.)

A. Notification shall be submitted to: FEMA Region I Risk Analysis Branch Chief 99 High St., 6th Floor Boston, MA 02110.

B. And a copy of notification to: Massachusetts NFIP State Coordinator Massachusetts Department of Conservation and Recreation 251 Causeway Street Boston, MA 02114 3750.

§ 290-3-9.6. Variances/Permits in the Floodplain.

A. Building Code Floodplain Variance. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering the property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to live and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain district.

B. Local Zoning Variances. A variance from these floodplain bylaws must meet the requirements set out by State law, and may be only granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

C. Floodplain Permits. The Town of Carver requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

D. Permitting Review Process. Carver's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

E. Subdivision and Other Development Proposals. All subdivision and development proposal in the floodplain district shall be reviewed to assure that: (a) Such proposals minimize flood damage; (b) Public utilities and facilities are located and constructed so as to minimize flood damage; and (c) Adequate drainage is provided.

§ 290-3-9.7. Use Regulations.

A. 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:

(1) Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.

(2) 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.

(3) Agricultural uses or forestry uses.

(4) Uses lawfully existing prior to the enactment of this bylaw.

B. Use Limitations.

(1) 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.

(2) 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.

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

(4) 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.

(5) 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.

(6) In Zone AE, along watercourses within the Town of Carver that have a regulatory floodway designated on the Plymouth County FIRM 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."

(7) 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.

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

§ 290-3-9.8. Base Flood Elevation, Floodway Data and Flood Zones.

A. Base Flood Plain Elevation Data. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine, base flood elevations for each developable parcel shown on the design plans.

B. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, and for prohibiting encroachments in floodways.

C. Floodway Encroachment. 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. In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, 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.

D. AO and AH Zones. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

E. Recreational Vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

F. Notification of Watercourse Alteration. In a riverine situation The Town of Carver shall notify the following of any alteration or relocation of a watercourse:

(1) Abutting Communities:

NFIP State Coordinator Massachusetts Department of Conservation and Recreation

251 Causeway Street, 8th Floor

Boston, MA 02114

(2) NFIP Program Specialist:

Federal Emergency Management Agency, Region I

99 High Street, 6th Floor

Boston, MA 02110

§ 290-3-9.9. Definitions.

DEVELOPMENT — Means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP — Means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM.) — An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY — The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE — Means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only

docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE — Means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE — Means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE — Means a vehicle which is:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY — See FLOODWAY. SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION — The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days

after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION — When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE — A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION — The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)[11] is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONES, FLOOD

A. ZONE A — Means an area of special flood hazard without water surface elevations determined.

B. ZONE A1-30 AND ZONE AE — Means area of special flood hazard with water surface elevations determined ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

11. Editor's Note: See 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), and (e)(5).

C. ZONE A99 — Means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

D. ZONES B, C, AND X — Means areas of minimal or moderate flood hazards or areas of future conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

E. ZONE V — Means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

F. ZONE V1-30 AND ZONE VE (for new and revised maps) — Means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

Article 3-10
CONSERVATION SUBDIVISION DESIGN

§ 290-3-10.1. Purpose.

The purpose of this Article 3-9, Conservation Subdivision Design, is to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Carver's traditional New England landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of housing affordable to low and moderate income families.

§ 290-3-10.2. Applicability.

Any creation of five (5) or more lots, whether a subdivision or not, from a parcel or set of contiguous parcels held in common ownership and located entirely within the Residential Agricultural (RA) District, may proceed under this Article 3-9, Conservation Subdivision Design, pursuant to the issuance of a special permit by the Planning Board, as indicated in § 290-2-2.3, the Use Regulation Schedule. Such special permits shall be acted upon in accordance with the following provisions.

§ 290-3-10.3. Procedures.

Applicants for Conservation Subdivision Design shall file with the Planning Board six (6) copies of the following:

A. A Development Plan conforming to the requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board. Such plan shall indicate proposed topography, wetlands, and, unless the development is to be sewered, the results of deep soil test pits and percolation tests at the rate of one per acre, but in no

case fewer than four (4) per Conservation Subdivision. Where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L. c. 131, s.40 and 310 CMR 10.05(3). The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation. The Planning Board may also require as part of the Development Plan any additional information necessary to make the determinations and assessments cited herein.

B. Four-Step Design Process. Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, houselots, and open space.

(1) Designating the Open Space. First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

(2) Location of House Sites. Second, potential house sites are tentatively located. House sites should be located not closer than 100 feet to wetlands areas, but may be situated within 50 feet of open space areas, in order to enjoy views of the latter without negatively impacting the former.

(3) Street and Lot Layout. Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged.

(4) Lot Lines. Fourth, draw in the lot lines. These are generally drawn midway between house locations.

§ 290-3-10.4. Modification of Lot Requirements.

The Planning Board may authorize modification of lot size, shape, and other bulk requirements for lots within a Conservation Subdivision, subject to the following limitations:

A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved.

B. Each lot shall contain not less than one-half of the area otherwise required in the district, and have frontage of not less than 50 feet.

C. Each lot shall have at least 50% of the required yards in the district.

§ 290-3-10.5. Number of Dwelling Units.

The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands

regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan. The Planning Board may require a preliminary conventional subdivision lotting plan to be submitted in order to demonstrate potential.

§ 290-3-10.6. Open Space Requirements.

A minimum of 20% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. Not more than 25% of such open space shall be wetlands, as defined pursuant to G.L. c. 131, s. 40.

A. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

B. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, bikepaths, and agriculture.

C. Underground utilities to serve the Conservation Subdivision site may be located within the required open space.

D. The required open space shall, upon mutual agreement between the applicant and the Carver Planning Board, be conveyed to:

(1) The Town of Carver or its Conservation Commission;

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

(3) A corporation or trust owned jointly or in common by the owners of lots within the Conservation Subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Carver to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

E. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

§ 290-3-10.7. Buffer Areas.

All dwellings and structures shall be located a minimum of 50 feet from adjacent properties, and 100 feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, in accordance with G.L. c. 131, s. 40, the Wetlands Protection Act, except where adjacent to agriculturally used property.

§ 290-3-10.8. Decision.

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives of § 290-3-9.1, herein, than would a conventional development.

§ 290-3-10.9. Relation to Other Requirements.

The submittals and permits of this article shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

Article 3-11
TOWNHOUSE DEVELOPMENT

§ 290-3-11.1. Purpose.

The purpose of this article is to encourage the preservation of open land for its scenic beauty particularly frontage along public ways, ponds, rivers, wetlands and to enhance open space, forestry, and recreational use; to preserve existing agricultural, historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive sitting of buildings and better overall site planning; to perpetuate the appearance of Carver's traditional New England landscape; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of varied housing opportunities, including housing affordable to low and moderate income families and provide accompanying conveniences, recreational areas and community center facilities.

§ 290-3-11.2. Applicability.

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

District, or with an area of at least three (3) acres entirely in the GB District or in the V District.

§ 290-3-11.3. Procedures.

An applicant for a Townhouse Development shall submit to the Planning Board an application for a special permit and ten (10) copies of a Development Plan in such form as may be required in the Planning Board's Rules and Regulations Governing Townhouse Development Special Permits, together with a Net Usable Land Area plan as described in § 290-3-10.4 and an application for Site Plan Approval under Article 3-1. Special permits for Townhouse Developments shall be acted upon in accordance with Article 5-3 of this by-law, and shall conform to the standards in § 290-2-2.3 and to the following requirements.

§ 290-3-11.4. Number of Dwelling Units.

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

A. Fifteen percent (15%) of the total number of dwelling units shall meet the State's affordable housing requirements for low to moderate income. These affordable units shall be marketed through, and homebuyers or renters selected by, a housing organization approved by the Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase/occupancy of unit. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units in the Townhouse Development. **[Amended 4-11-2023 ATM by Art. 33]**

B. Dwelling units shall be varied as to the number of bedrooms. The maximum number of bedrooms allow in a dwelling unit shall be three (3). No more than fifteen percent (15%) of the total number of dwelling units shall have three (3) bedrooms.

C. Maximum building height shall not exceed thirty-five (35) feet.

D. The number of townhouse units in a proposed Town House Development, when combined with the number of all existing and previously permitted townhouse units in Carver, shall not exceed twenty-five percent (25%) of the total number of existing dwelling units in the Town as of the date of the Townhouse Development special permit application.

E. 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.

§ 290-3-11.5. Open Space Requirements.

A. One or more open space areas shall be shown on the development plan.

(1) Such areas shall include the following:

(a) All undeveloped wetlands on the parcel;

(b) The 65 ft. buffers to those wetlands; and

(c) A minimum of fifty percent (50%) of the NULA or thirty percent (30%) for over 55 housing of the parcel if it is in the RA or HC district, or a minimum of thirty percent (30%) of the NULA of the parcel in the GB or V district.

(2) Such open space shall exclude required building envelopes, and buffers to adjoining properties (except where buffer areas are contiguous to said open space areas). Such open space may be divided by roads constructed within the Townhouse Development.

B. The required open space shall be used for conservation, historic preservation and education, outdoor passive education, park purposes, or for a combination of these uses, and shall be served by suitable access for such purposes.

C. The required open space shall remain unbuilt upon, provided that five percent (5%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, such as a community center, pedestrian walks, bike paths, pools, tennis courts, and existing agriculture.

D. The required open space shall be of a shape, size, character, and location suitable, in the opinion of the Planning Board, for its intended purposes. At least half of the required upland open space shall be in a consolidated and unfragmented mass, as reasonably interpreted by the Planning Board. To the extent possible, the open space shall include land of the greatest scenic, environmental, or recreational importance to the Town.

E. The required open space shall be conveyed in conformance to the requirements provided in the Rules and Regulations Governing Townhouse Development Special Permits.

F. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for the uses listed in Subsection B, and that it shall be maintained in a manner that will ensure its suitability for its intended purposes.

§ 290-3-11.6. Design Standards.

The following design standards are required:

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

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

C. Architectural style. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town, through the use of appropriate building materials, screening, breaks in roof and wall lines, setbacks and other architectural techniques. Variation in detail, style, form and location shall be used (for both the residential units and accessory garages if employed) to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. Adequate separation shall mean a minimum distance of 1.2 times the height of the proposed buildings.

D. Roadways. Roadway length and construction details are provided in the Townhouse Development Special Permit Rules and Regulations. The Board may require that existing problems on/or adjacent to the site be mitigated as a condition of approval of the special permit under this article.

E. Parking. The development shall provide two (2) spaces per each unit, plus one (1) visitor parking space for every five (5) units, plus one (1) space for every two hundred (200) square feet of non-residential building area. In cases where the units are provided with a garage and two spaces for each unit on a driveway, the visitor spaces shall not be required. Parking areas shall be screened from public ways and adjacent or abutting properties by building location, fencing and/or dense plantings. Parking areas, including maneuvering space for parking and loading areas shall not be located within the required buffer areas. No parking shall be allowed on interior roadways.

F. Services. Exposed storage areas, machinery, service areas, truck loading areas, adequate solid waste disposal facilities, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors and future residents from said features. Electric, telephone, cable TV, and other such utilities shall be underground. An adequate water source for fire protection shall be provided.

G. Lighting. No building/structure shall be floodlit. Drives, walkways, entryways, and parking areas shall not be illuminated by lights higher than fifteen (15) feet, which shall

be shielded to have a total cutoff of all light at less than ninety (90) degrees and a beam cutoff less than seventy-five (75) degrees..

§ 290-3-11.7. Decision.

The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development, after considering the criterion set out in Article 5-3, and also assessing whether the Townhouse Development better promotes the objectives of § 290-3-10.1, herein, than would conventional development.

§ 290-3-11.8. Relation to Other Requirements.

The submittals and permits of this article shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

Part 4
SPECIAL REGULATIONS

Article 4-1
MOBILE HOME PARKS (TRAILER PARKS)

§ 290-4-1.1. Purpose.

The purpose of this mobile home by-law is to encourage the development and maintenance of attractive and appropriate sites for mobile homes, to protect the general health, safety and welfare of the inhabitants of the Town of Carver as well as the inhabitants of mobile home parks, and to preserve and enhance the environment of areas within such parks and of the areas adjacent to them. It is intent of this by-law to serve the needs of the elderly persons and the special permit granting authority may require the affirmative action of the operator of such mobile home park as a condition to the issuance of a special permit.

§ 290-4-1.2. Special Permit.

No mobile home shall be erected, established or located on a site for living purposes, except in an approved mobile home park. No mobile home park or trailer park shall be established or operated within the town unless a special permit has been issued by the Board of Appeals as special permit granting authority. Such a permit shall be conditional upon the issuance of such license from the Board of Health as required by the General Laws, and failure to obtain or to renew such license may suspend or void any special permit issued under this by-law.

§ 290-4-1.3. Site Plan.

A site plan shall be submitted with each application for a special permit for a mobile home park or for alteration, modification or extension of such a park and the approved site plan shall become a condition of any special permit. Said plan shall be prepared by a registered

engineer or land surveyor in the form and quantity required by the special permit granting authority and shall indicate the following:

A. Location of mobile home lots with mobile home pads, park streets, water and sewer systems and sites for individual sewage disposal systems and sources of water;

B. Buffer zones, open space, recreation areas and parking spaces;

C. Water courses, bodies of water, and locations of wetlands;

D. Natural features;

E. Abutting land with identification of the owners;

F. Contour of the land area indicated at five (5) foot intervals. Where the proposed ground surface level is within six (6) feet of the high water elevation, the plan may be required to show the present and proposed contours at two (2) foot intervals;

G. A separate sketch showing the relation of the surrounding road network. The north orientation of this sketch shall be the same as on the site plan.

§ 290-4-1.4. Narrative Submittals.

In addition to the plan set forth above, applicants for a special permit for a mobile park shall provide:

A. Information as to the method of sewage disposal and the provision of water supply for domestic and fire protection purposes;

B. A statement as to the existing use of adjacent undeveloped land if known;

C. A certified report of a registered professional engineer indicating highest known groundwater elevation on the site within the last ten (10) years;

D. A statement of proposed drainage systems, including storm drainage to contain runoff without flooding or erosion; and

E. Such other information as the special permit granting authority may request or require in its rules and regulations.

§ 290-4-1.5. Conditions.

A. No mobile home park shall be less than one hundred (100) acres and no single acre shall contain more than five mobile home lots.

B. There shall be provision for central facilities for recreational and services available to all park residents.

C. There shall be at least one off-street parking area provided for each mobile home lot.

D. The area occupied by a mobile home pad, roofed accessory buildings and parking areas shall not exceed forty percent (40%) of the area of the mobile home lot.

E. No mobile home pad shall be located closer than fifteen (15) feet to the nearest mobile home lot line or park street and shall be setback at least thirty (30) feet from any abutting public street. No mobile home pad shall be located within one hundred (100) feet of any stream, pond, or wetland area.

F. The mobile home park street system shall be consistent with the rules and regulations of the Planning Board for the subdivision of land to provide access to the public for public safety.

G. Each mobile home lot shall have a minimum frontage of at least seventy five (75) feet on a mobile home park street.

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

I. Mobile homes shall not be stored or displayed for sale unless mounted on a mobile home pad.

§ 290-4-1.6. Open Space Requirements.

A minimum of twenty five percent (25%) of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the Mobile Home Park. Not more than twenty five percent (25%) of such open space shall be wetlands, as defined pursuant to G.L. c. 131, s. 40.

A. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

B. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses, bikepaths, and agriculture.

C. Underground utilities to serve the mobile home park site may be located within the required open space.

D. The required open space shall, at the owner's election, be conveyed to:

(1) the Town of Carver or its Conservation Commission;

(2) a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

(3) a corporation or trust owned jointly or in common by the owners of units within the mobile home park. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the units in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such trust or corporation which shall provide for mandatory assessments for the maintenance expenses to

each unit. Each such trust or coporation[12] shall be deemed to have assented to allow the Town of Carver to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corportation[13] fails to complete such maintenance, the town may perform it. The owner of each unit shall be deemed to have assented to the town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Zoning Board of Appeals for approval, and shall thereafter be recorded in the Registry of Deeds.

E. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

Article 4-2
UTILITIES

§ 290-4-2.1. Storm Drainage.

A. General Approach:

(1) A complete storm drainage system shall be laid out and of sufficient size as to permit unimpeded flow of all natural waterways, to provide adequate drainage of all portions of the site, and to prevent adverse impacts due to stormwater discharge from the site.

(2) Stormwater from the site shall be recharged to the maximum extent feasible and as near to the runoff source as practicable. Open drainage systems that provide a high level of infiltration, require little maintenance, and result in a minimum of clearing and grading (such as grasses swales or undisturbed natural areas suitable to absorb stormwater) are generally considered superior to closed drainage systems. A series of multiple smaller drainage systems is preferable to a single larger facility.

B. Design Basis and Method:

(1) Drainage systems shall be designed to comply with the following: Where the collection system conveys flows to a detention/retention system designed to

12. **Editor's Note: So in original; should be "corporation."**

13. **Editor's Note: So in original; should be "corporation."**

control the one hundred (100) year storm, the designer shall document how flows in excess of collection system capacity will be safely directed to the control device.

(2) Calculations for the analysis of pre-and post-development peak flows at the property line, and for the design of detention/retention devices shall be developed using the Natural Resource Conservation Service (NRCS) TR-20 methodology.

(3) The development of runoff coefficients (e.g. for the Rational Method) and Runoff Curve Numbers (e.g. for TR-55 and TR-20 methodology) for post-development conditions shall be based on the assumption that the contributing watershed will be fully-developed.

C. Separation between infiltration devices and septic systems: A note shall be added to the plan citing use and general location of dry wells, roof leaders and other individual on-site stormwater management systems in order to facilitate adequate separation for septic systems.

D. Discharge onto abutting lots:

(1) peak stormwater flows at the boundaries of the development shall not exceed peak flows prior to development measured in the same location, based on the two- (2), ten- (10), twenty-five- (25), and one hundred- (100) year, twenty-four hour design storms.

(2) Stormwater volumes shall be controlled so that there is no increased negative impact on any abutting property. No flow shall be conveyed over public ways, or over land of others.

E. Storm drainage structures and appurtenances: The drainage collection system shall be designed to convey projected peak flow rates based upon the twenty-five- (25) year storm utilizing the Rational Method.

§ 290-4-2.2. Emergency Services.

A. Emergency access roads shall be at least 12-feet wide, constructed of an all-weather surface, and cleared of obstructions to a distance of 4-feet on both sides. Gates, where required, shall be equipped with a standard Carver Fire Department lock.

B. A Fire Protection Distribution System (FPDS) shall be provided when deemed necessary by the Special Permit Granting Authority (SPGA). The SPGA shall request written comments from the Carver Fire Department, prior to making a determination. The FPDS shall consist of water mains, hydrants, and appurtenances designed in accordance with the specifications adopted by the Carver Fire Department.

C. A water supply conforming to NFPA 1231 shall be established on the plans for firefighting purposes when deemed necessary by the SPGA. The SPGA shall request written comments from the Carver Fire Department, prior to making a determination.

Article 4-3

WATER RESOURCE PROTECTION

§ 290-4-3.1. Purpose.

The purpose of this Article 4-3 is to protect the public health, safety, and welfare by preserving the quality of ground and surface water which provides existing or potential water supply for the Town's residents, cranberry growers, institutions and businesses.

§ 290-4-3.2. Applicability.

The provision of Article 4-3 shall not apply to land in agricultural use or land being constructed for agricultural use.

§ 290-4-3.3. Prohibited Uses.

The following uses are prohibited:

A. Solid waste disposal facilities, including without limitation landfills and junk and salvage yards, that require a site assignment from the Board of Health under G.L. c. 111, s. 150A (the Landfill Site Assignment Law) and regulations adopted by the Department of Environmental Protection at 310 CMR 19.00;

B. Storage of hazardous wastes in quantities as defined by the Massachusetts Hazardous Waste Management Regulations by a "large quantity generator" including without limitation chemical wastes, radioactive wastes and waste oil;

C. Disposal of hazardous wastes;

D. Disposal of snow that contains de-icing chemicals and that has been brought in from outside the District;

§ 290-4-3.4. Uses Available by Special Permit.

If, in the judgment of the Planning Board, the Design and Operation Standards in § 290-4-3.6 are satisfied, the following uses may be allowed upon issuance of a special permit from the Planning Board and subject to such conditions as the Board may impose. Failure to comply with the terms and conditions of a special permit shall be grounds for revocation of said permit.

A. Any uses where more than 10,000 square feet of any lot would be rendered impervious (excluding roadways).

B. Underground storage of petroleum and other refined petroleum products, including without limitation gasoline, waste oil, and diesel fuel, except within buildings which it will heat or where it currently exists. The Planning Board shall be notified prior to the replacement of any tanks. Replacement tanks shall be double walled (or current state of the art) tanks and shall be of the same gallonage or less. Larger tanks shall require a permit under this By-Law.

C. Storage of road salt or other de-icing chemicals in quantities greater than for normal household use;

D. Manufacture, use, storage, or disposal of toxic or hazardous materials as part of a principal activity, excluding domestic activities, pesticide applications for normal agricultural use, and above-ground tanks for the storage of diesel fuel and gasoline; and

E. Motor vehicle service stations, repair garages, car washes, truck or bus terminals, heliports (excluding helistops), airports, electronic manufacturing, metal plating, commercial chemical and bacteriological laboratories, and dry cleaning establishments using toxic or hazardous materials on site.

§ 290-4-3.5. Special Permit Procedures.

Any application for a special permit shall be made, reviewed and acted upon in accordance with the following procedures:

A. Each application for a special permit shall be filed in writing with the Planning Board and shall contain a complete description of the proposed use, together with any supporting information and plans which the SPGA may require. Submissions should include appropriate data to provide a basis for reviewing the impact of the proposed activity on the aquifer.

B. The Planning Board shall refer copies of the application to the Board of Health, Conservation Commission and the Department of Public Works, which shall review, either jointly or separately, the application and submit their recommendations to the Planning Board. Failure to make recommendations within 35 days of the referral of the application shall be deemed lack of opposition.

C. After notice and public hearing, and after due consideration of the reports and recommendations of the local boards/departments, the Planning Board may grant such a special permit provided that it finds the proposed use:

(1) is in accordance with the provisions of § 290-4-3.6;

(2) is in harmony with the purpose and intent of this bylaw;

(3) is appropriate to the natural topography, soils and other characteristics of the site to be developed;

(4) will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge area (i.e., quality, or quantity of groundwater); and

(5) will not adversely affect an existing or potential water resource.

§ 290-4-3.6. Design and Operation Standards.

A. Provisions shall be made to adequately protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage or vandalism, through such measures as provision for spill control in the vicinity of chemical or fuel delivery

points, secure storage areas for toxic and hazardous materials, and indoor storage provisions for corrodable or dissolvable materials.

B. No disposal of hazardous wastes within the Town shall occur. All provisions of G.L. c. 111, s. 150A (the Landfill Site Assignment Law) and G.L. c. 21C (the Massachusetts Hazardous Waste Management Act) shall be adequately satisfied.

C. Fill material shall contain no solid waste, toxic or hazardous materials, or hazardous waste. Adequate documentation shall be provided to ensure proper condition of the fill. The SPGA may require soils testing by a certified laboratory at the applicant's expense.

D. For industrial and commercial uses, an emergency response plan to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the Planning Board, if deemed necessary, for approval prior to granting of a special permit. Recommendations of the Fire Department on said plan shall be sought.

E. Periodic monitoring shall be required when the site location and land use activities indicate a significant risk of contamination to the water resource as determined by the Planning Board based upon recommendations of the Department of Public Works, Board of Health, and the Conservation Commission. Such monitoring may include analyses of water or soil for appropriate substances and installation of groundwater monitoring wells constructed and located as specified by the Department of Public Works, Board of Health, the Conservation Commission and the Planning Board. All monitoring wells must meet or exceed the proposed or current DEP design standards for monitoring well installation. All costs will be borne by the owner of the premises.

F. All storm water runoff from impervious surfaces shall be recharged on-site unless in conducting site plan review it is determined that either recharge is infeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge. Such recharge shall be by surface infiltration through vegetated surfaces unless otherwise approved by the Planning Board during site plan review. If dry wells or leaching basins are approved for use, they shall be preceded by oil, grease and sediment traps except for specific exemptions allowed by State statutes. Drainage from loading areas for toxic or hazardous materials shall be separately collected for safe disposal.

Article 4-4
WETLAND DISTRICT

§ 290-4-4.1. Purpose.

The purpose of the Wetland District is to insure that development of land within the district will not endanger the health, safety or welfare of the occupants of such land as well as the general public; and to encourage the most appropriate uses of land in Carver. The Wetland District is an overlay district and shall be superimposed over the other districts shown on the zoning map, as a recognition of special conditions which exist in the overlay district.

§ 290-4-4.2. District Delineation.

The Wetland District is defined as the area designated "Wetlands," shown on the Zoning Map.

§ 290-4-4.3. Permitted Uses.

Any use permitted in the underlying district of low flood-damage potential and causing no obstruction to flood flows, provided there are no structures, fill or storage of materials or equipment required, such as:

A. Agricultural uses such as farming, grazing, truck farming, horticultural, and cranberry related activities.

B. Forestry and nursery uses.

C. Outdoor recreational uses of a passive and/or, non-commercial nature, including fishing, boating, play areas.

D. Conservation of water, plant, wildlife.

E. Wildlife management areas, foot, bicycle, and/or horse paths.

F. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

G. Buildings lawfully existing prior to the adoption of these provisions.

§ 290-4-4.4. Uses by Special Permit.

Any use permitted in the underlying district may be permitted upon the issuance of a special permit by the Board of Appeals. Such special permit shall be subject to conditions determined by the Board of Appeals to be necessary to protect human life and property from the hazards of periodic flooding, to preserve the natural storage capacity of the floodplain, and to preserve and maintain the groundwater table and water recharge areas within the flood plain. No structure or building shall be erected, constructed, substantially improved, reconstructed, or otherwise created or moved; no earth or other materials dumped, filled, excavated or transferred, unless a special permit is granted by the SPGA.

A. The proposed use shall comply in all respects to the provisions of the underlying district in which the land is located.

B. Within 10 days of the receipt of the application, the Board of Appeals shall transmit one copy of the development plan to the Conservation Commission, Board of Health, and Town Engineer. No action shall be taken until reports have been received from the above boards or until 35 days have elapsed.

C. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood.

D. All development, including structural and nonstructural activities, shall be in compliance with G.L. c. 131, s. 40 (the Wetlands Protection Act) pertaining to construction in wetland areas.

Article 4-5
PTCD - PLANNED TOURIST COMMERCIAL DISTRICT

§ 290-4-5.1. Purpose.

The purpose of the Planned Tourist Commercial District (PTCD) is to encourage the appropriate use and development of land by providing for certain activities which have a unique relationship and demonstrated value to the town, to promote economic benefits for the residents of the town, to preserve existing cranberry growing activities, and to protect existing tourist oriented land uses from the adverse effect of development of a conflicting nature.

§ 290-4-5.2. Applicability.

The PTCD is defined as the area designated "Tourist-Commercial" shown on the Zoning Map. The PTCD shall be construed as an overlay district. All requirements of the underlying zoning district(s) shall remain in full force and effect, except where the requirements of the PTCD are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements of the PTCD shall supersede the underlying zoning regulations.

§ 290-4-5.3. Uses in the PTCD.

Symbols employed below shall mean the following:

Y - A permitted use.

N - An excluded or prohibited use.

SP - A use authorized under special permit as provided under Article 5-3.

PRINCIPAL USE	PTCD
Cranberry growing and related activities including structures, canals, dams, dikes, ditches, roadways and reservoirs	Y
Agricultural use not exempted by G.L. c. 40A, s. 3	Y
Commercial recreation, outdoors	SP
Demonstration tracts	SP
Hotel or motel	SP
Museums	SP
Places of assembly	SP

PRINCIPAL USE	PTCD
Retail stores, service establishments, banks, gift shops, or restaurants, where each structure contains less than 5000 sq. ft. of floor area	SP
Multi-family dwellings, mobile homes, and all industrial uses	N
Recreational Tourist Railroad	SP

§ 290-4-5.4. Special Permit Procedures.

The special permit granting authority shall be the Zoning Board of Appeals. Any special permit required under this Article 4-5 shall be in addition to, and separate from, any other special permit required under this By-Law. Such special permit may be granted after consideration of the criteria set forth in § 290-5-3.3, and after a finding that the proposed use or activity is appropriate and consistent with the conceptual plan for the PTCD.

§ 290-4-5.5. Principal Use Limitation.

Not more than one principal use shall be conducted in any single structure.

Article 4-6
WCF - WIRELESS COMMUNICATIONS FACILITIES OVERLAY DISTRICT

§ 290-4-6.1. Purpose.

The purpose of this article is to establish areas in which wireless communications facilities may be provided while protecting Carver's unique community character. The WCF Overlay District has been created (a) to provide for safe and appropriate siting of wireless communications facilities consistent with the Telecommunications Act of 1996,[14] and (b) to minimize visual impacts from such facilities on residential districts and scenic areas within Carver.

§ 290-4-6.2. Administration.

In accordance with the requirements of 47 USC s.332 c (7)(B), and until such requirements are modified, amended or repealed in regulating the placement, construction and modification of personal wireless service facilities, the administration of this article shall be undertaken in the following manner; it shall not unreasonably discriminate among providers of functionally equivalent services, and is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services. This article shall not regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.

14. Editor's Note: See 47 U.S.C. § 521 et seq.

§ 290-4-6.3. Location.

A. The WCF District shall be located as follows: All of the Town of Carver.

B. No wireless communication facility may be placed, constructed or modified except upon issuance of a special permit and site plan approval from the Zoning Board of Appeals, provided however that co-location on an existing WCF structure is allowed as-of-right where the existing structure is not being substantially altered.

§ 290-4-6.4. Applicability.

The WCF District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning shall remain in full force and effect, except as may be specifically superseded herein.

§ 290-4-6.5. Submittal Requirements.

A. As part of any application for a special permit, applicants shall submit, at a minimum, the information required for site plan approval, as set forth herein at Article 3-1.

B. An applicant for a special permit shall describe the capacity of the proposed facility, based upon current technology, including the maximum number and type of antenna arrays and dishes that the facility can accommodate, together with a description of the number and type of antenna arrays that are proposed to be authorized by the special permit application.

§ 290-4-6.6. Special Permit.

A wireless communications facility may be erected or modified in the WCF District upon the issuance of a special permit by the Board of Appeals if the board determines that the adverse effects of the proposed facility will not outweigh its beneficial impacts as to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

A. communications needs served by the facility;

B. traffic flow and safety, including parking and loading;

C. adequacy of utilities and other public services;

D. impact on neighborhood character, including aesthetics;

E. impacts on the natural environment, including visual impacts;

F. potential fiscal impact, including impact on town services, tax base, and employment;

G. new monopoles shall be considered only upon a finding that existing or approved monopoles or facilities cannot accommodate the equipment planned for the proposed monopole.

§ 290-4-6.7. Conditions.

All wireless communications facilities shall be subject to the following conditions:

A. To the extent feasible, service providers shall co-locate on a single facility. Monopoles shall be designed to structurally accommodate forseeable users (within a ten (10) year period) where technically practicable.

B. New free-standing facilities shall be limited to monopoles; no lattice towers shall be permitted. Monopole height shall not exceed 100 feet above mean finished ground elevation at the base of the mounting structure; provided, however, that a monopole may be erected higher than 100 feet where co-location is approved or proposed, not to exceed a height of 150 feet above mean finished ground elevation at the base of the mounting structure.

C. Wireless communications facilities may be placed upon or inside existing buildings or structures, including water tanks and towers, church spires, electrical transmission lines, and the like. In such cases, the facility height shall not exceed two (2) feet above the height of the existing structure or building.

D. All structures associated with wireless communications facilities shall be removed within one (1) year of cessation of use. The Board may require a performance guarantee to effect this result.

E. To the extent feasible, all network interconnections from the communications facility shall be via land lines.

F. Any tower shall be set back from property lines a distance of at least forty (40) feet, and from public ways and residential uses a distance of at least three (3) times the height of the tower.

G. The facility shall minimize, to the extent feasible, adverse visual effects on the environment. The Zoning Board of Appeals may impose reasonable conditions to ensure this result, including painting, lighting standards, landscaping, and screening. Existing on-site vegetation shall be preserved to the maximum extent possible. Fencing may be required to control unauthorized entry to wireless communication facilities.

H. Traffic associated with the facility shall not adversely affect public ways.

I. The Board of Appeals has the authority to increase or decrease the setbacks and height limitations herein, if warranted by site specific conditions.

Article 4-7
LANDFILL OVERLAY DISTRICT

§ 290-4-7.1. Purpose.

The purpose of the Landfill Overlay District (LOD) is to regulate Large Scale Ground Mounted Solar Photovoltaic Installations (LSGMSPI) within the LOD.

§ 290-4-7.2. Applicability.

The LOD is defined as the area designated "Landfill Overlay District" shown on the Zoning Map. The LOD shall be construed as an overlay district. All requirements of the underlying zoning district(s) shall remain in full force and effect, except where the requirements of the LOD are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements of the LOD shall supersede the underlying zoning regulations.

§ 290-4-7.3. Uses.

Large Scale Ground Mounted Solar Photovoltaic Installations (LSGMSPI) shall be allowed within the LOD by Special Permit from the Planning Board. All requirements for LSGMSPI listed in §§ 290-3-6.3 to 290-3-6.7 of the Carver Zoning By Laws shall apply to a LSGMSPI in the Landfill Overlay District. However if the proposed LSGMSPI abuts a water body which is zoned residential, the Planning Board may waive the setback requirements from the water body not less than 100 feet.

Article 4-8
ADULT USES

§ 290-4-8.1. Purpose.

This article is enacted pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interest of preventing the clustering and concentration of adult entertainment enterprises as defined herein because of their deleterious effect on adjacent areas and in response to studies demonstrating their effect in generating crime and blight.

§ 290-4-8.2. Adult Use Defined.

For the purposes of this article, an "Adult Use" shall mean an adult bookstore, adult video store, and adult live entertainment establishment, and/or an adult motion picture theater.

§ 290-4-8.3. Special Permit Required.

No Adult Use may be established or operated without a special permit from the Board of Appeals, as set forth in § 290-2-2.3, the Table of Uses. Any commercial establishment or activity that promotes or portrays under the guise of entertainment or education, sexual abuse of or by or among men, women, and children, and any such abuse that threatens their health and the health of a community shall not be granted a special permit in the Town of Carver. Furthermore, any such commercial establishment or activity that violates the community standards of said Town shall not be granted a special permit in the Town of Carver.

§ 290-4-8.4. Location.

No Adult Use may be located within one thousand (1,000) feet of another Adult Use, nor

A. Within five hundred (500) feet from the nearest lot line of a Residential District.

B. Within five hundred (500) feet from the nearest lot line of any establishment licensed under the provisions of G.L. c. 138, s. 12.

C. Within one thousand (1,000) feet from the nearest lot line of a school, church, day care center, public beach, or playground.

§ 290-4-8.5. Setback.

Adult Uses and all advertising signs on the premises thereof shall not be located within fifty (50) feet of a public or private way and must be set back a minimum of fifty (50) feet from all lot lines.

§ 290-4-8.6. Display of Adult Videos.

No store which rents and/or sells videos shall have any adult videos openly displayed in the same public viewing area as non-adult videos. Said adult videos shall be displayed in a separate room from the non-adult videos, which is to be constructed to prevent the view of adult video stock by the general public unless they enter the room itself. Said enclosure shall have only one entrance and be located to ensure proper monitoring.

§ 290-4-8.7. Lapse.

A special permit for an Adult Use shall lapse within one (1) year, including the time required to pursue or await the determination of an appeal filed pursuant to G. L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

§ 290-4-8.8. Limitation.

No Special Permit may be granted hereunder to any person convicted of violating the provisions of G.L. c. 119, s. 63 or G.L. c. 272, s. 28.

Article 4-9
TATTOO PARLORS/BODY PIERCING

§ 290-4-9.1. Purpose.

The purpose of this article is to establish areas in which Tattoo Parlors and Body Piercing establishments may be located while protecting the Town of Carver's unique community character.

§ 290-4-9.2. Operation.

All such establishments shall operate in accordance with the rules set forth under 105 CMR 124 and the Town of Carver Zoning By-laws.

§ 290-4-9.3. Special Permit Required.

No Tattoo Parlor/Body Piercing may be established or operated without a Special Permit from the Planning Board, as set forth in Article 5-3. The Applicant shall also submit the necessary license(s) from the Board of Health with his application for the Special Permit. Any such establishment that violates the community standards of the Town shall not be granted a Special Permit.

§ 290-4-9.4. Location.

No Tattoo Parlor/Body Piercing may be located within any area not listed under § 290-2-2.3, Use Regulation Schedule.

§ 290-4-9.5. Prohibited.

Tattoo Parlor/Body Piercing shall not be located as a home occupation in the Town of Carver.

§ 290-4-9.6. Limitation.

No Special Permit may be granted hereunder to any person convicted of violating the provisions of G.L. c. 119, s. 63, or G.L. c. 272, s. 28.

Article 4-10
TEMPORARY USE OF MOBILE HOME

§ 290-4-10.1. [Conditions.]

Upon written application by the owner of record of any lot in any district to the Building Inspector, a permit may be granted for use on said lot of only one mobile home unit as a temporary residence for not more than 60 days, provided said unit:

A. Has adequate sanitary facilities approved in writing by the Board of Health;

B. Is properly situated on said lot as required in writing by the Building Inspector;

C. Is not objectionable by reason of noise, odor, or public nuisance.

§ 290-4-10.2. [Permit; Renewal.]

Upon written application by the owner of record of any lot in any district on which permanent dwelling is being or is to be constructed, or rebuilt, or remodeled by or for the owner of record, the Building Inspector shall issue a permit for use on that lot of one mobile

home unit as a temporary residence for a period of not over six (6) months during such construction, rebuilding or remodeling, and such permit may be renewed if in the opinion of the Building Inspector the progress of the permanent dwelling justifies a second period of not over six (6) months. This permit shall be subject to the same conditions listed in § 290-4-10.1 of this By-Law, and its issuance shall be contingent upon the existence of a permit for the erection, rebuilding, or remodeling of a permanent building on the same lot.

§ 290-4-10.3. [Business or Nonresidential Use Only.]

On written application by the owner of record of any lot in a Commercial or Industrial District, the Building Inspector may issue a permit for the use on said lot of a unit as a temporary office for a business or other purposes upon such terms as the Building Inspector may require. No mobile home unit under this article shall be used for residential purposes.

Article 4-11
SPECIAL REQUIREMENTS FOR REGISTERED MARIJUANA DISPENSARIES

§ 290-4-11.1. Purposes.

A. To provide for the establishment of Registered Marijuana Dispensaries in appropriate places and under strict conditions in accordance with the passage of the Humanitarian Medical Use of Marijuana Act, Massachusetts General Laws, Chapter 94C, App. 1-1,[15] as approved by the voters as Question #3 on the November, 2012 state ballot (hereinafter referred-to as the "Act").

B. To minimize the adverse impacts of Registered Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.

C. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Marijuana Dispensaries.

§ 290-4-11.2. Applicability.

A. The commercial cultivation, unless it meets the requirements for an agricultural exemption under Massachusetts General Laws, Chapter 40A Section 3, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless a special permit for a Registered Marijuana Dispensary is issued under this Article 4-11.

B. No Registered Marijuana Dispensary shall be established except in compliance with the provisions of this Article 4-11.

C. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

15. Editor's Note: MGL c. 94C, Appendix §§ 1-1 to 1-17, added by Chapter 369 of the Acts of 2012, was repealed in 2017. See now MGL c. 94I for statutory provisions regarding medical use of marijuana.

D. If any provision of this article or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this article, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this article are severable.

§ 290-4-11.3. Definitions.

MARIJUANA — The same substance defined as "marihuana" under Massachusetts General Laws, Chapter 94C.

MARIJUANA FOR MEDICAL USE — Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in the Act and Department of Public Health ("DPH") Regulations, 105 CMR 725.000[16]

REGISTERED MARIJUANA DISPENSARY — Shall mean a "Medical marijuana treatment center" to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

§ 290-4-11.4. Eligible Locations for Registered Marijuana Dispensaries.

Registered Marijuana Dispensaries, other than agricultural operations meeting exemption standards under Massachusetts General Laws, Chapter 40A, Section 3, may be allowed by Special Permit from the Carver Planning Board in the Industrial "A" Zoning District provided the dispensary meets the requirements of this Article 4-11.

§ 290-4-11.5. General Requirements and Conditions for all Registered Marijuana Dispensaries.

A. All non-exempt Registered Marijuana Dispensaries shall be contained within a building or structure.

B. No Registered Marijuana Dispensary shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet and must meet all local, state and federal building and health and safety standards.

C. A Registered Marijuana Dispensary shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

16. Editor's Note: See now 935 CMR 501.000 et seq.

D. The hours of operation of Registered Marijuana Dispensaries shall be set by the Special Permit Granting Authority, but in no event shall said Facilities be open for retail business between the hours of 7:00 PM and 8:00 AM.

E. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Registered Marijuana Dispensary.

F. No Registered Marijuana Dispensary shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

G. Signage for the Registered Marijuana Dispensary shall include the following language: "Registration card issued by the MA Department of Public Health required." The required text shall be a minimum of two inches in height.

H. Registered Marijuana Dispensaries shall provide the Carver Police Department, Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

§ 290-4-11.6. Special Permit Requirements.

A. A Registered Marijuana Dispensary shall only be allowed by special permit from the Carver Planning Board in accordance with Massachusetts General Laws, Chapter40A, section9, subject to the following statements, regulations, requirements, conditions and limitations.

B. A special permit for a Registered Marijuana Dispensary shall be limited to one or more of the following uses that shall be prescribed by the Planning Board:

(1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Massachusetts General Laws, Chapter 40A, Section 3 shall not require a special permit;

(2) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and/or

(3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients and any other persons so permitted by DPH regulations.

C. In addition to the application requirements set forth in §§ 290-4-11.5 and 290-4-11.6 of this Bylaw, a special permit application for a Registered Marijuana Dispensary shall include the following:

(1) the name and address of each owner of the dispensary;

(2) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;

(3) evidence of the Applicant's right to use the site of the facility for the facility, such as a deed, or lease;

(4) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, Administrators, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

(5) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

(6) Proposed security measures for the Registered Marijuana Dispensary, including lighting, fencing, gates and alarms, and the like, to ensure the safety of persons and to protect the premises from theft.

D. Mandatory Findings. The Planning Board shall not issue a special permit for a Registered Marijuana Dispensary unless it finds that:

(1) the facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, § 11;

(2) the facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

(3) the Applicant has satisfied all of the conditions and requirements of §§ 290-4-11.5 and 290-4-11.6 herein;

E. Annual Reporting. Each Registered Marijuana Dispensary permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

F. A special permit granted under this article shall have a term limited to the duration of the applicant's ownership of the premises as a Registered Marijuana Dispensary. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Article 4-11.

G. The Board shall require the applicant to post a bond or other form of security acceptable to the Board prior to obtaining a building permit. The purpose of the bond or other security is to cover costs for the removal of the Registered Marijuana Dispensary in the event the Town must remove the facility. The value of the bond or other security shall be based upon the ability to completely remove all the items noted in § 290-4-11.7B and properly clean the facility at prevailing wages. The value of the bond shall be developed based upon the applicant providing the Planning Board with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall

be applied to all bonds to ensure compliance and adequate funds for the town to remove the facility at prevailing wages.

§ 290-4-11.7. Abandonment or Discontinuance of Use.

A. A special permit shall lapse if not exercised within one year of issuance.

B. A Registered Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:

(1) prior to surrendering its state issued licenses or permits; or

(2) within six months of ceasing operations; whichever comes first.[17]

Article 4-12
NON-MEDICAL MARIJUANA OVERLAY DISTRICT BYLAW

§ 290-4-12.1. Purpose.

To provide for the placement of Non-Medical Marijuana Establishments, in accordance with An Act To Ensure Safe Access to Marijuana, c.55 of the Acts of 2017 and all regulations which have or may be issued by the Cannabis Control Commission, including, but not limited to 935 CMR 500.000 implementing this Act, in locations suitable for such uses, which will minimize adverse impacts of Non-Medical Marijuana Establishments on adjacent properties, residential neighborhoods, schools, playgrounds, public beaches and other locations where minors congregate by regulating the siting, design, placement, security, and removal of Non-Medical Marijuana Establishments.

§ 290-4-12.2. Establishment.

A. There shall be two Non-Medical Marijuana Overlay Districts ("NMOD"); Non-Medical Marijuana Overlay District/Cultivation and Processing ("NMOD/CP") and Non-Medical Marijuana Overlay District/Retail ("NMOD/R"). The boundaries of both NMOD/CP and NMOD/R are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:

(1) NMOD/CP:

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext
20	1		21	2	A	22	10		24	1		25	1	
	12						10	1		2			1	A
	13						11			3			2	N
	14						3			3	1		4	
	2						3	1		3	2		4	A

17. **Editor's Note: Original Sec. 4970, Temporary Moratorium on Non-Medical or Recreational Marijuana Establishments, which immediately followed this subsection, expired 6-30-2019 and was deleted from the Zoning Bylaw 4-11-2023 ATM by Art. 34. See now Art. 4-12.**

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext
	2	1					3	A					4	B
	3						3	B					4	C
						22	4					25	5	
							5	A						
							5	B						
							5	C						
							5	D						
							5	E						
							7	A						

(2) NMOD/R:

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Map	Lot	Ext	Map	Lot	Ext	Map	Lot
94	6		95	4	A	98	6	126	21		127	A	3	128	1
	6	A		3			6-A		24			A	2		6
	5			3	A		4		25			A	1		7
	3			3	1		5		35			6			8
	2			7			3		36	1		8			
	1			1			1					10	1		
	11			6	A		8					10			
	13											11			
	9											12			
	8											21			
												22A	2		
												22A	1		

B. Within the NMOD/CP and NMOD/R, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the NMOD/CP and NMOD/R may be used for any state-licensed Non-Medical Adult Use Marijuana Establishment, in which case the requirements set forth in this article shall apply. Land in either the NMOD/CP and/or NMOD/R may be used for a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the NMOD/CP and/or NMOD/R are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the NMOD/CP and/or NMOD/R conflict with the requirements of the underlying district, the requirements of the NMOD/CP and/or NMOD/R shall control.

§ 290-4-12.3. Definitions.

Where not expressly defined in the Zoning Bylaws, terms used in this article of the Bylaw shall be interpreted as defined in G.L. c.94I and G.L. c.94G and any regulations issued by the Cannabis Control Commission implementing these laws, and otherwise by their plain language.

INDEPENDENT TESTING LABORATORY — Means a laboratory that is licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation

of the Adult Use of Marijuana that is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c.94C, § 34.

MARIJUANA CULTIVATOR — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

MARIJUANA DELIVERY-ONLY RETAILER — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility, or micro-business.

MARIJUANA ESTABLISHMENT — Means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana.

MARIJUANA PRODUCT MANUFACTURER — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

MARIJUANA RETAILER — Means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.

MEDICAL MARIJUANA TREATMENT CENTER — Means an entity licensed by the Department of Public Health or the Cannabis Control Commission under a medical use marijuana license that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials for the benefit of registered qualifying patients or their personal caregivers in the treatment of debilitating medical conditions or the symptoms thereof.

§ 290-4-12.4. Number of Licenses.

Only 2 Marijuana Retailers will be allowed to operate in the NMOD/R at one time.

§ 290-4-12.5. Location and Dimensional Controls.

A. Non-Medical Marijuana Establishments may be permitted in the NMOD/CP and/or NMOD/R pursuant to a Special Permit and Site Plan Approval.

B. Non-Medical Marijuana Establishments may not be located within 500 feet of the following pre-existing uses:

(1) Public or private school providing education in pre-school, kindergarten and/or grades 1 through 12;

(2) State-licensed Child Care Center, as defined in M.G.L. Chapter 15D; or

(3) Library, playground, public park, public beach, religious facility, youth center; or similar facility in which minors commonly congregate for a particular purposes in a structured and scheduled manner.

The distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed Non-Medical Marijuana Establishment.

C. Cultivation and processing facilities located within the NMOD/CP shall be separated from adjacent uses by a 50-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.

D. Non-Medical Marijuana Establishments shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations.

E. Unless explicitly stated otherwise, Non-Medical Marijuana Establishments shall conform to the dimensional requirements applicable to non-residential uses within the underlying zoning district.

F. Non-Medical Marijuana Establishments shall conform to the signage requirements of Article 3-5 of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

§ 290-4-12.6. Special Permit.

A. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) and shall conduct Site Plan Review for an applicant for a Non-Medical Marijuana Establishment.

(1) Application: In addition to the materials submission requirements of Article 3-1 and Article 5-3, the applicant shall also include:

(a) A detailed floor plan of the premises of the proposed Non-Medical Marijuana Establishment that identifies the square footage available and describes the functional areas of the facility;

(b) Detailed site plans that include the following information:

[1] Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Bylaw;

[2] Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;

[3] Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;

[4] Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;

[5] Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.

[6] Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and

[7] Adequacy of water supply, surface and subsurface drainage and light.

(c) a description of the security measures, including employee security policies;

(d) a copy of the emergency procedures;

(e) a copy of proposed waste disposal procedures; and

(f) a copy of all licensing materials issued by the Cannabis Control Commission, and any materials submitted to these entities by the applicant for purposes of seeking licensing to confirm that all information provided to the Planning Board is consistent with information provided to the Cannabis Control Commission, as applicable.

(g) a notarized statement signed by the Non-Medical Marijuana Establishment organization's Chief Executive Officer disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.

(2) The SPGA shall refer copies of the application to all Town departments and boards/commissions, including but not limited to the Building Department, Fire Department, Police Department, Board of Health, and the Conservation Commission.

(3) After notice and public hearing in accordance with Article 3-1 and Article 5-3 of the Bylaw and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit and request for site plan approval.

B. Special Permit Conditions on Non-Medical Marijuana Establishments: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this article. In addition to any specific conditions applicable to the applicant's Non-Medical Marijuana Establishment, the SPGA may include the following conditions in any special permit granted under this Bylaw:

(1) Hours of Operation, but if none are specified in the special permit, hours of operation shall be limited to 9:00 a.m. - 8:00 p.m. Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sundays

(2) The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.

(3) A Security Plan shall be required for all Non-Medical Marijuana Establishments, which shall be subject to approval by the Fire and Police Chiefs and submitted to the Planning Board.

(4) The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

(5) Non-Medical Marijuana Establishment may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.

(6) Non-Medical Marijuana Establishments may not operate, and the special permit will not be valid, until the applicant has entered into a Host Community Agreement with the Town relative to any facility permitted under this Bylaw.

(7) A special permit granted under this article shall have a term limited to the duration of the applicant's ownership and use of the premises as a Non-Medical Marijuana Establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

(8) The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.

(9) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the Non-Medical Marijuana Establishment's expiration or termination of the permit holder's license with the Cannabis Control Commission.

(10) No outside storage is permitted.

(11) If the applicant is not the owner of the property, the applicant shall supply express written permission from the property owner.

(12) Unless otherwise specified in the special permit, marijuana cultivators shall use organic fertilizer.

§ 290-4-12.7. Prohibition Against On-Site Consumption.

No marijuana shall be smoked, eaten, or otherwise consumed or ingested in public or on the premises of a Non-Medical Marijuana Establishment absent a positive vote by ballot question presented to the voters of the city or town at a biennial state election pursuant to G.L. c.94G, s.3(b).

§ 290-4-12.8. Prohibition Against Nuisances.

No use shall be allowed in the MOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

§ 290-4-12.9. Abandonment and Discontinuance of Use.

A. A Non-Medical Marijuana Establishment shall be required to remove all material, plants, equipment, signs and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity relocation to a new site and any other cessation of operation as regulated by the Cannabis Control Commission. Such removal will be in compliance with 105 CMR 725.105 (J), (O.)[18] and regulations from the CCC; and

B. A Special Permit granted hereunder shall lapse if the applicant ceases marijuana establishment operations for a period of ninety (90) days and/or if the applicant's license by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site;

Part 5
ADMINISTRATION

Article 5-1
ADMINISTRATION

§ 290-5-1.1. Permits.

This By-Law shall be administered by the Building Inspector. Pursuant to the State Building Code, the Building Inspector may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use without written certification by the

18. Editor's Note: See now 935 CMR 500.000 et seq.

Building Inspector that such action is in compliance with then-applicable zoning, and that all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as such certification.

§ 290-5-1.2. Enforcement.

The Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Select Board to Town Counsel.

§ 290-5-1.3. Penalties.

The penalty for violation of any provision of this By-Law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be up to three hundred dollars ($300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

Article 5-2
BOARD OF APPEALS

§ 290-5-2.1. Establishment.

There is hereby established a Board of Appeals which shall consist of five (5) members and two (2) associate members, who shall be appointed and act in all matters under this By-Law in the manner prescribed in G.L. c. 40A.

§ 290-5-2.2. Powers.

The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

A. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Article 5-3, or as otherwise specified.

B. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances in any zoning district of the Town.

C. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

D. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

§ 290-5-2.3. Public Hearings.

The Board of Appeals shall hold public hearings in accordance with the provisions of the General Laws, with regard to all appeals and petitions brought before it.

Article 5-3
SPECIAL PERMITS

§ 290-5-3.1. Special Permit Granting Authority (S.P.G.A.).

Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.

§ 290-5-3.2. Governance.

Special permit applications and decisions shall be governed by the filing and public hearing requirements set forth in G.L.c. 40A, s.9. The 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 G.L.c.40A.

§ 290-5-3.3. Criteria.

Special permits may be granted by the S.P.G.A. upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this by-law, the determination shall include consideration of each of the following:

A. Social, economic, or community needs which are served by the proposal;

B. Traffic flow and safety, including parking and loading;

C. Adequacy of utilities and other public services;

D. Neighborhood character and social structures;

E. Impacts on the natural environment;

F. Potential fiscal impact, including impact on town services, tax base, and employment.

§ 290-5-3.4. Procedures.

Whenever an application for a special permit is filed with a S.P.G.A., the applicant shall also file, within three (3) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, and the Town Planner for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and

documentation have been filed with the S.P.G.A. Said authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to either complete an application within such time or to request permission to withdraw the incomplete application without prejudice prior to the publication of the notice of the public hearing thereon, shall result in a denial of the application on the ground that it is incomplete. Reports from other boards and officials shall be submitted to the S.P.G.A. by the date of the public hearing, but in any case within thirty-five (35) 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. In the event that the public hearing by the S.P.G.A. is held prior to the expiration of the 35 day period, said authority shall continue the public hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the S.P.G.A. shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

§ 290-5-3.5. Chapter 43D Priority Development Sites.

A. 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.

B. 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.

§ 290-5-3.6. Conditions.

Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the S.P.G.A. may deem necessary to serve the purposes of this By-Law.

§ 290-5-3.7. Plans.

An applicant for a special permit shall submit a plan in substantial conformance with the requirements of §§ 290-3-1.2 and 290-3-1.3, herein.

§ 290-5-3.8. Lapse.

Unless otherwise noted herein, special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

§ 290-5-3.9. [Planning Board Associate Member.]

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 Select Board 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.

Article 5-4
AMENDMENTS

§ 290-5-4.1. State law.

This by-law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

Article 5-5
APPLICABILITY

§ 290-5-5.1. Other Laws.

The provisions of this by-law shall not be abrogated by any private restriction, easement, covenant or agreement relative to the use of land governed hereunder. This by-law shall not interfere with any other town by-law, rule or regulation which is more restrictive; where this by-law is more restrictive, it shall control.

§ 290-5-5.2. Conformance.

Construction or operations under a Building Permit shall conform to any subsequent amendment of this by-law unless the use or construction is commenced within a period of six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

Article 5-6
SEPARABILITY

§ 290-5-6.1. Severability.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

Part 6
DEFINITIONS

§ 290-6.1. Intent; word usage and interpretation.

A. The intent of this article is to provide definitions for certain terms, words and/or series of words which are to be utilized in the interpretation of this by-law, whether or not the definition stated herein is contrary to common usage or contrary to the definition as contained in a dictionary.

B. For the purpose of this by-law and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein; words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended", or "offered", to be used or occupied; the words "building", "structure", "lot", "land", or premises shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is mandatory and directory, and "may" is permissive. Any word indicating gender, such as he or she, shall be construed to mean both genders.

C. Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either this by-law or the State Building Code shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the categories "Commercial" and "Industrial" shall be defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

§ 290-6.2. Terms defined.

The defined words and phrases are as follows:

ACCESS — A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

ACCESS CONNECTION — Any driveway, street, curb cut, turnout or other means of providing for the movement of vehicles to or from the public/private roadway network.

ACCESSORY APARTMENT — Shall mean a dwelling unit of not more than 800 sq. ft., located in an existing residential structure in accordance with the provisions of § 290-2-2.6, herein.

ACCESSORY BUILDING OR STRUCTURE — Shall mean a building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building. A building is accessory only where a principal building exists on the same lot. No accessory building or structure may be higher than twenty feet, or ten feet less than the height of the principal building or structure on the lot, whichever is greater except that a structure or structures such as a water tower or tank used for potable water supply or fire protection purposes for a nonresidential use shall not be subject to such height limitation in the Green Business Park. An accessory building serving the needs of residents of a dwelling may include the following:

A. Garage; tool shed; shop; well house; not exceeding a floor area of 700 square feet.

B. Barn or building used to house animals or poultry and not exceeding a floor area of 600 square feet.

ACCESSORY DWELLING UNITS ABOVE COMMERCIAL DEVELOPMENTS — Shall mean an incidental residential unit(s) of a minimum of 1,000 sq. ft., located in a commercial building in accordance with the provisions of § 290-2-2.7, herein.

ACCESSORY USE — Shall mean a use customarily incidental to and located on the same lot with the principal use. A use is accessory only where the principal use it serves exists on the same lot.

ADULT USE — [The definition of adult use includes the following types of establishments.]

A. ADULT BOOKSTORE — Shall mean an establishment having as a substantial or significant portion of its stock in trade books, magazines, and other matters which are distinguished as characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, § 31.

B. ADULT DANCE CLUB — Shall mean an establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in M.G.L. c. 272, § 31.

C. ADULT LIVE ENTERTAINMENT ESTABLISHMENT — Shall mean an enclosed building used for presenting live entertainment featuring nude or semi-nude dancing, or any other live entertainment distinguished by an emphasis on matters depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

D. ADULT MOTION PICTURE THEATER — Shall mean an enclosed building or any portion thereof used for presenting material (motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L.c. 272, s.31.

E. ADULT VIDEO — Shall mean a video which is distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L.c. 272, s. 31.

F. ADULT VIDEO STORE — Shall mean an establishment having as a substantial or significant portion of its stock in videos, and other matter which are distinguished or

characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. c. 272, § 31.

AGRICULTURAL USE — Shall mean the raising of animals, fruits, vegetables, berries, nuts, or other food for human consumption, feed for animals, tobacco, flowers, sod, trees, nursery, or greenhouse products, and ornamental plants and shrubs, or the raising of forest products under a planned program; or the primary and direct use in a related manner which is incidental thereto and represents a customary and necessary use in raising such products and preparing them for market.

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

ANIMAL CLINIC OR HOSPITAL — Shall mean a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

ASSISTED ELDERLY HOUSING — Shall mean a residential facility occupied by persons over the age of 55, their spouses or surviving spouses, including rooms occupied by resident staff personnel. Such a facility may include a full range of nursing care from total to partial assistance, and may provide food preparation services, limited residential food preparation areas, and common recreational, laundry, social, medical, religious, and service facilities for the exclusive use of the residents.

ATM — Shall mean a device whether attached to a structure or free standing, for the dispensing of money and the conducting of financial transactions. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

BANK — Shall mean an establishment for the conduct of financial transactions including the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds.

BED AND BREAKFAST — Shall mean a private owner-occupied residence in which lodging and breakfast are offered to transients for a fee. Such a facility shall not contain more than seven (7) rooms for rent.

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

BILLBOARD — Outdoor advertising on a board, poster, panel structure or device of any kind used or intended to be used for advertising or display painted thereon, or for the affixment, attachment or support of printed posters or other advertising matter, and constructed, erected and located on any premises or applied directly and or attached to a wall or placed on a roof of a building or structure not owned or occupied by the person for whose use such billboard is constructed, erected, located or attached, and when used for purposes other than advertising the business conducted on such premises or in such building or structure. Such outdoor advertising constructed, erected and located as aforesaid used for the purpose of advertising the business conducted on a premise or in a building or structure shall be deemed a sign.

BITUMINOUS CONCRETE OR CONCRETE BATCHING PLANT — Shall mean a manufacturing facility where a hard strong building material is produced by mixing a

cementing material (such as portland cement) and a mineral aggregate (such as sand and gravel) with sufficient water to cause the cement to set and bind the entire mass.

BODY PIERCING — Shall mean the puncturing or penetration of the skin of a person with presterilized single-use needles and the insertion of presterilized jewelry or other adornments thereto into the opening. This definition includes piercing of the outer perimeter of the ear, but does not include piercing of the earlobe with presterilized single-use stud-and-clasp ear-piercing systems.

BUFFER STRIP OR BUFFER ZONE — Shall mean an area of indigenous or planted vegetation which shall separate the structures and uses within a development from any adjacent properties and public ways. No vegetation shall be removed from this buffer zone after development, nor shall any building or structure be placed therein.

BUILDING — Shall mean a structure adapted to permanent or continuous occupancy for assembly, business, professional, education, industrial, institutional, residential, or storage purposes, and the term "building" shall be construed as if followed by the words "or portion thereof".

BUILDING FOOTPRINT — Shall mean the area enclosed by the structural foundation, not including stairwells or protruding windows.

BUILDING HEIGHT — Shall mean the vertical distance from the mean finish grade of the ground adjoining the building at the street side to the highest point of the ridge.

BUILDING, PRINCIPAL — Shall mean the building in which is conducted the principal use of the lot on which said building is located.

CAMPGROUND ROADS

A. ACCESS — The way which leads from the street, as herein defined, to the main office/facility.

B. SERVICE — Ways serving the campsites and different areas within the campgrounds, main service being a two-way collector and minor service being a one-way minor.

C. EMERGENCY — Way to be used exclusively for emergency vehicles and gated if necessary.

CAMPGROUND, NET USABLE LAND AREA (NULA) — The NULA acreage is established by subtracting all water bodies, wetlands, marshes, bogs, land actively mined, buffers, easements, slopes over 25%, land within a sixty-five (65) foot wetland buffer area to these regulated lands and any other land legally restricted from development.

CAR WASH — Shall mean:

A. An area of land and/or a structure with machine, or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing, of motor vehicles.

B. A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

CEMETERY — Shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHANGE OR SUBSTANTIAL EXTENSION OF A NONCONFORMING USE — Shall mean change to a use that does not reflects the 'nature and purpose' of the use prevailing when the zoning by-law took effect; or change so as to create a difference in the quality or character, as well as the degree, of use; or change 'different in kind in its effect on the neighborhood'. See Town of Bridgewater v. Chuckran, 351 Mass. 20, 23 (1966).

COMMERCIAL RECREATION, OUTDOORS — Shall mean drive-in theatre, golf course/ driving range, minature golf course, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-law.

COMMERCIAL RECREATIONAL CAMPGROUND — A parcel or contiguous parcels of land upon which campsites are located, established, and maintained for occupancy by campers or recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes from May 1 to November 1 for commercial purposes.

CONTRACTOR'S YARD — Shall mean premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking or wheeled or portable equipment.

COPY SHOP — Shall mean a place which provides photocopying, blueprinting or binding services to the public, but does not include printing presses or silk screening.

CRAFTSMAN/TRADESMAN — Shall mean retail and/or service provided by a worker who practices a trade or handicraft, one who creates or performs with skill or dexterity especially in the manual arts, such as a jeweler, cabinet maker, frame person.

CRANBERRY RECEIVING STATION — Shall mean a facility for receiving, proccessing[19] for storage, and storing of cranberries, including principal buildings, accessory buildings, structures and other land improvements relating to such a facility. Notwithstanding any other provision of this by-law, such a facility when located within the RA District, shall be situated on a parcel of not less than 100 acres, with minimum frontage of 300 feet, minimum front, side and rear yards of 100 feet, maximum building height of 2.5 stories and 40 feet, maximum lot coverage by buildings of 50%, driveways with a minimum width of 22 feet and a maximum width of 30 feet, and a buffer strip of not less than 100 feet in width along the perimeter of the parcel.

CROSS ACCESS — A service drive providing vehicular and pedestrian access between two or more contiguous sites so the driver need not enter the public street system.

DEMONSTRATION TRACT — Shall mean cranberry cultural activities, forestry, wildlife, exhibition sawmill and similar activities, primarily intended for tourist or educational purposes.

19. Editor's Note: So in original; should be "processing."

DEVELOPMENT RIGHTS — Shall mean rights to develop a single-family house lot, expressed as the maximum number of lots permissible on a designated sending parcel(s) under the applicable zoning and subdivision rules and regulations in effect on the date of the transfer of development rights. Development rights (house lots) are computed on a one-for-one-basis. Determination of the maximum number of development rights (house lots) available for transfer shall be made by the Planning Board.

DIRECTIONAL MEDIAN OPENING — An opening in a restrictive median which provides for the specific movements and physically restricts other movements. Directional median opening for two opposing left or "U-turn" movements along a road segment are considered one directional median opening.

DRIVE-THROUGH FACILITY — A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.

DRIVEWAY/CURB CUT SPACING — The distance between connections, measured from the closest edge of pavement of the driveway or curb cut to the next closest edge of the pavement along the public/private roadway.

DUPLEX OR TWO-FAMILY DWELLING — A building containing two (2) dwelling units attached, designed or arranged as separate housekeeping units within the dwelling.

DWELLING — Shall mean any building containing one or more dwelling units, but excluding mobile homes.

DWELLING UNIT — Shall mean a building or part of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities.

DWELLING, DETACHED SINGLE-FAMILY — Shall mean a dwelling containing not more than one (1) dwelling unit.

DWELLING, MULTI-FAMILY — Shall mean a single building containing at least three (3) dwelling units, but not more than five (5) units.

DWELLING, TWO-FAMILY — Shall mean a single building containing two (2) dwelling units.

EARTH REMOVAL — Shall mean the removal of clay, gravel, sand, sod, loam, soil, stone or other earth materials; provided, however, that the moving of earth materials under the provisions of a duly approved subdivision plan. Work necessary for the construction of streets and the installation of utilities; work in connection with the excavation and grading of land incidental to construction of a duly permitted structure; and work performed in normal cranberry related maintenance or improvement of contiguous or non-contiguous land for agricultural purposes, shall not constitute earth removal.

ESSENTIAL SERVICES — Shall mean services provided by a public utility or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems; and collection, communication (but not including wireless communication systems), supply, or disposal

systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

FACADE — Shall mean the exterior surface of a building.

FAMILY — Shall mean a number of individuals living and cooking together on the premises as a single unit.

FARM STAND — Shall mean a structure of semi-permanent or temporary type located in a district in which agricultural uses are allowed, from which raw products are offered for sale to the public.

FRONTAGE — Shall mean the boundary of a lot coinciding with the street line, being an unbroken distance along a way currently maintained by the town, county, or state, or along ways shown on the Definitive Plans of approved subdivisions, through which actual access to the potential building site shall be required. A private way which has not been constructed as part of a subdivision approved in accordance with the subdivision control law may provide frontage only upon a determination by the Planning Board that it provides adequate access for fire, police, and emergency vehicles. Lot frontage shall be measured continuously along one street line between side lot lines, or, in the case of corner lots, between one side lot line and the mid-point of the corner. Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one (1) continuous frontage section, without any totalling of discontinuous frontage sections.

GROSS FLOOR AREA — Shall mean the floor area of all floors within the perimeter of the outside walls of the building under consideration without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

GROSS LIVING AREA

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

B. Gross living area includes the area at each floor in the structure except:

   (1) Exterior decks and porches not enclosed by walls

   (2) Unfinished cellar space

   (3) Garage areas

   (4) Stairwells

   (5) Unfinished Attics

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

Chapters 21C and 21E using the Massachusetts Oil and Hazardous Material List (in 310 CMR 40.0000).

HAZARDOUS WASTE — Shall mean materials as defined and regulated by 310 CMR 30.00 et seq. (Massachusetts Hazardous Waste Management Regulations)

HELIPORT-LIMITED USE — Shall mean any landing area used for the landing and taking off of helicopters, including necessary passenger and cargo facilities, fueling, and emergency service facilities.

HELIPORT-UNLIMITED USE — Shall mean any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-downs areas, hangars, and other necessary buildings and open spaces.

HOSPITAL — Shall mean:

A. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in a surgery, obstetrics, and general medical practice.

B. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL OR MOTEL — Shall mean a building or group of buildings providing accommodations on a transient basis for compensation, not meeting the definition of "Non-family Accommodations". Accommodations having individual kitchen facilities (sink, range, and refrigerator) shall be considered dwelling units.

IMPERVIOUS SURFACE — Shall mean material covering the ground, including but not limited to macadam, concrete, pavement, and buildings, that does not allow surface water to penetrate into the soil (cranberry bogs are not considered impervious surfaces.)

JOINT ACCESS (OR SHARED ACCESS) — A driveway connecting two or more contiguous sites to the public/private street systems.

JUNKYARD OR AUTOMOBILE GRAVEYARD — Shall mean the outdoor use of any area of any lot for the storage, salvage, keeping or abandonment of junk, scrap, or discarded materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL — Shall mean a single premises with a collection of up to five (5) dogs, three months or older, that are maintained for breeding, boarding, sale, training, hunting, or any other purpose.

KENNEL, COMMERCIAL — Shall mean a single premises with a collection of eleven (11) or more dogs three months or older, that are maintained for any purpose, or where four (4) or more litters per year are raised, or where the boarding or grooming of dogs is performed as a business.

KENNEL, HOBBY — Shall mean a single premises with a collection of six (6) to ten (10) dogs, three months or older, that are maintained for any purpose, and where fewer than four (4) litters per year are raised. Except for a collection of six (6) to ten (10) dogs owned by a single individual, and permanently maintained on the premises as pets, all of which are spayed or neutered, shall not be considered a hobby kennel.

KITCHEN FACILITIES — A sink with plumbing, a stove or cooking rnage[20] and refrigerator.

LANDSCAPING BUSINESS — Shall mean a business performing improvements to the grass, shrubs and/or trees of land, including pedestrian walkways, flowerbeds, ornamental objects, and other items.

LIGHT MANUFACTURING — A use which accommodates low impact industrial development where little or no nuisance effects are generated.

LOADING SPACE — Shall mean an off-street space for the regular receipt or distribution of materials or merchandise by vehicles to or from a building other than a single or two-family dwelling.

LOT — Shall mean a single area of land in one ownership defined by metes and bounds or boundary lines in a recorded deed or on a recorded plan. The lot shall only incorporate land in the Town of Carver.

LOT LINE — Shall mean a line which separates one or more lots or a lot and a street.

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.

LOT WIDTH — Shall mean the width of a lot in the Town of Carver, as measured at the front line of the principal building thereupon, or at such other location as may be designated by this by-law.

LOT, CORNER — Shall mean a lot in the Town of Carver at the junction of and fronting on two (2) or more intersecting streets.

LOT, REAR — Shall mean any lot in the Town of Carver meeting the requirements of § 290-2-3.4.

MAJOR COMMERCIAL PROJECT — Shall mean one or more buildings containing allowed or allowable nonresidential or nonagricultural uses with the following:

A. 25,000 or more square feet of building floor space in the HC, IA and IB Districts;

B. 10,000 or more square feet of building floor space in the GB District; or

20. Editor's Note: So in original; should be "range."

C. 2,000 or more square feet of building floor space in the V District

MAJOR RECREATIONAL EQUIPMENT — Shall mean boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for the transportation of recreational equipment, whether occupied by such equipment or not.

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.

MAXIMUM GROUNDWATER ELEVATION — Shall mean the height of the groundwater table when it is at its maximum level or elevation. This level is usually reached during the months of December through April and allowances should be made therefore at other times of the year.

MINIATURE GOLF — Shall mean a novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

MOBILE HOME — Shall mean a dwelling unit on a chassis and containing complete electrical, plumbing, and sanitary facilities and designed to be installed on a temporary or permanent foundation or permanent living quarters.

MOBILE HOME LOT — Shall mean a parcel of land within a mobile home park provided for a single mobile home.

MOBILE HOME PAD — Shall mean that area of a mobile home lot which has been reserved for the placement of a mobile home.

MOBILE HOME PARK OR TRAILER PARK — Shall mean any lot or tract of land of not less than twenty (20) acres, exclusive of roads and areas provided for recreation, services and other such permanent installation within the park, under single or common ownership or control, and which contains, or is designed, laid out or adopted to accommodate mobile homes occupied or intended for occupancy as living quarters.

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.

MOTOR VEHICLE SERVICE STATION — Shall mean a building or part thereof with no more than two (2) service bays whose activity (whether or not an accessory use) is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service, car washing services or auto repair limited to: tire servicing and repair, but not recapping or regrooving, replacement of miscellaneous parts and minor adjustments.

MUNICIPAL FACILITIES — Shall mean facilities owned or operated by the Town of Carver.

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

NONCONFORMING USES OR STRUCTURES — Shall mean any structure or use of land lawfully existing at the effective date of this by-law or subsequent amendment which does not conform to one or more provisions of the by-law.

NURSERY/GREENHOUSE — Shall mean the raising of trees (for transplanting), ornamentals, shrubs, flowers, ground cover or house plants for any commercial purpose.

NURSING HOME — Shall mean any place or institution for the aged, infirmed, chronic or convalescent, whether conducted for charity or for profit, which is established to render domiciliary care, custody, treatment and/or lodging of three or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. (This term includes boarding and rooming houses for aged people, convalescent homes, rest homes, homes for the aged or infirmed, convalescent homes for children, and the like; but does not include hospitals, clinics and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.)

OFFICE — Shall mean a place for the transaction of a professional service or business, not including the sale of articles at retail.

OPEN SPACE — Shall mean ground space other than that occupied by structures, walkways, drives, parking or other surfaces. Required yard setbacks may be included as open space if in conformance with the above specifications.

OVERLAY DISTRICT — Shall mean a zoning district superimposed over an underlying district, superseding, where applicable, the less stringent requirements of the underlying district.

PERSONAL RECREATIONAL VEHICLES — Motorized All-Terrain Vehicles (ATV's"); Quads, Dirt Bikes or other similar vehicles including motorcycles.

PLACE OF ASSEMBLY — Shall mean a structure accommodating ten (10) or more persons, for recreational, for-profit educational, political, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers or private clubs conducted for or not for profit.

PRINCIPAL BUILDING OR STRUCTURE — Shall mean any building or structure containing any principal use as indicated in Section 3580,[21] except where such use is a home occupation. Where more than one principal use is conducted on a lot and such uses are in more than one building or structure, each building or structure shall be considered a principal building or structure.

PRINCIPAL USE — Shall mean a main or primary use for which a structure or lot is used, occupied or maintained.

PRINT SHOP — Shall mean a retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

---

21. Editor's Note: So in original. Original Sec. 3580 is now Article 3-6, Large-Scale Ground-Mounted Solar Photovoltaic Installations.

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.

PRIVATE CLUB — Shall mean an organization catering to members and guests, for fraternal, recreational, social, or other purposes.

PRIVATELY OWNED WASTEWATER TREATMENT FACILITY OR PWTF — Any device or system owned by a private entity that is used for the treatment and disposal (including recycling and reclamation) of sewage and/or industrial wastewater. A Privately Owned Wastewater Treatment Facility includes the sewers, pipes, or other conveyances that convey the wastewater to the treatment facility.

PUBLICLY OWNED TREATMENT WORKS OR POTW — Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature, which is owned by a local government unit. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RECEIVING PARCEL(S) — Shall mean land that, through the granting of a special permit, may receive development rights from a sending parcel(s).

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

RECREATIONAL CAMPSITE — A plot of ground within a recreational campground intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECREATIONAL TOURIST RAILROAD — Shall mean a railroad used as a tourist attraction, with accessory uses, including, but not limited to, retail establishments selling convenience goods and restaurants.

RECREATIONAL VEHICLE — A vehicular type of unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

RESTAURANT — Shall mean an establishment that serves food and beverages primarily to persons seated within the facility, including outdoor cafes.

RESTAURANT, DRIVE-IN — Shall mean a restaurant where food or drinks are usually served to or consumed by persons while they are seated in their vehicles or off the premises.

RESTAURANT, FAST-FOOD — Shall mean an establishment that offers quick food service, with a limited menu or items already prepared and held for service, or heated quickly by device, with orders generally not taken at table, and generally served in disposable wrapping or containers.

RETAIL — Shall mean the sale of commodities, primarily in small quantities, to the end consumer.

RETAIL SALES ESTABLISHMENT — Shall mean a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

SAWMILL — Shall mean a manufacturing facility housing a mill or machine used for sawing logs into lumber.

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.

SENDING PARCEL(S) — Shall mean land from which development rights, as determined by the Planning Board, may be transferred to a receiving parcel(s).

SERVICE SHOPS — Shall mean a facility providing service to the public for compensation, such as, but not limited to, dry cleaning, printing, and picture framing shops.

SETBACK — Shall mean the minimum horizontal distance between the street or front lot line and the building nearest the street or front lot line, such distance measured at a right angle to the street or front lot line.

SIGN — Shall mean any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products services or facilities available, either on the lot or on any other premise, excluding window displays and merchandise.

SIGN OFFICER — Shall mean the Zoning Enforcement Officer.

SIGN, ADDRESS — Shall mean a sign displaying the street number or name of the occupant of the premises or both.

SIGN, BILLBOARD — Shall mean a free-standing sign, not including a directory sign, larger than thirty-five (35) sq. ft. in gross area, or a wall sign covering more than ten percent (10%) of the area to which it is affixed.

SIGN, CONSTRUCTION — Shall mean a non-premise sign identifying the contractor, architect, landscape architect, and/or engineer's name, address, and other pertinent information.

SIGN, DIRECTIONAL ON PUBLIC PROPERTY — Shall mean an off-premises sign, typically in the public right-of-way at an intersection, directing the public to a nearby business or event.

SIGN, DIRECTORY — Shall mean a group of signs clustered together in a single structure or compositional unit of integrated and uniform design. A directory sign is used to advertise several occupants of the same building or building complex. It may be self-supporting or affixed to a wall.

SIGN, EXTERNALLY ILLUMINATED — Shall mean a sign lit by a source outside the sign and shining against the face of the sign.

SIGN, FLASHING — Shall mean a sign whose illumination is not kept constant in intensity at all times, when in use, and which exhibits changes in light, color, direction, or animation.

SIGN, FOR SALE/RENT/LEASE — Shall mean an on-premise sign advertising the property being sold or rented.

SIGN, FREE STANDING — Shall mean a self-supporting sign not attached to any building, wall or fence, but in a fixed location. For purposes of this definition, this does not include, portable or trailer type signs, monument, or directory signs.

SIGN, ILLUMINATED — Shall mean any sign lit by electrical bulbs, fluorescent lights, or neon tubes. Neon tubes used as abstract, graphic, decorative, or architectural elements shall be considered to constitute an illuminated sign.

SIGN, INDIVIDUAL LETTERS OR SYMBOLS — Shall mean a sign created by separate symbols which are attached to an awning, marquee, building surface, wall, or sign board.

SIGN, INTERNALLY ILLUMINATED — Shall mean a sign lit from within the sign, or from lights or tubes which comprise any part of the design or lettering of a sign, or which originates behind a sign so as to create an effect of originating within the sign.

SIGN, MARQUEE — Shall mean a sign attached to, painted on, or hung from an awning, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall.

SIGN, MONUMENT — Shall mean a sign which is an integrated part of an independent structure supported from grade to the bottom of the sign, with the appearance of having a solid base.

SIGN, MOVEABLE OR TEMPORARY — Shall mean a sign capable of being readily moved or relocated, including a banner, poster, or portable sign mounted on a chassis and wheels, and which is not included in the regular sign allotment for a business.

SIGN, OFF-PREMISES — Shall mean any sign which is not on the premises of the business, including a billboard.

SIGN, ON-PREMISE SIGN — Shall mean any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

SIGN, PAINTED WALL — Shall mean a permanent mural or message painted directly onto a building surface.

SIGN, POLITICAL — Shall mean a sign designed to influence the action of voters for the passage or defeat of a measure, or the election of a candidate to a public office at a national, state, or other local election.

SIGN, PROJECTING — Shall mean a sign which is affixed to a building which extends more than six (6) inches beyond the surface to which it is affixed.

SIGN, PUBLIC SERVICE — Shall mean a sign located for the purpose of providing directions towards or indication of use not readily visible from the street (e.g., restrooms, telephone, etc.)

SIGN, ROOF — Shall mean a sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

SIGN, TRAFFIC FLOW — Shall mean an on-premises sign solely indicating ingress and egress placed at driveway locations, containing no advertising materials.

SIGN, WALL — Shall mean any sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

SIGN, WINDOW — Shall mean any sign which is painted or mounted onto a window pane, or which is hung within 12 inches of a window with the purpose or effect of identifying any premises from the sidewalk or street.

SOLID WASTE — Shall mean unwanted or discarded solid material with insufficient liquid content to be free flowing, including without limitation rubbish, garbage, junk refuse and ash. The term does not include vegetative compost, tree stumps and brush under 200 cubic yards.

SPECIAL PERMIT — Shall mean a permit issued pursuant to G.L. c. 40A, s. 9 and this by-law. In accordance with case law, neither the Zoning Act nor the town zoning by-law gives an absolute right to a special permit. The special permit granting authority is not compelled to grant the permit; it has discretionary power in acting thereon.

STACKING LANE — An area of stacking spaces and driving lane provided for vehicles waiting for drive-through service that is physically separated from other traffic and pedestrian circulation on the site.

STACKING SPACE — An area within a stacking lane for vehicles waiting to order and/or finish a drive-through transaction.

STORY — Shall mean the portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its coiling[22] is four (4) feet six (6) inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

STREET — Shall mean either (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and constructed or secured in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE — Shall mean anything constructed or erected, the use of which requires fixed location on the ground, including, but not limited to buildings, wireless communications facilities and equipment, swimming pools, satellite dishes, tennis courts, and animal enclosures.

TATTOO — Shall mean the indelible mark, figure, or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

22. Editor's Note: So in original; should be "ceiling."

TATTOO PARLOR — Shall mean an establishment which provides the service of tattooing by a qualified, licensed professional.

TATTOOING — Shall mean the means or method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin mucosa. This term includes all forms of cosmetic tattooing.

TOWNHOUSE — Shall mean a single building or group of buildings on a single lot, containing more than two (2) but not more than five (5) dwelling units per building, created in accordance with the provisions of Article 3-10, herein.

TOXIC OR HAZARDOUS MATERIALS — Shall mean any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies and to human health, if such materials were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, virulent infectious wastes, pesticides, herbicides, solvents, thinners and other materials which are listed as U.S. Environmental Protection Agency Priority Pollutants.

TRAFFIC IMPACT STUDY — A traffic study shall be prepared by a registered professional engineer experienced and qualified in traffic engineering. The study shall include the following information: existing and projected traffic conditions, peak hour and daily traffic generation, sight lines for all existing and proposed intersections, existing and proposed traffic controls for the impact area. The impact area includes all streets and intersections within 1000 feet of the project boundaries. The impact area may be adjusted by the Planning Board.

TRAILER — Shall mean any of the various types of vehicles which generally depend for mobility on a motor vehicle and which are used for human habitation or for business purposes, and which is, has been, or can be mounted on wheels, including the type of vehicle commonly know as a mobile home, but excluding vehicles used only for transportation of materials, products, or animals.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) — Shall mean a development right (house lot) can be transferred from a sending parcel(s) in the sending area to a receiving parcel(s) in the receiving area. As part of the transfer of the development rights from the sending parcel either a conservation restriction shall be placed on the sending parcel or ownership of the sending parcel shall be donated to the Town of Carver for conservation purposes or its designee.

TRUCK TERMINAL — Shall mean land or buildings in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

WHOLESALE, WAREHOUSE, OR DISTRIBUTION FACILITY — Shall mean a structure used primarily for the storage of goods and materials, with or without wholesale sales.

WIRELESS COMMUNICATIONS FACILITY — Shall mean fixtures and/or equipment used by a public utility or an FCC-licensed commercial entity for personal wireless service, or other wireless transmission and reception of radio signals including (a) reception and transmission equipment and fixtures such as antennae, communications dishes, and similar

devices, and (b) monopoles that are erected and used primarily to support such reception and transmission equipment. A wireless communications facility may include accessory mechanical, electronic, or telephonic equipment necessary to operate such facility; provided, however, that such facility shall be a transmission and reception substation, not a principal facility for conducting a communications business.

YARD — Shall mean an open space on a lot unoccupied and unobstructed by any building or structure, except the following: fences, walls, poles, posts, paving, and other customary yard accessories, ornaments, and furniture; or, in front yards only, eaves, steps, and non-covered porches.

YARD, FRONT — Shall mean a yard extending between lot side lines across the lot adjacent to the front lot line.

YARD, REAR — Shall mean a yard extending between lot side lines adjacent to the rear of the lot.

YARD, SIDE — Shall mean a yard extending along each side line of a lot between front and rear yard.

ZONING

290 Attachment 1

Town of Carver

Zoning Bylaw: Town Meeting and Attorney General Approvals

Adopted: July 26, 1963

Revised: April 27, 1998

Revised: June 16, 2003

ATM May 19, 2009 (Art. 44-49, 51-54, 56 and Map) — Approved October 14, 2009

ATM May 17, 2010 — No changes approved by AG

STM November 8, 2010 (Art. 11-14, 16-18 and Map) — Approved March 7, 2011

ATM June 14, 2011 (Art. 41, 43, 45, 51 and Map) — Approved October 7, 2011.

ATM/STM June 4, 2012 (Art. 31 and 7) — Approved September 11, 2012

STM December 6, 2012 (Art. 10) — Approved March 13, 2013

ATM June 3, 2013 (Art. 35 and 40) — Approved September 25, 2013

ATM June 16, 2014 (Art. 23, 24, 25 and Map) — Approved October 20, 2014

ATM April 13, 2015 (Art. 14 and Map) — Approved August 10, 2015

ATM April 11, 2016 (Art. 13 and 14-Map) — Approved August 11, 2016

ATM April 11, 2017 (Art. 12 and 13-Map) — Approved August 3, 2017 and July 21, 2017

ATM April 24, 2018 (Art. 8, 9 and 12) — Approved September 7, 2018 and December 3, 2018

ATM April 23, 2019 (Art. 20, 21, 22, 23, 24, 25, 27) — Approved August 15, 2019

ATM June 29, 2020 N/A

ATM April 13, 2021 (Art. 22) Procedural defect 8/4/21 — Approved 11/6/2021

ATM April 14, 2022 (Art. 10, 11, 12, 13, 14, 15, 16, 17, 19, 20) — Approved 9/19/2022

ATM, April 12, 2022 (Art. 26 and 28) — Approved 11/14/2022

ATM April 11, 2023 (Art. 27, 28, 29, 31, 32, 33, 34) — Approved 8/8/2023