

**SPECIAL TOWN MEETING
MAY 17, 2010**

The Special Town Meeting of the Inhabitants of the Town of Carver was held on Monday, May 17, 2010 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Board of Selectmen, dated May 3, 2010. The meeting was called to order at 7:15 P.M., by the Moderator, John S. Murray, there being a quorum 75 present. The total registered voters at this time were 156. The tellers were as follows:

Ellen Blanchard, Marilyn Downing, John Rinella and Kevin Walsh

Article 1. Defer to June 14, 2010.

Article 2. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to transfer the sum of Thirty-Five Thousand (\$35,000.00) Dollars from the Board of Health's trash collection fees receipts reserved for appropriation account (so-called Financial Assurances Mechanism) for the purpose of funding monitoring and maintenance of the North Carver Landfill.

Selectmen recommended: 5-0

Article 3. Upon motion duly made and seconded and motion made by John K.Franey, Treasurer/Collector, it was Unanimously Voted for the Town to transfer One Hundred Thirty Nine Thousand, Four Hundred Sixty (\$139,460.00) Dollars from the Capital Projects Fund received as reimbursements from the Massachusetts School Building Authority for the John Carver Elementary School Feasibility Study and to apply such funds to the short term financing note for the School Feasibility Study.

Selectmen recommended: 5-0

Article 4. Upon motion duly made and seconded and motion made by John K.Franey Treasurer/Collector, it was Unanimously Voted for the Town to transfer from Tax Lien Expenses the sum of Five Thousand (\$5,000.00) Dollars to pay for computer software programming for the three per cent discount program in the quarterly billing system to allow earned discounts to be carried forward and applied to the first quarter bill in subsequent years.

Selectmen recommended: 5-0

Article 5. Upon motion duly made and seconded and motion made by John Q. Adams, Town Accountant, it was Unanimously Voted for the Town to transfer the sum of Ten Thousand (\$10,000.00) Dollars from the Expendable Library Trust Funds for the purpose of supplementing the FY 2010 Library Salaries.

Selectmen recommended: 5-0

Article 6. Unanimously Withdrawn. (North Carver Water Dist.)

Article 7. Failed (**General By-Law Amendment: Stretch Energy Code**)

***Article 8.** Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was a 2/3 vote (103 yes – 21 no) for the Town to amend Article II, Section 2100 of the Town of Carver Zoning By-Laws as shown below with changes in **bold**.

2110. Establishment. 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
INDUSTRIAL “B”	IB
INDUSTRIAL “C”	IC
AIRPORT	AP

"Overlay" districts are also hereby created:

- (1) WATER RESOURCE PROTECTION DISTRICT (see Section 4300)
- (2) WETLAND DISTRICT (see Section 4400)
- (3) PLANNED TOURIST COMMERCIAL DISTRICT (PTCD) (see Section 4500)
- (4) WIRELESS COMMUNICATION FACILITIES DISTRICT(WCF) (see Section 4600)
- (5) PLANNED NEIGHBORHOOD DEVELOPMENT (PND) OVERLAY DISTRICT (see Section 2800)**

The boundaries of these districts are defined and set forth on the map entitled, “Zoning Map, Town of 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.

**Selectmen recommended: 5-0
Planning Board: 5-0**

***Article 9.** Upon motion duly made and seconded and amended by Paul Johnson, resident and registered voter, it was a 2/3 vote (126 yes 8 no) for the Town to amend Article II, Section 2230 of the Town of Carver Zoning By-Laws as shown below with the changes to the original indicated in **bold**.

2230. Use Regulation Schedule.

PRINCIPAL USE	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP
A. RESIDENTIAL										
Detached single-family dwelling	Y	N	Y	N	Y	N	N	N	N	N
Conservation subdivision	SP*	N	N	N	N	N	N	N	N	N
Duplex and Two Family Dwelling	SP*	N	SP*	SP*	SP*	N	N	N	N	N
Planned Neighborhood Development	SP*	N	SP*	SP*	SP*	SP*	N	N	N	N
Townhouse Development	SP*	SP*	SP*	N	SP*	N	N	N	N	N
Mixed Use Structures, dwelling units above commercial or office uses	N	N	Y	Y	Y	N	N	N	Y	N
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
Cranberry receiving station	SP	N	SP*	N	N	N	Y	Y	Y	Y
Child care facility or day care facility exempted by GL c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Municipal facilities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Airport	N	N	N	N	N	N	N	N	N	Y
Heliport	N	N	N	N	N	N	SP*	SP*	N	SP*
Cemetery	SP	N	SP	N	SP	N	N	N	N	SP
Earth Removal+	Y	N	Y	N	N	N	Y	Y	N	Y
Mobile Home Park	SP	N	N	N	N	N	SP	SP	N	SP

COMMERCIAL	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP
Office	N	Y	Y	Y	SP*	Y	Y	N	Y	SP*
Bank, including free-standing ATM & drive-in facilities	N	Y	Y	Y	SP*	Y	SP*	N	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*
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	N	Y	SP*	N	N	N
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
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
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
Motor vehicle service station	N	SP*	SP*	SP*	N	N	Y	N	N	N
Motor vehicle repair shop	N	SP*	SP*	SP*	N	N	Y	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
Junkyard or automobile graveyard	N	N	N	N	N	N	N	N	N	N
Hospital or sanitarium	N	Y	SP	N	N	Y	SP	N	N	N
Convalescent or nursing home, or assisted elderly housing	SP	Y	SP	N	N	N	SP	N	N	N
Hotel or motel	N	Y	SP*	N	N	Y	SP*	N	N	N
Bed and Breakfast	SP*	N	Y	Y	SP*	N	N	N	N	N
Print shop	N	Y	SP*	Y	N	Y	Y	N	Y	N
Craftsman/Tradesman	N	Y	Y	Y	Y	Y	N	N	Y	N
Essential services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Service shop	N	Y	Y	Y	Y	N	N	N	Y	N
Restaurant, not including fast-food or drive-in restaurant	N	Y	Y	Y	SP*	SP*	SP*	N	N	SP*
Fast-Food or drive-in restaurant	N	SP*	SP*	SP*	SP*	N	N	N	N	SP*
Places of assembly	N	SP*	SP*	N	SP*	N	SP*	N	N	N
Animal Hospital or Hobby or	SP*	SP*	SP*	SP*	SP*	SP*	Y	SP*	N	N

Commercial Kennel ²										
B. COMMERCIAL (Continued)	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP
Drive-in service at facility other than restaurant or bank	N	SP*	SP*	SP*	SP*	SP*	SP*	N	SP*	SP*
Adult Use	N	N	N	N	N	N	SP	SP	N	N
Landscaping business ³	SP*	N	SP*	N	SP*	N	Y	N	N	N
Nursery/Greenhouse	Y	N	Y	SP*	SP*	N	Y	Y	Y	N
Car wash	N	N	SP*	N	N	N	Y	N	N	N
Commercial recreation, outdoors ³	SP*	N	SP*	N	N	N	SP*	N	N	N
Major Commercial Project	N	SP*	SP*	N	SP*	SP*	SP*	SP*	N	SP*
Tattoo Parlor/Body Piercing	N	SP*	N	N	N	N	SP*	SP*	N	N
Non-Exempt educational use	N	SP*	N	Y	N	SP*	SP*	SP*	N	N
C. INDUSTRIAL	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP
Light manufacturing in a building with less than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	Y	Y	Y	SP*
Light manufacturing in a building with more than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	SP*	SP*	N	N
Manufacturing, processing, assembly, or fabrication in a building with less than 20,000 sq.ft. building footprint	N	N	N	N	N	Y	SP*	Y	Y	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
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*
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*
Bituminous concrete or concrete batching plant	N	N	N	N	N	N	N	SP*	N	N
Contractor's yard	N	N	N	N	N	SP*	SP*	SP*	Y	N
Sawmill ⁴	SP	N	SP*	N	N	N	SP*	SP*	N	N
Auto Body Shops	N	N	N	N	N	N	Y	Y	N	N
Self Storage Facility	N	N	N	N	N	N	Y	N	N	Y
Truck, bus or freight terminal	N	N	N	N	N	SP*	SP*	SP*	N	SP*
Research and Development facilities including but not limited to	N	Y	N	N	N	Y	Y	Y	Y	N

Renewable or Alternative Energy										
Manufacturing, processing, assembly, or fabrication of alternative energy components	N	N	N	N	N	Y	N	N	Y	N
Publicly Owned Treatment Works or POTW	N	N	N	N	N	Y	Y	Y	N	N
Privately Owned Wastewater Treatment Facility or PWTF ⁵	N	N	N	N	N	SP*	SP*	SP*	N	N

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

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. ch. 40A, Section 3 shall be allowed on parcels of more than 5 acres in any district. See Section 6.1 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 townhouse, subdivision, commercial or **industrial development**

(By Planning Board)

***Article 10.** Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was a 2/3 vote (137 yes – 2 no) for the Town to amend the Carver Zoning Bylaw and Zoning Map by rezoning, from Highway Commercial (HC) to Green Business Park (GBP), parcels located on Park and Montello Street and identified on the Assessors Maps as Map 20 Lot 1; Map 20 Lot 2-1; Map 20 Lot 3; Map 21 Lot 2A; Map 22 Lot 3; Map 22 Lot 3-1; Map 22 Lot 3A; Map 22 Lot 3B; Map 22 Lot 4; Map 22 Lot 10; Map 22 Lot 11; Map 23 Lot 3-1; Map 23 Lot 3-2; Map 23 Lot 3-3; Map 24 Lot 1; Map 24 Lot 2; and from Highway Commercial (HC) to Industrial C (IC) located on Plymouth and North Main Streets and identified on the Assessors Maps as Map 20 Lot 1A; Map 20 Lot 1B; Map 20 Lot 2A; Map 21 Lot 1; Map 21 Lot 2; Map 21 Lot 3; Map 21 Lot 4; Map 21 Lot 5B; Map 22 Lot 8; Map 22 Lot 9; Map 48 Lot 1; Map 48 Lot C; and from Highway Commercial (HC) to Village Business (VB) located on North Main Street and identified on the Assessors Maps as Map 18 Lot 3A; Map 18 Lot 3B; Map 18 Lot 4; and from Residential Agricultural (RA) to Industrial C (IC) located on Plymouth Street and identified on the Assessors Maps as Map 21 Lot 5A; Map 48 Lot 3B; and from Residential Agricultural (RA) to Highway Commercial (HC) located on Plymouth and High Streets and identified on the Assessors Maps as Map 25 Lot 1-M1; Map 26 Lot 8; Map 26 Lot 9; and from General Business (GB) to Village Business (VB) located on Plymouth and North Main Streets and identified on the Assessors Maps as Map 18 Lot 5; Map 18 Lot 6; Map 18 Lot 6A; Map 18 Lot 7; Map 18 Lot 11; Map 18 Lot 21; Map 18 Lot 22; Map 18 Lot 22A; Map 18 Lot 22B; and from Village (V) to Village Business (VB) located on Plymouth, High and North Main Streets and identified on the Assessors Maps as Map 18 Lot 20; Map 18 Lot 23; Map 18 Lot 24; Map 18 Lot 25; Map 18 Lot 26; a copy of said maps having been filed with the Town Clerk.

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

*All Zoning By-Laws are not in effect due to the absence of required newspaper postings prior to Town Meeting.

Upon motion duly made and seconded and motion made by John S. Murray, Moderator, it was Unanimously Voted to adjourn at 8:40 P.M.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC
Town Clerk