

**TOWN OF SANDWICH
2003 ANNUAL TOWN MEETING
May 5, 2003**

The Annual Town Meeting was called to order by Moderator Garry Blank at 7:19 p.m. after ascertaining a quorum was present. The clerks checked in a total of 402 voters. Reverend William S. Geertz gave the invocation. Selectman William Diederling led the Pledge of Allegiance. Diane C. Hembling, accompanied by members of the 6th, 7th, and 8th grade concert band and jazz band, sang "The Star Spangled Banner." Participating band members were Abby Kier and Jen Grigorenko playing flutes, Paul Grigorenko, Zack Dias, and Megan Diemer playing trumpets, and Patrick Prendergast playing the drum.

The Moderator swore in the following persons as tellers: Michael C. Dearing, Elizabeth F. DeSaulniers, John S. Jillson, and Allen E. Peterson. Catherine L. Reno was designated as timekeeper.

ARTICLE 1

To see if the Town will vote to hear the reports of all Town Officers and Committees and to act thereon, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2002 Annual Town Report.

ARTICLE 2

To see if the Town will vote to authorize the Board of Selectmen to apply for and expend any available grants during Fiscal Year 2004, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to apply for and expend any available grants during Fiscal Year 2004.

ARTICLE 3

To see if the Town will vote to fix the salaries of all Elected Officers for Fiscal Year 2004 in accordance with the following list, as provided in M.G.L. c. 41, §108, or take any action relative thereto.

Moderator	450.00
Selectmen (4)	1,500.00 each
Chairman – Selectmen	2,000.00
Assessors (2)	1,000.00 each
Chairman – Assessors	1,500.00
Tax Collector	47,496.00
Town Clerk	47,496.00

UNANIMOUSLY VOTED: That the Town fix the salaries of all elected officers for Fiscal Year 2004 according to the following:

Moderator	450.00
Selectmen (4)	1,500.00 each
Chairman – Selectmen	2,000.00
Assessors (2)	1,000.00 each
Chairman Assessors	1,500.00
Tax Collector	47,496.00
Town Clerk	47,496.00

ARTICLE 4

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate the sum of \$30,673,591.00 to defray Town expenses for the Fiscal Year July 1, 2003 to June 30, 2004 as itemized below in the column entitled FY'04 Total, or take any action relative thereto.

Finance Committee Budget Message:

The process of preparing the budget being presented for FY'04 has been profoundly influenced by the uncertainty surrounding the state budget and its ultimate impact on local aid to general government and to the schools. The Governor has put forward a proposal that seems unlikely to survive in its present form. All indications are that the legislature will suggest a very different solution to the state's budget crisis. The resolution of this apparent conflict may not be known for some time. Meanwhile, local communities such as ours have to submit a budget for Town Meeting. In order to do so, the Finance Committee developed, and the Board of Selectmen approved, a set of assumptions that established the framework within which the FY'04 budget was prepared. They include:

- An anticipated 15 per cent reduction in state aid to general government
- The elimination of all state Payments in Lieu of Taxes (PILOT)
- Level funding of state aid to education (Chapter 70)

The impact of these adjustments, if enacted, will be a reduction in state aid of over \$430,000 from the amount received in FY'03.

The Finance Committee recommends approval of the FY'04 operating budget in the amount of \$30,673,591 as presented in the Annual Town Meeting warrant. Included in that total is \$10,870,612 for General Government and \$19,001,496 for the School Department. Both operating budgets have been level-funded, meaning that the amounts proposed for FY'04 are identical to the amounts appropriated in FY'03. The amount requested for the Upper Cape Cod Regional Vocational-Technical School is \$801,843, a 2 per cent increase over FY '03. The most noticeable consequence of the level-funded budgets will be reductions in personnel. The cost of establishing the new Facilities Management Department called for in the Charter will be offset by the elimination of other positions. Salary increases stemming from both current and prior contractual obligations will require staffing adjustments in both the General Government and School departments.

Additional pressure on the budget comes from several sources. Group health insurance and retirement obligations are projected to rise by approximately 13 per cent in FY'04, adding \$695,000 to those accounts. Increases in state and county assessments and abatement accounts, along with an 11 per cent rise in liability insurance premiums will add another \$140,000 to the budget. When the \$45,000 needed to cover debt service for the Agilent purchase is included, a total of \$880,000 will be required to fund increases in items not included in the General Government and School Department operating budgets. This will absorb close to 65 per cent of the \$1.37 million raised through the application of the allowed 2.5 per cent property tax increase and through new growth. A reduction in the amount to be raised at the local level for debt service will offset a portion of the property tax increase, resulting in a projected rise in property tax revenue of approximately 2.8 per cent.

In addition to the loss of revenue resulting from anticipated cuts in state aid, we expect to see reductions in two other accounts that are important sources of income. Surplus revenue is projected to be approximately \$740,000 lower in FY'04, primarily as a result of a policy adopted a few years ago of increasing the amount of local receipts taken into income in the year in which it is realized, thereby reducing the amount carried over to the following fiscal year. In addition, income from the Overlay Release account will be \$140,000 lower in FY'04. When combined with the expected reductions in state aid, these revenue losses total \$1.31 million. The funds needed to offset these losses came from the balance of the money raised through an increase in tax revenue, an increase in budgeted local receipts of \$500,000 and a projected \$375,000 rise in ambulance fund receipts. Minor adjustments to a number of other accounts will absorb the remaining balance. It should be noted that, with the exception of a portion of the increase in local receipts, all of the money needed to balance the budget comes from continuing sources of funds and not from non-renewable resources. In keeping with the policy of minimizing the use of one-time sources of funds for operating expenses, the stabilization fund remains intact and available for the reserve purpose for which it was originally established.

The Finance Committee also recommends approval of two additional financial articles. The Capital Improvement Planning Committee is requesting a capital budget of \$400,000, equal to the amount approved in FY'03. While inadequate to meet the Town's long-term requirements, this budget will provide the funds to address our most pressing needs. A separate warrant article asks that taxpayers raise and appropriate \$338,326 to increase the School Department budget to help offset some of the reductions in personnel and programs caused by the level-funded budget. If approved, this article would add approximately 1 per cent to the projected tax rate. The Finance Committee supports this request.

During this critical period, it is important that all agencies of local government cooperate to make the best use of our limited financial resources. We feel that this budget continues to provide essential services to the public while being sensitive to the needs of the taxpayers. As we look toward an FY'05 that promises to be at least as challenging as FY'04, our hope is that we can continue to address these issues in a truly collaborative way.

FY'04 BUDGET TOTALS

No.	Department	APPROP. FY'02 Total	APPROP. FY'03 Total	RECOMMENDED FY'04 Total
114	Moderator	450	450	450
123	Selectmen/Administrator	266,457	257,822	257,840
	Personnel Expenses	34,965	46,978	42,999
131	Finance Committee	2,200	2,200	2,200
135	Accounting	163,413	165,962	130,509
141	Assessing	270,428	276,057	269,163
145	Treasurer	142,609	145,147	148,141
146	Tax Collector	159,581	174,130	178,477
147	Tax Title	30,000	30,000	30,000
151	Legal	157,000	175,000	175,000
152	Human Resources	86,722	92,213	88,379

152	Town Clerk	101,718	110,157	113,658
162	Elections & Registrations	39,820	62,294	48,300
171	Natural Resources	105,690	100,548	101,006
175	Planning & Development	163,947	116,287	114,740
188	Recreation Center	7,450	5,500	3,500
189	JSD Building	24,245	17,550	12,400
190	Facilities Management	7,500	26,250	189,409
193	Town Hall	19,840	15,540	9,540
194	Town Hall Annex	19,640	15,540	10,040
195	Town Reports	10,000	15,000	15,000
196	Bind Town Records	1,500	1,500	1,500
197	Data Processing	151,000	229,077	228,653
	Total 100s	1,966,175	2,081,202	2,170,904
210	Police Department	2,336,696	2,450,036	2,455,768
220	Fire Department	2,812,179	2,698,801	2,768,572
241	Inspections	175,222	193,018	181,430
244	Weights & Measures	2,545	2,545	2,000
291	Emergency Management	945	480	480
294	Forest Warden	1,200	1,200	1,200
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	1,500
	Total 200s	5,334,287	5,351,580	5,414,950
300	School Department	18,628,917	19,001,496	19,001,496
313	UCCRTS	770,973	785,077	801,483
	Total 300s	19,399,890	19,786,573	19,802,979
410	DPW – Engineering	142,926	147,109	116,293
420	DPW – Highways	796,461	738,882	1,096,598
421	Snow & Ice	250,000	250,000	250,000
424	Streetlights	32,500	32,500	26,000
435	DPW – Sanitation	890,485	895,211	721,288
	Total 400s	2,112,372	2,063,703	2,210,181
510	Health Department	136,279	138,150	136,959
522	Nursing Department	118,941	91,289	82,179
523	Social Worker	0	30,244	0
541	Council on Aging	97,462	101,084	104,105
543	Veterans Services	29,233	30,480	30,806
544	Human Services Building	23,950	15,640	11,040
547	Disabilities Commission	1,500	1,500	500
	Total 500s	407,387	408,387	365,589
610	Library	608,878	620,399	620,399
629	Youth Task Force	2,000	2,000	500
630	Recreation Department	67,235	67,614	53,314
650	DPW – Parks	217,291	243,812	20,425
670	Archives	8,000	9,100	2,500
671	Hoxie House/Grist Mill	12,115	12,115	0
693	Memorial Day	1,200	1,200	1,200
694	Historic District	9,500	9,500	10,650
	Total 600s	926,219	965,740	708,988
	TOTAL TOWN BUDGET	30,146,308	30,657,185	30,673,591

Steven Grundman moved, and it was seconded, that the article be amended by separating item 300 from the remainder of the appropriation. Clarification to discuss the Town portion of the budget first was accepted by Mr. Grundman as a friendly amendment. The voice vote on the amendment was declared not carried by the Moderator.

Keith M. Fernald offered an amendment for a two and one half per cent override, but the amendment was ruled out of order by the Moderator.

VOTED: That the Town hear the report of the Finance Committee and raise and appropriate the sum of \$30,673,591.00 to defray Town expenses for the Fiscal Year July 1, 2003 to June 30, 2004 as itemized in the warrant in the column entitled FY' 04. This was a voice vote and declared carried by the Moderator.

ARTICLE 5

To see if the Town will vote to raise and appropriate the sum of \$338,326.00, to be expended under the direction of the School Committee, for School Department purposes during FY'04, or take any action relative thereto.

Wayne Sellin offered an amendment as follows: I move to refer the motion to the Finance Committee to evaluate the School Budget by line item in accordance with Town Charter Article 2.00, paragraph f. The Finance Committee is authorized to perform the review or to hire consultants via the Town Selectmen. There was no second to the amendment.

VOTED: That the Town raise and appropriate the sum of #338,326.00 to be expended under the direction of the School Committee, for School Department purposes during FY '04, or take any action relative thereto. This was a voice vote and declared carried by the Moderator.

ARTICLE 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Principal on Loans, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$3,542,250.00 and transfer and appropriate \$275,000.00 from the golf course income account for the payment of principal on loans for FY 2004.

ARTICLE 7

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Interest on Loans, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$445,271.00 and transfer and appropriate \$1,850,463.00 from surplus revenue for the payment of interest on loans for FY 2004.

ARTICLE 8

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the payment of Interest on Loans and Principal on Loans from the Cape Cod Land Bank account as authorized by Chapter 293 of the Acts of 1998, as amended, and to raise and appropriate or transfer from available funds the sum of \$20,000.00, to be expended under the direction of the Board of Selectmen, for the purpose of paying any incidental expenses related to the Cape Cod Land Bank account, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$1,114,475 for the payment of principal and interest on loans from the Cape Cod Land Bank account as authorized by Chapter 293 of the Acts of 1998 and to transfer and appropriate \$20,000.00 from the Land Bank Account, to be expended under the direction of the Board of Selectmen, for paying any incidental expenses related to the Cape Cod Land Bank Account.

ARTICLE 9

To see if the Town will vote to appropriate the sum of money, received or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during FY '04, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate money received, or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during FY 2004.

ARTICLE 10

To see if the Town will vote to transfer and appropriate \$5,016,623.00, or any other amount received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY'04, or take any action relative thereto.

Steven Grundman moved that the article be amended to read up to \$5,283,595.00, or any other amount received or to be received, under Chapter 70 Education Reform Act, and to express the sense of Town Meeting that these funds be used to eliminate user fees for athletics, intramurals, extracurricular activities, and instrumental instruction.

The amendment failed to carry by a vote of 120 Yes, 168 No.

UNANIMOUSLY VOTED: That the Town transfer and appropriate up to \$5,016,623.00 received, or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee for School Department purposes during FY 2004.

At 9:25 p.m. the meeting was temporarily recessed and the Special Town Meeting was convened by the Moderator.

ARTICLE 1 OF SPECIAL TOWN MEETING

To see if the Town will vote to transfer and appropriate \$223,762.00, received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the School Committee, for School Department purposes during FY'03, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$223,762.00 received under the Chapter 70 Education Reform Act Program to be expended under the direction of the School Committee for educational purposes during FY 2004.

The Moderator then adjourned the Special Town Meeting at 9:40 p.m. and reconvened the Annual Town Meeting.

ARTICLE 11

To see if the Town will vote to transfer and appropriate \$276,764.00, or any other amount received or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the Upper Cape Cod Regional Technical School Committee, for Upper Cape Cod Regional Technical School purposes during FY'04, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate up to \$276,764.00 received, or to be received, under the Chapter 70 Education Reform Act Program, said funds to be expended under the direction of the Upper Cape Cod Regional Technical School School Committee for educational purposes during FY 2004.

ARTICLE 12

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$6,800,131.00 to pay employee benefit and other assessments as listed below, or take any action relative thereto.

Medicare/FICA	310,000.00
Property & Liability Insurance	546,250.00
County Retirement Assessment	1,393,881.00
Group Health Insurance	4,550,000.00

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$94,162.44 from the overlay reserve, transfer and appropriate \$350,000.00 from the ambulance receipts reserved for appropriation account, and raise and appropriate \$6,355,968.56 to pay the following assessments:

Medicare/FICA	310,000.00
Property & Liability Insurance	546,250.00
County Retirement Assessment	1,393,881.00
Group Health Insurance	4,550,000.00

ARTICLE 13

To see if the Town will vote to transfer and appropriate the sum of \$22,000.00 from the Cemetery Trust Fund Account to the FY'04 Department of Public Works, Parks, Buildings and Grounds Division operating budget, to be expended under the direction of the Board of Selectmen, for the purpose of maintaining the Town's cemeteries and grounds, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$22,000.00 from the Cemetery Trust Fund account to the FY 2004 Parks, Buildings and Grounds Division of the Department of Public Works, to be expended under the direction of the Board of Selectmen for maintaining the Town's cemeteries and grounds.

ARTICLE 14

To see if the Town will vote to transfer and appropriate money received or to be received from the State Aid to Libraries Account to the FY'04 Library operating budget, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$20,153.74 from the money received, or to be received, from the State Aid to Libraries Account to the FY 2004 Library operating budget, said funds to be expended under the direction of the Board of Selectmen.

ARTICLE 15

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$250,000.00 to establish the Reserve Account for FY'04, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$250,000.00 from the overlay reserve account to establish a Reserve Account for FY 2004.

ARTICLE 16

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$400,000.00 to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services in accordance with the following list, with any unexpended balance for each item identified below to be placed in the Building/Capital Purchases account to be expended under the direction of the Board of Selectmen, or take any action relative thereto:

Police Mobile Data Terminals	10,000.00
Police Bullet Proof Vests	13,500.00
Fire Duty Officer Vehicle	47,500.00
Fire Vehicle Repairs & Equipment	18,000.00
Engineering Pick-up Truck	20,000.00
DPW Salt/Sand Shed	70,000.00
DPW Transfer Trailer	50,000.00
DPW Refuse Vehicle (Lease Purchase)	31,500.00
DPW Aerial Lift (lease Purchase)	40,000.00
School Mowing Tractor	54,000.00
School Shower Stalls	15,000.00
Natural Resources Boat Enforcement	6,500.00
Recreation Sailboats	5,000.00
Building/Capital Purchases	19,000.00

Sue James, Chair of the Capital Improvement Planning Committee, gave the Report of the Capital Improvement Planning Committee, as follows: Good evening. My name is Susan James and I am the Chair of the Capital Improvement Planning Committee. Following usual procedure, capital request forms were set to all Department heads early last fall. After several priority-setting Department meetings, the capital budget was submitted for review and approval by this committee. Consistent with prior years, the total amount considered for approval does not exceed \$400,000, despite documentation of needs in excess of that amount. As most of you know, the fiscal situation is very difficult this year, and this is expected to continue. Accordingly, the Committee has restricted its consideration to those expenditures deemed critical according to Committee policy for prioritization. The Committee wishes to thank the Department Heads once again for their cooperation and valuable input during this process. After careful discussion, the Capital Improvement Planning Committee recommends for your consideration and approval the capital items seen in Article 16 of the warrant.

I also want to update Town Meeting on the status of the building maintenance and repair projects funded by the debt exclusion. Most projects on the first year list have been addressed, or in the process of being addressed. As a result of the careful assessment of the scope of work, under the supervision of the Town Engineering Department, several items were completed under budget. A few items, such as repair or replacement of HVAC systems in Town buildings, have exceeded, or are projected to exceed, the estimated costs. To date, \$184,126. of the \$500,000. estimated for first year costs has been expended. Two large projects, the police HVAC system and the Wing '27 building window replacements, are being evaluated presently. Even though these projects are expected to be of substantial cost, it is likely that the total first year expenditures will come in under budget. Shortly after Town Meeting, the Committee will be meeting to establish a priority list for second year projects. Respectfully submitted, Susan R. James, Chair, Capital Improvement Planning Committee.

VOTED: That the Town hear the report of the Capital Improvement Planning Committee and to transfer and appropriate \$400,000.00 from the ambulance receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for purchasing and repairing equipment, vehicles and buildings, and providing related services in accordance with the list printed in the Warrant under Article 16. This was a voice vote and declared carried by the Moderator.

ARTICLE 17

To see if the Town will vote to rescind the approval granted at the March 19, 2001 Special Town Meeting under Article 6 to transfer and appropriate \$200,000.00 from the Stabilization Fund for the purpose of completing repairs and improvements to the Sandwich Boardwalk since those funds were not needed to complete the repairs, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town rescind the vote taken at the March 19, 2001 Special Town Meeting under Article 6 to transfer and appropriate \$200,000.00 from the Stabilization Fund for completing repairs and improvements to the Sandwich Boardwalk.

ARTICLE 18

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$21,200.00, to be expended under the direction of the Board of Selectmen, to fund various Social Service Programs for services to be performed for and on behalf of Sandwich residents as listed below, or take any action relative thereto.

Big Brothers/Big Sisters	500.00
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Upper Cape AIDS Council	1,000.00
Independence House	6,400.00
Legal Services of Cape Cod	2,000.00
Nauset Workshop	1,000.00
Elder Services	500.00
Gosnold/Children's Services	6,000.00
Special Olympics	400.00
Cape Cod Child Development	1,200.00
Sight Loss Services	600.00
Falmouth Free Clinic	1,600.00

VOTED: That the Town raise and appropriate \$21,200.00 to fund various Social Service programs for services to be performed for and on behalf of Sandwich residents and as printed in the Warrant under Article 18. This was a voice vote and declared carried by the Moderator.

ARTICLE 19

To see if the Town will vote to transfer and appropriate the FY'03 income from the Hoxie House and Grist Mill for the FY'04 operation and maintenance of the Hoxie House and Grist Mill, including salaries and expenses, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$37,000.00 from the FY 2003 income from the Hoxie House and Grist Mill for the FY 2004 operation and maintenance of the Hoxie House and Grist Mill, including salaries and expenses, to be expended under the direction of the Board of Selectmen.

ARTICLE 20

To see if the Town will vote to transfer and appropriate the sum of \$109,145.00 to be expended under the direction of the Board of Selectmen, from the Beach and Recreation Account for the purpose of providing FY'04 Recreation Department, Natural Resources Department, and Facilities Management Department services, and for beach privileges at Sandy Neck Beach in accordance with the following list, or take any action relative thereto.

Recreation Department	61,300.00
Natural Resources Department	20,000.00
Facilities Management Department	12,000.00
Sandy Neck Beach Privileges	15,845.00

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$109,145.00 from the beach parking receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the following:

Recreation Department	61,300.00
Natural Resources Department	20,000.00
Facilities Management Department	12,000.00
Sandy Neck Beach Privileges	15,845.00

ARTICLE 21

To see if the Town will vote in accordance with the provisions of M.G.L. c. 44, §53F ½ to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'04 operating budget for Sandwich Hollows Golf Club, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$1,083,242.00 to be expended under the direction of the Board of Selectmen for establishing the FY 2004 operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.

ARTICLE 22

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$4,500.00 to be expended under the direction of the Board of Selectmen, for the purpose of continuing the Senior Volunteer Tax Credit Program under the provisions of M.G.L. c. 59, §5K during FY'04, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town raise and appropriate \$4,500.00, to be expended under the direction of the Board of Selectmen, to continue the Senior Volunteer Tax Credit Program under the provisions of M.G.L., Chapter 59, Section 5K during FY 2004.

ARTICLE 23

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$52,494.50 to be expended under the direction of the Board of Selectmen, for the purpose of funding

the FY'04 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$52,494.50 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the FY 2004 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997.

ARTICLE 24

To see if the Town will vote under §VII(B) of the "Agreement Between the Towns of Bourne, Falmouth, Marion, Sandwich and Wareham, Massachusetts With Respect To The Establishment of A Regional Vocational High School District" (the "Agreement"), to amend §I(A) Composition by deleting the second sentence thereof and substituting the following:

The Committee shall consist of nine members, two from the towns of Bourne, Falmouth, Sandwich and Wareham and one from Marion.

and by further amending §I(C) inserting the following sentence after the first sentence:

The election of the second Sandwich Member shall take place at the Sandwich town election next following the adoption of the amendment to this agreement authorizing said second member by all member communities and said member shall be elected for a term of three years.

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town vote to increase the number of elected School Committee members from Sandwich on the Upper Cape Cod Regional Technical School School Committee from one to two as printed in the Warrant under Article 24.

ARTICLE 25

To see if the Town will vote to accept the provisions of Chapter 425 of the Acts of 2002, an act relative to nuclear power plants and the supply of potassium iodide tablets to towns located in Barnstable County, with the administration, oversight, and distribution of said tablets to be under the authority and direction of the Board of Health, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the provisions of Chapter 425 of the Acts of 2003, an act relative to nuclear power plans and the supply of potassium iodide tablets to towns located in Barnstable County, as printed in the Warrant under Article 25.

ARTICLE 26

To see if the Town will vote to accept the provisions of M.G.L. c. 148, §261 which requires the installation of automatic sprinkler systems in accordance with state building codes for any new or substantially reconstructed multiple dwelling unit containing not less than four dwelling units, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the provisions of M.G.L. c. 148 §261 which requires the installation of automatic sprinkler systems in accordance with state building codes for any new or substantially reconstructed multiple dwelling unit containing not less than four dwelling units.

ARTICLE 27

To see if the Town will vote to transfer the following parcels of land from the Town Treasurer, or other Board or officer having the care, custody, control and management of the same for the purpose of sale or other general municipal purposes to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen upon such terms and conditions as the Board deems to be in the best interests of the Town, for and on behalf of the Town, to convey the following parcels of land for the purpose of developing affordable housing:

1. Town of Sandwich Assessors Map 4, Parcel 42, identified as 16 Evsun Drive and having an area of 29,422 square feet more or less; and
2. Town of Sandwich Assessors Map 4, Parcel 43, identified as 14 Evsun Drive and having an area of 20,076 square feet more or less.

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer the care, custody and control of Assessors Map 4, Parcels 42 and 43 to the Board of Selectmen for the purpose of conveyance and to authorize the Selectmen to convey the parcels for affording housing purposes on such terms and conditions as the Selectmen deem to be in the best interests of the Town.

ARTICLE 28

To see if the Town will vote to accept the provisions of Chapter 184, §51 of the Acts of 2002, which amended M.G.L. c. 59, §5(41C) relating to senior exemption options, by adopting the revisions specified below, or take any action relative thereto:

	<u>Current Law</u>	<u>Revised Amount</u>
<u>Eligible Age:</u>	70	65
<u>Income Limits:</u>	\$13,000 Single \$15,000 Married	\$20,000 Single \$30,000 Married
<u>Asset Limits:</u>	\$28,000 Single \$30,000 Married	\$40,000 Single \$55,000 Married

UNANIMOUSLY VOTED: That the Town accept the provisions of Chapter 184, §51 of the Acts of 2003, which amended M.G.L. c.59, §5(41C) relating to senior exemption options, and adopt the revisions specified in the Warrant under Article 28.

ARTICLE 29

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain and upon such terms and conditions as the Board shall deem satisfactory, for the purposes set forth in the Cape Cod Land Bank Act (Chapter 293 of the Acts of 1998, as amended) and/or M.G.L. c.40, §8C and for the purpose of granting conservation restrictions as set forth below, all or a portion of the land and improvements thereon identified as Assessors Map 57, Lot 18 and consisting of approximately 18.60 acres located off Leonard Road, said premises believed to be owned by The Nature Conservancy, so-called;

And further,

To authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$200,000.00 by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998, as amended, in anticipation of revenues to be received under Section 6 of said Chapter 293, as amended and M.G.L. c. 44, §7(3) or any other enabling authority for this purpose, with said funds to be deposited in the Town’s Land Bank Account, for the cost of said acquisition;

And further,

To authorize the Selectmen, Conservation Commission, and/or Land Bank Open Space Committee to apply for any and all grant funds in order to offset the cost of purchasing said parcel and to receive and accept such grants or reimbursements for this purpose, provided that any such funds received shall be placed in the Town’s Land Bank Account;

And further,

That the Town, by and through the Conservation Commission and Board of Selectmen, be authorized to grant conservation restrictions to be held by the Massachusetts Department of Environmental Management and/or the federal government and/or other governmental agencies or land trust, including, but not limited to land conservation and/or preservation trusts and other similar organizations and entities and to seek any authority that may be required from the State Legislature to allow the grant of such restrictions after an initial restriction has been recorded;

And further,

To enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase or accept such grants or reimbursements;

Or take any other action thereto.

UNANIMOUSLY VOTED: That the Board of Selectmen is hereby authorized to acquire by gift, purchase or eminent domain and upon such terms and conditions as the Board shall deem satisfactory, for the purposes set forth in the Cape Cod Land Bank Act (Chapter 293 of the Acts of 1998, as amended) and/or M.G.L. c.40, §8C and for the purpose of granting conservation restrictions as set forth below, all or a portion of the land and improvements thereon identified as Assessors Map 57, Lot 18 and consisting of approximately 18.60 acres located off Leonard Road, said premises believed to be owned by The Nature Conservancy, so-called;

And further,

To provide for the costs of acquiring the aforesaid property, the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow \$200,000.00 by issuance of general obligation bonds or notes under Section 7 of Chapter 293 of the Acts of 1998, as amended, in anticipation of revenues to

be received under Section 6 of said Chapter 293, as amended and M.G.L. c. 44, §7(3) or any other enabling authority, with said funds to be deposited in the Town's Land Bank Account, for the cost of said acquisition;

And further,

That the Selectmen, Conservation Commission, and/or Land Bank Open Space Committee are each hereby authorized to apply for and accept any and all grant funds that may be available in order to offset the cost of purchasing said parcel and to receive and accept such grants or reimbursements for this purpose, provided that any such funds received shall be placed in the Town's Land Bank Account;

And further,

That the Town, acting by and through the Conservation Commission and Board of Selectmen, is hereby authorized to grant conservation restrictions to be held by the Massachusetts Department of Environmental Management and/or the federal government and/or other governmental agencies or land trust, including, but not limited to land conservation and/or preservation trusts and other similar organizations and entities and to seek any authority that may be required from the State Legislature to allow the grant of such restrictions after an initial restriction has been recorded;

And further,

That the Town, acting by and through the Selectmen, is hereby authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase or accept any such grants or reimbursements.

ARTICLE 30

To see if the Town will vote to authorize the Conservation Commission and Board of Selectmen to grant conservation restrictions to be held by the Massachusetts Department of Environmental Management and/or the federal government and/or other governmental agencies or private land trusts, including, but not limited to land conservation and/or preservation trusts and other similar organizations and entities and to seek any authority that may be required from the State Legislature to allow the grant or such restrictions after an initial restriction has been recorded, on the following parcels, or take any action relative thereto:

1. Assessors Map 48, Lot 20 consisting of approximately 0.53 acres;
2. Assessors Map 48, Lot 26 consisting of approximately 5.90 acres;
3. Assessors Map 50, Lot 66 consisting of approximately 3.65 acres; and
4. Assessors Map 57, Lot 19 consisting of approximately 27.00 acres.

UNANIMOUSLY VOTED: That the Town authorize the Conservation Commission and Board of Selectmen to grant conservation restrictions to be held by the Massachusetts Department of Environmental Management and/or the federal government and/or other governmental agencies or private land trusts and to seek any authority that may be required from the State Legislature to allow the granting of such restrictions on the following parcels as printed in the Warrant under Article 30:

**Assessors Map 48, Lots 20 and 26
Assessors Map 50, Lot 66
Assessors Map 57, Lot 19.**

ARTICLE 31

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court as follows:

Notwithstanding any General or Special law to the contrary, the conservation commission of the Town of Sandwich may provide by rules or regulations for the imposition of reasonable fees for the employment of outside consultants, and shall account for and expend such funds in accordance with the requirements of M.G.L. c. 44, §53G.

And further,

To see if the Town will vote to accept the provisions of M.G.L. c.44, §53E ½ to establish a revolving fund for Conservation Commission consultant services to remain in effect only until such time as the special legislation referred to in this article becomes effective, with any funds in said revolving account to be transferred to the special legislation account upon its establishment,

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to petition the General Court to extend the requirements of M.G.L. c.44, §53G to the conservation commission for the imposition of fees for the employment of outside consultants, and further, to authorize the establishment of a revolving fund under M.G.L. c.44, §53E ½ for said purpose until such time as the special legislation is enacted as printed in the Warrant under Article 31.

ARTICLE 32

To see if the Town will vote to accept the provisions of M.G.L. c.40, §5G relative to the establishment of a municipal waterways improvement and maintenance fund, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the provisions of M.G.L. c.40, §5G to establish a municipal waterways improvement and maintenance fund.

ARTICLE 33

To see if the Town will vote to accept the provisions of M.G.L. c.44, §53D relative to the establishment of a revolving fund for self-supporting recreation and parks services, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the provisions of M.G.L. c. 44, §53D to establish a revolving fund for self-supporting recreation and parks services.

ARTICLE 34

To see if the Town will vote to authorize the Board of Selectmen to determine in its sole discretion if it should assent to a petition being presented to the Sandwich Water District for the purpose of expanding public water service along and through Town property in the so-called Lawrence Pond to Service Road area which is bounded to the south by the current Sandwich Water District boundaries of Spectacle, Triangle and Lawrence Ponds, to the west by the current Sandwich Water District boundaries of Spectacle Pond, Mill Road, and Sandwich Hollows Golf Club, to the north by Service Road, and to the east by the Sandwich-Barnstable town line, or take any action relative thereto.

VOTED: That the Town authorize the Board of Selectmen to determine in its sole discretion if it should assent to a petition being presented to the Sandwich Water District for the purpose of expanding public water service along and through Town property in the so-called Lawrence Pond to Service Road area as printed in the Warrant under Article 34. This was a voice vote and declared carried by the Moderator.

ARTICLE 35

To see if the Town will vote to amend General Bylaw Chapter 3, Section 3.45, Alarm System Use, by adding the following new Part 7A, or take any action relative thereto:

The owner of an alarm system that automatically summons the Fire Department, including automatic fire sprinklers, shall install the required lock box at the time the system is installed. As to any such alarm system or sprinkler system that was installed prior to the effective date of this bylaw and for which a lock box was not and has not been installed, the owner shall install the required lock box within thirty (30) business days after the effective date of this bylaw. Any owner who receives a written notice from the Fire Chief or his or her designee and fails or refuses to comply with this bylaw within thirty (30) business days after receipt of the notice shall be punished by a fine of \$50.00 per day until the lock box is installed.

UNANIMOUSLY VOTED: That the Town amend the Town General Bylaws, Chapter 3, Section 3.45, Alarm System Use, by inserting a new Part 7A as printed in the Warrant under Article 35.

ARTICLE 36

To see if the Town will vote to amend the General Bylaw by inserting a new Section 5.15, Scenic Road Bylaw, as follows, or take any action relative thereto.

Scenic Road By-Law

Section 1: Purpose

The purpose of this bylaw is to maintain the scenic beauty, aesthetic value and historic significance of certain roads in the Town of Sandwich by designating them as "Scenic Roads". For a road that has been designated as a Scenic Road, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting down or removal of significant trees, or the tearing down or burial, relocation or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board in accordance with the regulations of G.L. Chapter 40, Section 15c, paragraph 2.

Section 2: Authority

The enactment of this bylaw is authorized by Massachusetts General Laws, Chapter 40, Section 15C.

Section 3: Definitions

In the absence of any contrary meaning established through legislation or judicial action in regard to MGL Chapter 40, Section 15C, the following terms contained in said statute and used in this Bylaw shall mean and be construed as follows:

Cutting or Removal of Trees: cutting or removing any of the following or any combination of the following:

1. One or more tree trunks having a diameter of nine (9) inches or more measured four feet above the ground, or
2. Two or more tree trunks having a diameter of six (6) inches or more measured four feet above the ground, or
3. Seven or more limbs, roots of more than four (4) inches in diameter where cut, on a single tree.

Repair, Maintenance, Reconstruction or Paving Work: Any such work done within the right-of-way by any person or agency, public or private, including roadway widening and/or construction of a new private driveway within the right-of-way, but not including utility work in trees not affecting the road itself.

Road: Any road in Sandwich, including a public road, private road, or paper road, other than a state highway or a numbered route unless the entire length of the numbered route is contained within the boundaries of Sandwich and no part of the numbered route is owned or maintained by the Commonwealth.

Scenic Road: Any eligible road or portion of a road designated as a Scenic Road by vote of Town Meeting pursuant to this bylaw or G.L. Chapter 40, Section 15C.

Scenic Road Boundary: The right-of-way line of such a road and shall include anything touching or located on the right-of-way line.

Significant Tree: A living tree with a trunk circumference of two feet or more as measured twenty-four inches above the ground.

Stone Wall: Any structure of natural stones, cut or uncut, that is built to order, enclose, divide or define an area, regardless of the condition of that structure.

Section 4: Designation of a Scenic Road

4.1 Consideration for Scenic Road Designation: In determining which roads or portions of roads should be recommended for designation as Scenic Roads, the following criteria shall be considered:

1. Overall scenic beauty.
2. Overarching tree canopy and other contribution of vegetation to scenic beauty.
3. Contribution of stone walls, fences, narrow shoulders and other elements, natural or man-made, to scenic beauty.
4. Age and historic significance of way, trees and stone walls, including preservation of historic way width, grade and alignment.
5. Potential for lessening of scenic beauty, aesthetic value or historical significance of natural and man-made features by alteration.

4.2 procedure for Designation of a Scenic Road: Upon recommendation or request of the Planning Board, Conservation Commission or Historical Commission, any road shall, upon vote of a majority of voters present and voting at any annual or special Town Meeting, become a Scenic Road subject to the provisions hereof.

Section 5: Procedures for Actions Affecting Scenic Roads, Stone Walls or Trees

1. Actions requiring prior written approval: Any repair, maintenance, reconstruction or paving work to be done within the Scenic Road Boundary that will involve or include:
 - a. Cutting or removing trees
 - b. Tearing down or destruction of stone walls including burial or relocation or portions thereof
 - c. Any temporary disturbance of a stone wall shall require prior written approval of the Planning Board after a public hearing.
2. Actions which do not require prior written approval:

Emergency Work: In the event that emergency conditions require that work otherwise requiring Planning Board approval must proceed before such approval can be obtained, the work may proceed to the extent which is deemed necessary to protect public health and safety. The work shall be reported, in writing, to the Planning Board within seventy-two hours of the emergency condition.
3. Determination of Scenic Road Boundary: When a dispute as to the boundary of a Scenic Road arises, it will be presumed that the tree or stone wall in question is within the boundary until an applicant hereunder to the satisfaction of the Planning Board proves the contrary.

4. Filing: Any person, organization, state or municipal agency, utility or any other party that desires to undertake any action that requires prior written approval pursuant to Section 5.1 hereof, shall file an application with the Planning Board.
5. Public Hearing: The Planning Board shall schedule a public hearing as soon as is feasible after the Planning Board receives an application. The Planning Board shall give notice of its public hearing by advertising twice in a newspaper of general circulation in Sandwich, as to time, date, place and purpose, the last publication to occur at least seven (7) days prior to such hearing. Such hearing shall be consolidated with any hearing required under MGL Chapter 87, Section 3 whenever so required.
6. Considerations for the Planning Board Decision: In making a decision with respect to any written request made hereunder, the Planning Board shall consider the following:
 - a. Preservation of natural resources;
 - b. Environmental issues;
 - c. Historical values;
 - d. Scenic and aesthetic characteristics;
 - e. Expense of reconstruction or relocation;
 - f. Public safety;
 - g. Existence or absence of reasonable alternatives, including a no-build alternative;
 - h. Consistency with articulated town policies;
 - i. Congruence with the Sandwich Comprehensive Plan;
 - j. Other sound planning considerations.
7. Decision of the Planning Board: The Planning Board shall make a determination with respect to a written request within twenty-one days after the close of the public hearing. Failure of the Planning Board to make its decision and file it with the Town Clerk within the time allotted shall constitute approval of the written request.
8. Fines: Any violation of this bylaw shall be punished by a fine of not more than \$300 in accordance with G.L. Chapter 40, Section 21D and Town Bylaw Section 2.80. The enforcing authority shall be the Board of Selectmen or the Sandwich Police Department. The specific fine schedule is as follows:

a. First offense	\$150 per tree removed; \$100 per tree cut.
b. Second offense	\$225 per tree removed; \$175 per tree cut.
c. Third offense	\$300 per tree removed; \$250 per tree cut.
9. Additional Rules and Regulations: The Planning Board may adopt more detailed regulations for carrying out its duties under this Bylaw.

Section 6: List of Roads

The following roads upon recommendation of town meeting have been designated as Scenic Roads pursuant to Massachusetts General Laws, Chapter 40, Section 15C:

Atkins Road (from 6A to southerly intersection of Crestview)
 Beale Avenue
 Boardley Road
 Charles Street
 Canary Street
 Chase Road
 Cranberry Trail
 Cross Street
 Dewey Avenue
 Discovery Hill Road
 Factory Street
 Farmersville Road
 Freeman Street
 Gilman Road
 Great Hill Road
 Grove Street
 Gully Lane
 Harbor Street
 Harlow Road
 Howland Lane
 Jarves Street
 John Ewer Road
 Jones Lane
 Liberty Street
 Newtown Road
 Nye Road (Street)
 Main Street (east from Town Hall to Route 6A)
 Old County Road
 Pheasant Lane
 Pimlico Pond Road
 Pinkham Road

Pine Street
Pleasant Street
Ploughed Neck Road
Quaker Road
River Street
Route 130 (Quaker Meetinghouse Road to Mashpee Line)
Sandy Neck Road
School Street
Shawme Road
Snake Pond Road
Spring Hill Road
State Street
Stowe Road
Summer Street
Tupper Road
Water Street
Willow Street

UNANIMOUSLY VOTED: That the Town amend the Town General Bylaws, Chapter 5 by inserting a new Section 5.15, Scenic Road Bylaw, as printed in the Warrant under Article 36.

ARTICLE 37

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Sections 4132, 4133, 4138 and 4139 inclusive, Accessory Dwelling Units by:

In Section 4132 delete the word "40,000" and add in its place "30,000".

And further,

In Section 4133 delete the words "1,000 square feet or thirty (30) per cent of the gross square footage of the principal dwelling, whichever is larger. Gross square footage shall be defined as the total floor area of the dwelling, excluding basement, attic, or garage." And add in their place "700 SF and shall not contain more than 2 bedrooms."

And further,

Delete the entire Section 4138 and add the following Section 4138:

- a. Deed Restriction.** As a condition of any special permit issued under Section 4130, the applicant shall execute a permanent affordable housing restriction ("Restriction") in a form acceptable to the Planning Board. The restriction for the unit shall run with the property so as to be binding on and enforceable against any person claiming an interest in the property and which restricts the use of the one unit as a rental unit to a person or family whose income is 70 per cent or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area (MSA). The special permit shall not take effect until the special permit and the restriction are recorded at the Registry of Deeds and a copy of these documents are provided to the Planning Board, Sandwich Housing Authority and the Inspector of Buildings.
- b. Maximum Rent.** The accessory dwelling unit shall be rented to a person or family whose income is 70 per cent or less of the Area Median Income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and shall further agrees that rent, including heat but not other utilities, shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 70 per cent or less of the median income of Barnstable-Yarmouth Metropolitan Statistical Area. In the event that utilities are separately metered, the utility allowance established by the Sandwich Housing Authority shall be deducted from HUD's rent level.

And further,

Delete the entire Section 4139 Application Requirements And Procedures and add the following new Section 4139:

All applications for Accessory Dwelling Unit special permits shall follow the procedures in Section 1340 and shall be subject to the requirements of Section 1330 through Section 1350.

or take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Sections 4132, 4133, 4138, and 4139 as printed in the Warrant under Article 37. This article required a two-thirds majority. This was a voice vote and was declared not carried by the Moderator.

ARTICLE 38

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws, Article II, Use and Intensity Regulations, Section 2540c, Multiple Principal Buildings on the Same Lot, Affordable Housing by:

Deleting the sentence: "A special permit for such additional dwelling units shall not be issued until after an accessory dwelling unit special permit has been issued by the Planning Board in accordance with Sections 4135-4139 of this Protective Zoning Bylaw."

And adding in place the following sentence: "The Board of Appeals shall condition any special permit allowing the affordable units according to the affordability criteria in Section 4138."

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Article II, Use and Intensity Regulations, Section 2540c, Multiple Principal Buildings on the Same Lot, Affordable Housing as printed in the Warrant under Article 38.

ARTICLE 39

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Cluster Development, Section 4443 through 4445 inclusive by:

Deleting Section 4443 in its entirety and replacing it with the following Section 4443:

4443. Flexible Dimensions for Cluster Lots.

a. Lot coverage, yard, frontage and lot area regulations shall be the following, in lieu of the requirements in Section 2600:

Maximum Lot Coverage:		
Lot area	5000 SF to 10000 SF	45%
Lot area	10001 SF to 20000 SF	35%
Lot area	20001 SF to 30000 SF	30%
Lot area	30001 SF to 40000 SF	25%
Minimum Front Yard	15 ft.	
Minimum Lot Frontage	50 ft.*	
Maximum Lot Frontage	75 ft.*	
Minimum Lot Area	5,000 SF	
Maximum Lot Area	40,000 SF	
Minimum Side and Rear Yard	12 ft.**	

*But not less than 150 feet if on an arterial street.

**Except not less than the requirements of Section 2600 for yards in the development abutting property not located within the Cluster Development. Accessory buildings

shall not be located within six feet of any property line including property lines shared in common with open space parcels, but shall not be less than the requirements of Section 2600 for yards abutting property not located within the Cluster Development.

And further,

Deleting Section 4444(f) in its entirety and replacing it with the following Section 4444(f):

4444. Village Cluster Regulations

f.) In lieu of the otherwise applicable requirements for the Cluster Development, lot coverage, yard, frontage and lot area regulations for a Village Cluster shall be the following:

Maximum Lot Coverage:		
Lot area	5000 SF to 10000 SF	45%
Lot area	10001 SF to 20000 SF	35%
Lot area	20001 SF to 30000 SF	30%
Lot area	30001 SF to 40000 SF	25%
Minimum Front Yard	15 ft.	
Minimum Lot Frontage	30 ft.*	
Maximum Lot Frontage	50 ft.*	
Minimum Lot Area	5,000 SF	
Maximum Lot Area	½ the applicable lot area	
Minimum Side and Rear Yard	12 ft.**	

*No part of the lot area employed for zoning compliance shall be more distant from the street line than five (5) times the lot frontage.

**Except not less than the requirements of Section 2600 for yards in the development abutting property not located within the Cluster Development. Accessory buildings shall not be located

within six feet of any property line including property lines shared in common with open space parcels, but shall not be less than the requirements of Section 2600 for yards abutting property not located within the Cluster Development.

And further,

Deleting Section 4445 in its entirety.

or take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Cluster Development, Sections 4443 through 4445 inclusive as printed in the Warrant under Article 39. This article required a two-thirds majority. This was a voice vote and was declared not carried by the Moderator.

ARTICLE 40

To see if the Town will vote to amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Affordable Housing Conditional Density Program, by:

Deleting the Affordable Housing Conditional Density Program in its entirety and adding the following new Section 4450 Affordable Housing Conditional Density Development.

4450. Affordable Housing Conditional Density Development

4451. Purpose and Authority. The purpose of Section 4450 is to further the goal of encouraging affordable housing types for persons of various age and income levels in accordance with Massachusetts General Laws, Chapter 40A, Section 9 which allows municipalities to adopt “incentive” ordinances for the creation of affordable housing, and for the purpose of:

1. Helping residents and their families who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and,
2. Maintaining a stable economy by preventing out-migration of residents who are an essential part of our community.

The Planning Board may grant a special permit that allows an increase in density through a relaxation of dimensional requirements of the Sandwich Protective Zoning Bylaw as described in Section 4453. Any special permit granted pursuant to this section shall require that a percentage of all units developed on the site be sold and maintained at affordable prices according to the standards contained in Section 4453 and 4455. For the purpose of Section 4450 the Planning Board shall be the Special Permit Granting Authority (SPGA).

4452. Procedures. Density increases shall only be allowed in accordance with the requirements and restrictions set out in Section 4453 and 4455 of this bylaw. **A Conditional Density Affordable Housing Development shall not have more than 40 dwelling units.** Any Special Permit application under this section shall also be accompanied by a definitive plan application, showing the proposed lots and roadways, which shall be advertised and noticed according to the provisions of the M.G.L. Chapter 41, Section 81. The Planning Board public hearings for the Special Permit and the Definitive Plan shall run concurrently. As a further incentive for the construction of affordable housing, the Board may, at its discretion and upon written request from the applicant, waive certain standards for requirements set forth in Sandwich Planning Board Subdivision Rules and Regulations.

4453. Standards.

- a. **Number of Dwelling Units.** The number of units allowed in an Affordable Housing Conditional Density Development shall be as follows:

Homeownership:		
<u>Number of Dwelling Units</u>	<u>Percent Affordable</u>	<u>Max.number of units allowed</u>
Units per acre	100% Affordable Units	40
Units per acre	50% Affordable Units	20
Rental:		
1 Bedroom Unit or Units Deed Restricted to Age 55 and older*		
<u>Number of Dwelling Units</u>	<u>Percent Affordable</u>	<u>Max.number of units allowed</u>
10 Units per acre	100% Affordable Units	40
6 Units per acre	50% Affordable Units	20
2 Bedroom Units		
<u>Number of Dwelling Units</u>	<u>Percent Affordable</u>	<u>Max.number of units allowed</u>
4 Units per acre	50% Affordable Units	20

*Such units shall be limited to residency by persons, and their dependents as defined under state and federal regulations, who have achieved a minimum age requirement for residency of at least fifty-five (55) years of age.

Dimensional regulations other than lot area shall follow the standards set out in Section 4443, Flexible Dimensions for Cluster Lots.

- b. **Design Standards.** Affordable housing units created through this bylaw shall be harmonious with the rest of the development and shall be similar in design, appearance, construction, and quality of materials with other units in the development and with the surrounding neighborhood.
- c. **Lottery.** The lottery for any affordable units permitted under this section shall be conducted before commencement of any construction of roads or structures on the site and before any building permits are granted. The Planning Board shall designate a lottery agent as a condition of the special permit.
- d. **Phasing.** A schedule of construction that provides for the timely delivery of affordable units must be submitted to and approved by the Planning Board prior to the endorsement of the Definitive Plan.
 - 1. In no case shall building permits be issued for more than 25 per cent of the market rate units until 25 per cent of the affordable units are constructed. After the initial 25 per cent of the market rates units and 25 per cent of the affordable units are constructed, building permits for the remainder of the units shall only be issued on a 1 to 1 basis, that is 1 affordable then 1 market rate and so on until all the affordable units are permitted and constructed. The last unit permitted and constructed shall be a market rate unit.
 - 2. The project may also be constructed in its entirety with all permits applied for at one time provided that the occupancy permits are issued with an initial phase of no more than 25 per cent of the market rate units being issued certificates of occupancy until 25 per cent of the affordable units are issued certificates of occupancy. After this initial phase, certificates of occupancy shall only be issued on a 1 to 1 basis, that is 1 affordable and 1 market rate and so on until all the affordable units have certificates of occupancy. The last unit to be issued a certificate of occupancy shall be a market rate unit.
 - 3. Projects that are 100 per cent affordable are not subject to phasing.

4454. **Special Permit Criteria.** The Planning Board will review all projects for conformance with the following criteria:

- a. The proposed development conforms to the design standards of this bylaw and will deliver the affordable units according to the provisions of Section 4453d.
- b. The proposed development site plan is designed in its proportions, orientation, materials, landscaping, and other features as to provide a stable and desirable character complementary to and integral with the natural features.
- c. The Board finds that the development and commensurate density increase does not have a detrimental effect on the character of the neighborhood or community and is consistent with the performance standards of the Sandwich Zoning Bylaw.
- d. The proposed development is consistent with all municipal comprehensive plans, policies and objectives.

4455. **Long Term Affordability.** As a condition to any special permit issued under Section 4450, all affordable housing units created under Section 4450 shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The special permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the Planning Board and the Inspector of Buildings.

a. Affordable Housing Restriction

1. Homeownership Units. The Restriction shall provide that units made available for ownership shall be made available at a cost including mortgage interest, principal, taxes, insurance and common charges not exceeding 30 per cent of annual income for a household at or below 70 per cent of the Area Median Income (AMI) of the Barnstable-Yarmouth Metropolitan Statistical Area (MSA), and shall be sold to households earning at or below 70 per cent of the Area Median Income (AMI) of Barnstable-Yarmouth MSA. The Restriction shall limit the resale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Massachusetts Department of Housing and Community Development's (DHCD) regulations and guidelines under Chapter 40B of the Massachusetts General Laws.

2. Rental Units. The Restriction shall provide that units made available for rental shall be rented to a person or family whose income is 70 per cent or less of the Area Median Income (AMI) of Barnstable-Yarmouth Metropolitan Statistical Area (MSA).

The rent, including heat but not other utilities, shall not exceed the rents established by the Department of Housing and Urban Development (HUD) for a household whose income is 70 per cent or less of the median income of MSA. In the event that utilities are separately metered, the utility allowance established by the Sandwich Housing Authority shall be deducted from HUD's rent level.

- b. **Regulatory Agreement.** The resale of affordable units created under this section shall be governed by the regulatory agreement executed as a condition of any special permit granted under this section. Eligible purchasers are given the opportunity to purchase the Affordable Units at a reduced price of the Affordable Unit's appraised fair market value if the purchaser agrees to convey the Affordable Unit on resale:
1. To an eligible purchaser located by the Town of Sandwich or the Monitoring Agent or the property owner or,
 2. To the Town of Sandwich, for an amount equal to the Maximum Resale Price, which is determined by multiplying the most recent published area median income as determined by the United States Department of Housing and Urban Development ("HUD") (the "Base Income Number") by the Maximum Resale Price Multiplier. Maximum Resale Price Multiplier is calculated at the initial sale by dividing the Initial Sales Price by the Base Income Number.

4456. Application Requirements.

- a. **Special Permit.** Applicants for a Special Permit under this section shall include the following materials with the application:
1. A completed application form.
 2. A plan depicting existing conditions and a general description of existing conditions for abutting properties; the nature and location of existing buildings on the property or within 300' of the property line; existing street layouts and elevations and open spaces within the neighborhood of the property.
 3. Preliminary, scaled architectural drawings, signed by a registered architect, for each proposed building as well as elevations for each building. In the case of rental properties these plans shall include floor plans for each unit proposed.
 4. A tabulation of proposed buildings by type, size including number of bedrooms; lot coverage by structure and all impervious areas; and any additional area to be developed for any use for example parking, driveways, lawns, gardens and so forth.
 5. A preliminary utilities plan.
 6. Draft documents that comply with the provisions of Section 4455. Such documentation shall also include the proposed affordable housing unit sales price or rental amounts.
- b. **Definitive Plan.** Applicants for a definitive plan pursuant to Section 4450 shall include the following materials with the application:
1. A completed application form (Form C).
 2. A municipal lien certificate.
 3. Subdivision plans prepared according to the requirements of the Sandwich Planning Board Subdivision Rules & Regulations.

or take any action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning Bylaws, Article IV, Special Regulations, Affordable Housing Conditional Density Program, by deleting Section 4450 in its entirety and inserting in its place a new Section 4450, Affordable Housing Conditional Density Development, as printed in the Warrant under Article 40. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

Since it was 11:10 p.m., the Moderator asked those present, in accordance with Section 1.15 of the Town Bylaws, if they wished to continue the meeting. It was a voice vote and declared carried unanimously.

Before the next article could be presented, Allen E. Peterson questioned the quorum. Since a count of voters totaled 155 and a quorum is 200, the Town Meeting was adjourned at 11:20 p.m. to the Election to be held on Thursday, May 8, 2003 from 7 a.m. to 8 p.m.

The results of the election are as follows:

BOARD OF SELECTMEN, For Three Years

Vote for not more than one

	P1	P2	P3	P4	P5	P6	P7	TOTALS
William Diederling	294	278	235	143	181	210	142	1,483
Kerri L. Ames	106	107	103	84	88	77	98	663
All Others	3	3	0	0	1	3	2	12
Blanks	12	19	4	10	15	5	8	73
Total	415	407	342	237	285	295	250	2,231

BOARD OF ASSESSORS, For Three Years

Vote for not more than one

James Vincent Toner III	288	263	246	176	197	215	182	1,567
All Others	3	3	1	0	3	1	1	12
Blanks	124	141	95	61	85	79	67	652
Total	415	407	342	237	285	295	250	2,231

MODERATOR, For Three Years

Vote for not more than one

Garry N. Blank	292	251	251	176	197	212	182	1,561
All Others	4	12	5	2	5	3	3	34
Blanks	119	144	86	59	83	80	65	636
Total	415	407	342	237	285	295	250	2,231

CONSTABLE, For Three Years

Vote for not more than one

Peter Watts	291	274	248	185	211	208	180	1,597
All Others	6	3	2	0	3	2	6	22
Blanks	118	130	92	52	71	85	64	612
Total	415	407	342	237	285	295	250	2,231

SCHOOL COMMITTEE, For Three Years

Vote for not more than three

Regina T. Peters	147	135	109	78	95	109	88	761
Craig Huey Bayer	41	33	35	29	44	30	73	285
Keith M. Fernald	64	47	37	44	31	64	37	324
James Michael Foley	125	152	116	73	97	107	71	741
Diane Carol Hembling	174	150	136	108	120	107	116	911
Kathryn R. Heras	123	138	144	87	107	118	92	809
David B. Mason	302	297	258	142	204	200	156	1,559
All Others	1	2	0	0	1	1	2	7
Blanks	268	267	191	150	156	149	115	1,296
Total	1245	1221	1026	711	855	885	750	6,693

BOARD OF HEALTH, For Three Years

Vote for not more than one

Brian G. Dixon	292	267	253	179	202	218	186	1,597
All Others	2	1	0	0	1	1	1	6
Blanks	121	139	89	58	82	76	63	628
Total	415	407	342	237	285	295	250	1,231

TRUSTEE, SANDWICH PUBLIC LIBRARY, For Three Years

Vote for not more than three

Elizabeth H. Gill	307	276	261	175	201	219	190	1,629
David Ernest Goehringer	269	233	227	155	182	179	168	1,413
Joseph V. Maruca	265	233	237	161	186	185	172	1,439
All Others	3	3	0	0	0	3	4	13
Blanks	401	476	301	220	286	299	216	2,199
Total	1245	1221	1026	711	855	885	750	6,693

TRUSTEE, WESTON MEMORIAL FUND, For Three Years

Vote for not more than 1

Geoffrey F. Lenk	290	246	254	176	192	210	184	1,552
All Others	0	3	0	0	2	1	1	7
Blanks	125	158	88	61	91	84	65	672
Total	415	407	342	237	285	295	250	2,231

PLANNING BOARD, For Three Years

Vote for not more than 2

Barbara Shaner Kirsch	271	243	238	155	169	187	153	1,416
Wayne Gere Sellin	255	227	215	156	178	192	168	1,391
All Others	0	0	0	0	4	2	1	7
Blanks	634	344	231	163	219	209	178	1,648
Total	830	814	684	474	570	590	500	4,462

SANDWICH HOUSING AUTHORITY, For Five Years

Vote for not more than one

Harry Earl Lantery, Jr.	274	253	245	172	187	206	171	1,508
All Others	0	2	0	0	2	1	2	7
Blanks	141	152	97	65	96	88	77	716
Total	415	407	342	237	285	295	250	2,231

SANDWICH HOUSING AUTHORITY, For Four Years, Unexpired Term

Vote for not more than one

Barbara A. Sullivan	181	203	138	129	117	134	117	1,019
Taylor D. White	189	158	160	74	126	134	96	937
All Others	0	1	0	0	1	0	1	3
Blanks	45	45	44	34	41	27	36	272
Total	415	407	342	237	285	295	250	2,231

SANDWICH HOUSING AUTHORITY, For Two Years, Unexpired Term

Vote for not more than one

David Leonardi	281	244	242	160	188	205	173	1,493
All Others	1	3	0	4	2	1	4	15
Blanks	133	160	100	73	95	89	73	723
Total	415	407	342	237	285	295	250	2,231

UPPER CAPE COD REGIONAL TECHNICAL VOCATIONAL SCHOOL, For Three Years

Vote for not more than one

Penelope J. Blackwell	293	268	257	176	204	217	192	1,607
All Others	0	3	0	0	4	2	2	11
Blanks	122	136	85	61	77	76	56	613
Total	415	407	342	237	285	295	250	2,231

The Polls were closed at 8:00 p.m. The total vote cast was 2,231. The total number of voters at the close of registration prior to the election was 13,314. The voting lists of Ballot Clerks and Checkers were checked and found in order and agreed with Ballot Box totals.

The number of absentee ballots was 100, which included P1 – 24, P2 – 26, P3 – 16, P4 – 5, P5 – 7, P6 – 12, P7 – 10.

I certify that this is a true record of the Annual Town Meeting and Election held on May 5 and May 8, 2003.

Barbara J. Walling
Town Clerk