

**TOWN OF SANDWICH
ANNUAL TOWN MEETING
May 1, 2017**

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:02P.M. The total number of eligible voters for this meeting was 15,924 and the clerks checked in a total of 475 voters, which is a 2.9% turnout.

The Moderator swore in the following Sandwich residents as tellers: Nancy Crossman, Daryl Crossman, John Vibberts, Susan Vibberts, Phyllis Helfrich, Paul Houlihan, Bob King, Tobin Wirt, Matthew Cubetus, Kathy Felt, Nancy Lawrence, Maryellen Anderson, Denise Dever and Kathy Brown. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Board of Selectmen member, Frank Pannorfi, led Town Meeting in the Pledge of Allegiance. Rabbi David Freelund did the invocation.

ARTICLE 1

To see if the Town will vote to hear the reports of all Town Officers and Committees and to act thereon and to hear the report of the Board of Selectmen on the Long Range Plan, or take any other action relative thereto.

Susan James, Chairman of the Board of Selectmen, read the report on the Long Range Plan on behalf of the Board.

UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2016 Annual Town Reports and hear the report of the Board of Selectmen on the Long Range Plan. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 2

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 or transfer from available funds the sum of \$72,376,151.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2017 to June 30, 2018 as itemized below in the third column entitled FY'18 Recommendation, or take any other action relative thereto.

Mark Snyder, Vice-Chairman of the Finance Committee, asked voters to read the Long Range Plan printed in the Warrant on behalf of the Committee.

Fiscal Year 2018 Finance Committee Budget Message:

In accordance with Section 7.2b of the Town Charter the Finance Committee hereby presents its Fiscal Year 2017 budget message to the residents and taxpayers of Sandwich.

Our town's financial condition remains sound, thanks to careful planning and prudent fiscal management. Our Town routinely adopts reasonable spending plans while modestly enhancing its reserves. Borrowing is done responsibly to support capital needs and maintain infrastructure. Good fiscal stewardship has enabled our Town to provide the education, public safety, public works and other municipal services that we residents expect and value. However, persistent headwinds present real obstacles to our progress.

As we have reported previously, our Town faces some significant budget and planning challenges, these include:

- Our town's revenue increases are constrained by law and can only rise modestly at an estimated annual rate of about 3.0% – 3.5%. With select costs routinely increasing at a greater rate, it remains difficult to maintain current service levels;
- Our largest expense is our schools, which, having absorbed significant declines in enrollment and consolidating buildings continue to struggle to contain expenses. Despite servicing far fewer students than 5 or 10 years ago, increasing education-related costs, including staff compensation and student services for children with disabilities, as well as ever escalating state tuition assessments continues to put pressure on the municipal budget;
- Significant capital projects remain to be funded, including: the renovation or disposal of the Wing School, unknown costs associated with beach restoration and to be determined costs for water resource management plus much needed road repairs and maintenance as well as existing fire station and other municipal building improvements; and,
- Health and other municipal employee insurance costs represent an ever-growing current and future town payable.

Despite these and other serious fiscal challenges that require a constant focus on cost containment, our longer-term budget outlook is not entirely gloomy. Town leaders have worked closely with NRG, the owner of the Canal Plant and have announced a multi-year, multi-million dollar agreement with NRG that will provide real and meaningful budget planning flexibility to town officials long-accustomed to simply making do; and could offer residential taxpayers a modest degree of real property tax relief.

The process of creating a spending plan with limited funds is always a challenge. It is hard work to build a budget that enables our schools, public safety and municipal services departments to continue to provide quality services within the confines of available resources. Many Town officials, both appointed and elected, work diligently to create our budget. The Finance Committee appreciates their hard work, energy and effort. Their jobs are difficult and sometimes thankless.

The Finance Committee routinely provides meaningful, specific and actionable financial advice and recommendations to the School Committee, Board of Selectmen, Town staff and most importantly, to you the taxpayers and voters of Sandwich. Finance Committee members take their mission and work very seriously. We work diligently to deliver a complete, fair and reasonable assessment of the Town's financial plan, current budget and longer-term fiscal stewardship. We are grateful for the opportunity and honor we have to serve you our neighbors and fellow taxpayers.

Respectfully submitted,

Bob Guerin, Chairman
 Mark I. Snyder, Vice Chairman
 Matthew D. Anderson
 Gwendolyn (Gwenn) Hope Dyson
 Charles M. Holden
 James J. Lehane
 Richard J. Reilly
 Anthony P. Teixeira
 Laura B. Wing

FY'18 BUDGET TOTALS

No.	Department	FY'16 Appropriation	FY'17 Appropriation	FY'18 Recommendation
114	Moderator	450	450	450
123	Selectmen/Manager	467,269	479,632	497,081
	Personnel Expenses	244,875	414,500	259,426
131	Finance Committee	3,400	3,400	3,400
135	Accounting	226,810	214,338	208,269
141	Assessing	384,818	387,126	385,229
145	Treasurer	205,882	210,809	225,081
146	Tax Collector	201,800	197,601	202,711
147	Tax Title	35,000	35,000	35,000
151	Legal	300,000	300,000	300,000
152	Human Resources	170,163	176,338	181,656
161	Town Clerk	165,677	172,001	182,361
162	Elect. & Registration	60,750	70,250	50,250
171	Natural Resources	270,676	274,814	281,237
175	Planning & Development	222,299	218,046	218,160
190	Facilities Management	522,455	530,350	599,440
195	Town Reports	11,000	11,000	11,000
196	Bind Records	6,000	6,000	6,000
197	Info. Technology	529,329	537,012	574,902
	Total 100s	4,028,653	4,238,667	4,221,653
210	Police Department	4,098,264	4,333,512	4,479,098
220	Fire Department	3,211,210	3,273,122	3,409,792
241	Inspections	265,317	273,268	278,281
244	Sealer of Weights & Measures	200	200	200
291	Emergency Management	11,500	11,500	11,500
294	Forest Warden	1,500	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	2,000	2,000	2,000
	Total 200s	7,593,991	7,899,102	8,186,371
300	School Department	30,915,593	31,715,518	32,578,784
313	UCCRVTS	2,049,172	2,184,779	2,157,422
	Total 300s	32,964,765	33,900,297	34,736,206
410	DPW - Engineering	188,745	194,367	201,142
420	DPW	1,467,558	1,678,698	1,722,366
421	Snow & Ice	250,014	400,000	400,000
424	Streetlights	30,000	30,000	25,000
	Total 400s	1,936,317	2,303,065	2,348,508

No.	Department	FY'16 Appropriation	FY'17 Appropriation	FY'18 Recommendation
510	Health Department	187,330	191,771	199,288
522	Nursing Department	145,742	152,412	144,468
540	Social Services	35,000	35,000	35,000
541	COA	217,769	230,048	236,711
543	Veterans	45,500	55,500	73,000
Total 500s		573,290	664,731	688,467
610	Library	944,017	949,833	998,332
630	Recreation	155,787	161,834	170,252
650	DPW - Parks	20,850	20,850	25,850
671	Hoxie / Grist Mill	20,000	20,000	25,500
693	Memorial Day	1,200	1,200	1,200
694	Historic District	13,000	14,750	14,750
Total 600s		1,154,854	1,168,467	1,235,884
Operating Budget Subtotal:		48,309,921	50,174,329	51,417,089
135	Sanitation, Marina & SHGC Indirect Costs Transfers			45,000
171	Waterways Fund Transfer			7,500
220	Ambulance Fund Transfer			1,200,000
630	Beach & Recreation Account Transfers (incl. Sandy Neck)			237,572
650	Cemetery Trust Fund Transfer			25,000
671	Hoxie House / Grist Mill Transfer			27,500
Inter-Fund Transfers Subtotal:				1,542,572
132	Reserve Fund			500,000
710	Short Term Debt			50,000
750	Debt			2,566,171
910	Group Health Insurance			10,750,000
912	Medicare			674,160
940	Property & Liability Insurance			1,050,000
941	Unemployment Account			100,000
941	OPEB Trust Fund			100,000
950	Retirement Assessment			3,626,159
Other Budget Accounts Subtotal:				19,416,490
FY'18 BUDGET TOTAL:				72,376,151

UNANIMOUSLY VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$69,363,495; transfer and appropriate \$1,370,084 from Free Cash; transfer and appropriate \$1,200,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$100,000 from overlay surplus; transfer and appropriate \$15,000 from Sandwich East Boat Basin Marina funds; transfer and appropriate \$15,000 from the Sandwich Hollows Golf Club enterprise fund; transfer and appropriate \$15,000 from the DPW – Sanitation Division enterprise fund; transfer and appropriate \$237,572 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$27,500 from the Hoxie House /

Grist Mill receipts reserved for appropriation account; transfer and appropriate \$7,500 from the Waterways Fund; transfer and appropriate \$25,000 from cemetery trust funds; and raise and appropriate \$100,000 for the OPEB Trust Fund; to defray Town expenses for the Fiscal Year 2018 as itemized in the third column entitled FY'18 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	450
Chairman Board of Selectmen	3,000
Selectmen – 4 each	2,500
Chairman Board of Assessors	2,000
Assessors – 2 each	1,500
Town Clerk	78,627

This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 3

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ 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'18 enterprise fund budget for the Department of Public Works Sanitation Division, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$800,000 from DPW – Sanitation Division receipts and transfer and appropriate \$238,839 from the DPW – Sanitation Division enterprise fund retained earnings, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2018 Enterprise Fund operating budget for the DPW – Sanitation Division. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 4

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ 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'18 enterprise fund budget for Sandwich Hollows Golf Club, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$900,000 from Golf Department Receipts and transfer and appropriate \$16,583 from the Golf Department enterprise fund retained earnings, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2018 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 5

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ 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'18 enterprise fund budget for the Sandwich Marina – East Boat Basin, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$1,628,664 from Sandwich East Boat Basin Marina Receipts, and transfer and appropriate \$126,556 from the Sandwich East Boat Basin Marina enterprise fund retained earnings, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2018 Enterprise Fund operating budget for the Sandwich East Boat Basin Marina. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 6

To see if the Town will vote to amend the Sandwich Town Bylaws by adding a new Section 2.11, Departmental Revolving Funds, to read as follows:

Section 2.11 Departmental Revolving Funds

Part 1. There are hereby established in the Town of Sandwich pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund
Recreation Programs	Recreation Director & Town Manager	Program fees & charges	Recreation programs
Solar Energy / Town Utilities	Facilities Director & Town Manager	Green energy payments	Town utility expenses
Town Hall Meeting Room	Facilities Director & Town Manager	Facility fees & charges	Town Hall & monitor expenses
Oak Crest Cove Expenses	Facilities Director & Town Manager	Facility fees & charges	Oak Crest Cove expenses
Sandwich: A Cape Cod Town Book	Town Clerk & Town Manager	Book sales & charges	Book-related expenses

Part 2. Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. c.44, §53E½.

AND FURTHER,

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53E1/2 to authorize revolving funds for the following Town departments for FY'18, to be expended under the direction of the Board of Selectmen, in accordance with the following list:

Revolving Account	Expenditure Limit
Recreation Programs	\$400,000
Solar Energy / Town Utilities	\$100,000
Town Hall Meeting Room	\$10,000
Oak Crest Cove Expenses	\$10,000
Sandwich: A Cape Cod Town Book	\$3,000

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Town Bylaws by adding a new Section 2.11, Departmental Revolving Funds, and authorize Town Department revolving funds for Fiscal Year 2018, to be expended under the direction of the Board of Selectmen, all as printed in the Warrant under Article 6. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 7

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to raise and appropriate or transfer from available funds the sum of \$1,502,706.00, or any other amount, 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:

Natural Resources – Replace Pick-up Truck	38,685
Natural Resources – Ryder Conservation Land Utility Repairs	21,000
Facilities Department – Town Building Repairs/Improvements	125,000
Facilities Department – Town Neck Beach Portable Bathhouse	100,000
Police Department – Upgrade Portable Radios	52,000
Police Department – Vehicle Light Bars & Related Improvements	17,200
Fire Department – Ambulance Replacement w/Stretcher System	250,000
Fire Department – IV Medication Pumps	25,000
Fire Department – Extraction Tool Replacement	65,000
School Department – School Building Repairs/Improvements	125,000
School Department – SHS Hot Water System Improvements	50,000
School Department – School IT Networking & Infrastructure	175,000
DPW – Engineering Department – SUV Replacement	24,000
DPW – Highway Department – Paving Hot Box	45,000
DPW – Sanitation Department – Solid Waste Trailer	75,000
DPW – Sanitation Department – Replace Compost Area Walls	10,000
Health Department – Wastewater Planning & Implementation	150,000
Library Department – Library Building Improvements	120,811
Natural Resources – Buoys & Tackle	5,500
Natural Resources – Ryder Conservation Land Utility Survey	4,950
Natural Resources – Tractor Attachments	6,390
Natural Resources – Ryder Conservation Land Security Cameras	9,570
Fire Department – Fire Apparatus Mounting Hardware	3,000
<u>DPW – Highway Department – Stump Grinder Trailer</u>	<u>9,500</u>

Capital List Total 1,502,706

AND FURTHER,

To offset the cost of the capital projects listed in Article 7, to see if the Town will vote to transfer and appropriate the sum of \$275,000.00, or any other amount, from the Ambulance Fund; transfer and appropriate the sum of \$85,000.00, or any other amount, from the DPW – Sanitation Enterprise Fund; and transfer and appropriate the sum of \$41,417.00, or any other amount, from unexpended balances in prior Library Department capital projects that were authorized by the May 4, 2015 Annual Town Meeting under Article 7 for elevator and fire alarm system improvements, to be expended under the direction of the Board of Selectmen, for a net FY'18 capital appropriation of \$1,101,289.00, or any other amount,

or take any other action relative thereto.

VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$1,101,289 from Free Cash, transfer and appropriate \$275,000 from the Ambulance Fund receipts reserved for appropriation account, transfer and appropriate \$85,000 from the DPW – Sanitation Division enterprise fund retained earnings, and transfer and appropriate \$41,417 in unexpended balances in prior fiscal year Library Department capital projects, to be expended under the direction of the Board of Selectmen, for the purpose of repairing equipment, vehicles and buildings, and providing related services as printed in Warrant under Article 7. This was a voice vote and declared carried by the Moderator.

ARTICLE 8

To see if the Town will vote in accordance with M.G.L. c.40, §5B to raise and appropriate or transfer from available funds a sum of \$250,000.00, or any other amount, to be transferred into the Stabilization Fund, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$250,000 from Free Cash to the Stabilization Fund. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$45,346.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'18 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$45,346 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2018 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 10

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'18, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate amounts to be received from Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during Fiscal Year 2018. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 11

To see if the Town will vote to transfer and appropriate the sum of \$29,812.00, or any other amount, to be expended under the direction of the School Committee, from the Sandwich High School cellular antenna lease receipt reserved for appropriation account, for the purpose of the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$29,812 from the Sandwich High School cellular antenna lease receipts reserved for appropriation account, for the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 12

To see if the Town will vote to transfer and appropriate the sum of \$58,654.00, or any other amount, from the beach renourishment receipts reserved for appropriation account, to be expended under the direction of the

Board of Selectmen, for the purpose of funding future public ocean beach and dune renourishment projects, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$58,654 from the beach renourishment receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for funding future public ocean beach and dune renourishment projects. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 13

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for the purpose of designing and constructing improvements to Sandwich public roads and related infrastructure, including all costs incidental and related thereto, and further to authorize the Board of Selectmen to enter into any and all contracts necessary to carry out such project; provided that said appropriation shall be contingent upon the passage of a so-called proposition two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½), or take any other action relative thereto.

VOTED: That the Town raise and appropriate \$1,300,000 for the purpose of designing and constructing improvements to Sandwich public roads and related infrastructure, including all costs incidental and related thereto, and further to authorize the Board of Selectmen to enter into any and all contracts necessary to carry out such project; provided that said appropriation shall be contingent upon the passage of a so-called proposition two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½). This was a voice vote and declared carried by the Moderator.

ARTICLE 14

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied; or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 15

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'18 Community Preservation budget and to appropriate from the Community Preservation Fund FY'18 estimated annual revenues the sum of \$75,000.00, or any other sum, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for FY'18; and further to reserve for future appropriation a sum of money from the Community Preservation Fund estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the FY'18 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund a sum or sums of money for previously authorized Community Preservation Act debt payments; and further to appropriate from the Community Preservation Fund

a sum or sums of money for Community Preservation projects or purposes as recommended by the Community Preservation Committee; or take any other action in relation thereto.

UNANIMOUSLY VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2018 Community Preservation budget and transfer and appropriate \$75,000 from the Community Preservation Fund Fiscal Year 2018 estimated annual revenues, to be expended under the direction of the Board of Selectmen, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2018; and further reserve for future appropriation from the Fiscal Year 2018 Community Preservation Fund estimated annual revenues the following sums: \$198,398 for open space purposes; \$198,398 for historic resources purposes; and \$198,398 for community housing purposes; and further transfer and appropriate \$1,462,808 from the Community Preservation Fund undesignated fund balance for debt payments. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 16

To see if the Town will vote to appropriate under the Community Preservation Act – open space and recreation program, the sum of \$99,579.00, or any other amount, to be expended under the direction of the School Committee, for the purpose of securing professional services to design, permit, construct, and to rehabilitate and make extraordinary repairs to the Sandwich High School tennis courts located at 260 Quaker Meetinghouse Road; or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate \$99,576 under the Community Preservation Act for open space and recreation purposes from the open space and recreation reserve, to be expended under the direction of the School Committee, for the purpose of securing professional services to design, permit, construct, and to rehabilitate and make extraordinary repairs to the Sandwich High School tennis courts located at 260 Quaker Meetinghouse Road. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 17

To see if the Town will vote to appropriate under the Community Preservation Act – open space and recreation program, the sum of \$225,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of securing professional services to design, permit, construct, and to rehabilitate and make extraordinary repairs to the Sandwich Hollows Golf Club bunkers and tee boxes located at 1 Round Hill Road;

AND FURTHER,

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of \$50,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of securing professional services to design, permit, construct, and make extraordinary repairs to the Sandwich Hollows Golf Club bunkers and tee boxes located at 1 Round Hill Road;

or take any other action relative thereto.

John Juros of Cranberry Trail moved the question. Seconded from the floor. Counted vote on the motion to move the question. The Moderator declared the motion carried by the required two-thirds majority by a vote of 380 yays and 42 nays.

The voice vote on main motion was doubted and the Moderator acknowledged that 7 voters stood. The Moderator called for a counted vote.

COUNTED VOTE: That the Town appropriate \$225,000 under the Community Preservation Act for open space and recreation purposes from the open space and recreation reserve, and transfer and appropriate \$50,000 from the Golf Department enterprise fund retained earnings, to be expended under the direction of the Board of Selectmen, for the purpose of securing professional services to design, permit, construct, and to rehabilitate and make extraordinary repairs to the Sandwich Hollows Golf Club bunkers and tee boxes located at 1 Round Hill Road. This was a counted vote and declared carried by the Moderator by 332 yays and 92 nays.

ARTICLE 18

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, for open space and water protection purposes pursuant to the Community Preservation Act, all or a portion of the fee simple interest or lesser interest in two certain parcels of land off Old County Road shown on Assessor's Map 35 as Parcels 64 and 71, and further that said land shall be under the care, custody and control of the Conservation Commission, and as funding therefor to transfer and appropriate from the Community Preservation Fund the sum of \$125,000, or any other amount; and further to authorize the Board of Selectmen to grant a conservation restriction on said property, pursuant to G.L. c. 44B, sec. 12 and G.L. c. 184, secs. 31-33, and to execute any and all instruments as may be necessary on behalf of the Town to effect said purchase, or take any other action relative thereto.

VOTED: That the Town authorize the Board of Selectmen authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, or otherwise, on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, for open space and water protection purposes pursuant to the Community Preservation Act, all or a portion of the fee simple interest or lesser interest in two certain parcels of land off Old County Road shown on Assessor's Map 35 as Parcels 64 and 71, and further that said land shall be under the care, custody and control of the Conservation Commission, and as funding therefor to transfer and appropriate from the Community Preservation Fund the sum of \$125,000 from the open space and recreation reserve; and further authorize the Board of Selectmen to grant a conservation restriction on said property, pursuant to G.L. c. 44B, sec. 12 and G.L. c. 184, secs. 31-33, and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 19

To see if the Town will vote in accordance with the regulations issued by the Department of Revenue in the Informational Guideline Release No. 98-403 to accept the terms and conditions of the twenty year payment in lieu of tax agreement which is expected to be effective from Fiscal Year 2018 through Fiscal Year 2037 between the Town of Sandwich and NRG Renew Canal 1 LLC dated March 13, 2017 and entitled "Payment In Lieu Of Tax Agreement", a copy of which is on file with the Town Clerk's Office, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town vote in accordance with the regulations issued by the Department of Revenue in the Informational Guideline Release No. 98-403 to accept the terms and conditions of the twenty year payment in lieu of tax agreement which is expected to be effective from Fiscal Year 2018 through Fiscal Year 2037 between the Town of Sandwich and NRG Renew Canal 1 LLC dated March 13, 2017 and entitled "Payment In Lieu Of Tax Agreement". This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 20

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending the definition of Bed & Breakfast, and specifically by amending the last sentence, which currently reads:

“A Bed & Breakfast shall only be allowed in the following zoning districts: Residential-1, Residential-2, Business Limited-1, Business Limited-2, Ridge District and Shore District.”

So that the definition for Bed & Breakfast will now read in its entirety:

“**Bed & Breakfast** – An owner-occupied dwelling for the rooming and boarding of guests. Food or beverage shall only be served to those who let a room in such a dwelling. A Bed & Breakfast shall not be considered a Home Occupation. A Bed & Breakfast shall require a special permit from the Zoning Board of Appeals. A Bed & Breakfast shall only be allowed as indicated in section 2200.”

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending the definition of Bed & Breakfast as printed in the Warrant under Article 20. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 21

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by adding a definition for Municipal Use to the Definitions section, which will read:

“**Municipal Use** – Any use of land or buildings owned or leased by the Town of Sandwich.”

or take any other action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws by adding a definition for Municipal Use to the Definitions section as printed in the Warrant under Article 21. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 22

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending Article II, Use and Intensity Regulations, Section 2200, Use Regulation Schedule Notes, by striking the last sentence of Note 19, which currently reads:

“This requirement shall not apply to lots created on plans recorded prior to January 1, 1985.”

So that Use Regulation Schedule Note 19 will now read in its entirety:

“By special permit from Zoning Board of Appeals. Subject lot shall have at least twice the minimum lot area required for one principal single-family dwelling, at least the required frontage for one principal dwelling and both units shall satisfy the requirements of Section 2600.”

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article II, Use and Intensity Regulations, Section 2200, Use Regulation Schedule

Notes, by striking the last sentence of Note 19, as printed in the Warrant under Article 22. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 23

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws to comply with Section 29 of Chapter 219 of the Acts of 2016, by amending the last sentence of Section 1330 Special Permits, which currently reads:

“Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not less than 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.”

So that the last sentence of Section 1330 will now read:

“Construction or operations under a building or special permit shall conform to any subsequent amendment of the by-law unless the use or construction is commenced within a period of not less than twelve (12) 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.”

or take any other action relative thereto.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws to comply with Section 29 of Chapter 219 of the Acts of 2016, by amending the last sentence of Section 1330 Special Permits, as printed in the Warrant under Article 23. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 24

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending Section 1321.1, the submittal requirements for Variance Applications, to allow flexibility in the number of paper copies required, and to provide for electronic submissions, when appropriate, by striking the language shown below and adding the following paragraph shown in bold to the end of Section 1321.1.

So that Section 1321.1 will read in its entirety:

1321.1. Applications for variances shall include as part of the application to the Board of Appeals ~~ten (10) copies~~ of the following:

1. Completed application form.
2. Written request for waiver of any submission requirements.
3. A site plan prepared to a scale of 1" = 40' minimum, by a Massachusetts Registered Architect, Landscape Architect, Civil Engineer or Land Surveyor, illustrating the shape and location of the proposed building(s) and proposed addition(s).
4. A written narrative describing the variance requested describing the circumstances relating to the soil conditions, shape or topography of such land or structures that do not generally affect the zoning district in which it is located.

The Board of Appeals is authorized, upon receipt of a written request, to waive specific submission requirements of Section 1321.1 if the Board of Appeals deems a particular requirement to be duplicative or unnecessary. The granting of such waivers shall be deemed by the Board of Appeals to be in the public

interest. The Board of Appeals shall include a written description of the waivers granted within the decision on the application.

Applications may be submitted electronically or by hard copy. The Department of Planning & Development is authorized to require up to ten (10) hard copies of all materials.

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Section 1321.1, the submittal requirements for Variance Applications, to allow flexibility in the number of paper copies required, and to provide for electronic submissions, when appropriate, as printed in the Warrant under Article 24. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 25

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending Section 1340, the submittal requirements for Special Permit Applications, to allow flexibility in number of paper copies required, and to provide for electronic submissions, when appropriate, by deleting the language shown below and adding the following paragraph shown in bold to the end of Section 1340.

So that Section 1340 will read in its entirety:

1340. Applications for special permits and amendments to special permits ~~other than single family residential use~~, shall include as part of the application to the Special Permit Granting Authority ~~ten (10) copies of the~~ following:

1. Completed application form;
2. Written request for waiver of any submission requirements;
3. Photographs of premises and all adjoining structures;
4. A site plan prepared to a scale of 1" = 40' minimum, by a Massachusetts Registered Architect, Landscape Architect, Civil Engineer or Land Surveyor, illustrating:
 - a) The shape and location of the proposed building(s) and proposed addition(s).
 - b) Vehicular and pedestrian circulation.
 - c) Proposed parking including service vehicles.
 - d) Entranceways, roadways, sidewalks and loading areas.
 - e) The general extent and nature of proposed cutting of natural vegetation and proposed planting and landscaping of disturbed areas.
 - f) The general intentions for proposed utilities, the location and size of septic tanks and leaching fields and the handling of surface drainage.
 - g) The general location and types of outdoor signs.
 - h) The general location and intent of outdoor lighting.
 - i) The general location and type of outdoor storage, fencing and screening.
 - j) Principal elevation at a scale of 1/16" = 1' minimum, showing:
 1. The general massing and height of the proposed facility, and
 2. Any special heating, ventilation and mechanical requirements impacting the exterior.

Applications may be submitted electronically or by hard copy. The Department of Planning & Development is authorized to require up to ten (10) hard copies of all materials.

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Section 1340, the submittal requirements for Special Permit Applications, to allow flexibility in number of paper copies required, and to provide for electronic submissions, when appropriate, as printed in the Warrant under Article 25. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 26

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by deleting Article VIII, Temporary Moratorium on Medical Marijuana Treatment Centers, which expired in 2015, so that Article VIII will now appear in its entirety as:

“ARTICLE VIII. Deleted ATM 5/1/2017”

or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by deleting Article VIII, Temporary Moratorium on Medical Marijuana Treatment Centers, which expired in 2015, as printed in the Warrant under Article 26. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 27

To see if the Town will vote to amend the Town’s Zoning By-law by adding ARTICLE VIII, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add ARTICLE VIII, “Temporary Moratorium on Recreational Marijuana Establishments.”

Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning By-law, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning By-law. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-law regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact By-laws in a consistent manner.

Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning By-law amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning By-laws in response to these new issues.

or take any other action relative thereto.

Jim Coogan of Main Street moved the question. Seconded from the floor. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws by adding Article VIII, Temporary Moratorium On Recreational Marijuana Establishments, and amending the Table of Contents to add Article VIII, "Temporary Moratorium on Recreational Marijuana Establishments", as printed in the Warrant under Article 27. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 28

To see if the Town will vote to amend the Town of Sandwich Bylaws by adding a new Section 5.20: Temporary Repairs to Private Ways to read as follows:

Section 5.20: Temporary Repairs to Private Ways

A. Purpose and applicability.

1. Pursuant to Massachusetts General Laws Chapter 40, Section 6N, the Board of Selectmen is hereby authorized to make temporary repairs to private ways which have been open to the public for a period of at least five (5) years, out of funds appropriated for said purpose by Town Meeting. In all cases, the entire cost shall be assessed as betterment on those properties which benefit from the repairs. Repair does not mean new construction.
2. The repairs shall be those required by public necessity, including but not limited to:
 - a. The necessity of providing adequately drained ways so as to reduce ecologically harmful runoff into the Town's brooks and ponds; and
 - b. The necessity of providing adequate passable ways for public safety vehicles from public ways to residences, Town facilities and resources including access to Town conservation land.
 - c. The Board of Selectmen shall make the determination of public necessity.

B. Types of Repairs.

1. The repairs must be temporary in nature, such as filling, grading, patching and surface coating, and may include such repairs to drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway.
2. The temporary repair shall have a minimum expected life equal to twenty (20) years.
3. Temporary repairs may be undertaken on a way subject to this bylaw, or to a continuous portion of such way, which portion begins and ends at an intersection or conjunction with another way.

C. Petition.

A minimum of two-thirds ($2/3^{\text{rds}}$) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each lot ownership entity counting as one. The Board of Selectmen is authorized to waive this requirement.

D. Betterment charges.

1. The owners of land abutting such way who derive benefit from said repairs shall be assessed betterment charges by the Board of Selectmen. Betterment charges, in an amount of 100% of the aggregate cost to plan, prepare and repair the private way shall be assessed on a per lot basis or on the proportion of the lot frontage on the way or portion of the way to be repaired to the frontage of said repaired way or other proportional method as may be required by the Board of Selectmen.
2. The Town may be considered an abutter if property under the care, custody and control of the Town abuts said way to be repaired.

E. Status of way.

1. This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.
2. The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Control Law.
3. Any private way repaired under the provisions of this bylaw need not be brought up to full Town standards and may continue to remain a private way. Repaired private ways may be brought to Town Meeting for acceptance as a public way by completing the steps outlined in the Town's Street Acceptance procedure, if any, adopted by the Board of Selectmen, which may be amended from time to time or otherwise as allowed by law.

F. Liability.

The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

G. Indemnity Agreement.

No repair of a private way shall be undertaken until the Board of Selectmen has in its possession agreements executed by at least two-thirds ($2/3^{\text{rds}}$) of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- a. that the Town assumes no liability to such owners by making the repairs;

- b. jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
- c. that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- d. that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law; and
- e. that if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over the number of years of the expected lifetime of the repair to be determined by the Board of Selectmen.

H. Continually Open to Public Use.

The indemnity agreement required in Section G shall provide that any private way for which repairs and maintenance are performed pursuant to this bylaw shall remain open to public use for a period of at least twenty years.

AND FURTHER,

To authorize the Board of Selectmen to file a Home Rule Petition with the General Court for special legislation as set forth below, provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT RELATIVE TO THE ASSESSMENT OF BETTERMENTS FOR IMPROVEMENTS TO PRIVATE WAYS IN THE TOWN OF SANDWICH

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

SECTION 1. The town of Sandwich may establish a fund, which shall be known as the Improvements to Private Ways Betterment Fund, hereinafter referred to as the fund, into which fund shall be deposited all payments received from property owners assessed betterments for the costs of improvements to private ways pursuant to the town of Sandwich general bylaw enacted pursuant to Section 6N of chapter 40 of the General Laws, and into which may be deposited other funds appropriated by the town for such purposes. Such fund shall continue from year to year without the necessity of town meeting authorization annually. The town may appropriate from the fund, by majority vote at any special or annual town meeting, funds to be expended by the town for improvements to private ways.

SECTION 2. Notwithstanding any general or special law to the contrary, the town of Sandwich may borrow for a term of up to 20 years in anticipation of reimbursement from betterments assessed in connection with work on private ways open to and used by the general public.

SECTION 3. This act shall take effect upon its passage.

Or take any other action relative thereto.

John Bergonzi of Carver Drive moved the question. Seconded from the floor. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

UNANIMOUSLY VOTED: That the Town amend the Town of Sandwich Bylaws by adding a new bylaw Section 5.20: Temporary Repairs to Private Ways as printed in the Warrant under Article 28, and authorize the Board of Selectmen to file a Home Rule Petition with the General Court for special legislation to be entitled “An Act Relative To The Assessment Of Betterments For Improvements To Private Ways In The Town Of Sandwich” as printed in the Warrant under Article 28. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 29

To see if the Town will vote to officially declare the building located at 16 Dewey Avenue the “Sand Hill School Community Center”; and upon completion of the building’s restoration direct the Town to place a plaque on said building stating such. Further, the Town shall notify the Sandwich Historical Commission and the Massachusetts Historical Commission of this declaration; or take any other action relative thereto.

(Submitted by Petition)

Carl Johansen of Oxford Road made a motion on Article 29 as printed in the Warrant. There was a second from the floor.

UNANIMOUSLY VOTED: That the Town officially declare the building located at 16 Dewey Avenue the “Sand Hill School Community Center” and, upon completion of the building’s restoration, direct the Town to place a plaque on said building stating such, and notify the Sandwich Historical Commission and the Massachusetts Historical Commission of this declaration. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 30

Pursuant to Section 1.05 (Warrant: Insertion of Articles) of the Sandwich Town By-Laws, we the undersigned request the Board of Selectmen place the attached Article on the Warrant for the May 1, 2017 Annual Town Meeting.

RIGHT TO FARM BY-LAW Sandwich, Massachusetts

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128, Section 1A. We, the citizens of Sandwich restate and republish these rights pursuant to the Town’s authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, (“Home Rule Amendment”). This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Sandwich by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

- The word “farm” shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial and/or recreational agriculture, or accessory thereto. The words “farming” or agriculture” or their derivatives shall include, but not be limited to the following:
- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;

- Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise; and
- Keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

“Farming” shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators, and disease organisms of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities; including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmer’s market or farm stand including signage thereto;
- Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Sandwich. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are not intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulations, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Within 30 days after this By-law becomes effective, the Town Clerk shall prominently post in the Town Hall and make available for distribution the following disclosure:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include but are not limited to activities that cause, noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of

Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger, or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and reports its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Sandwich hereby declares the provisions of this by-law to be severable, or take any other action relative thereto.

(Submitted by Petition)

Steve Barr of Craft Road made a motion on Article 30 as printed in the Warrant. There was a second from the floor.

James Coogan of Main Street moved the question. Seconded from the floor. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

VOTED: That the Town amend the Town of Sandwich ByLaws by adding a new bylaw to be entitled "Right to Farm By-Law" as printed in the Warrant under Article 30. This was a voice vote and declared not carried by the Moderator.

ARTICLE 31

To Elect the following Officers:

- One Board of Assessor member for a term of three years;
- One Board of Health member for a term of three years;
- Two Board of Selectmen members for a term of three years;
- One Constable for a term of three years;
- Two Planning Board members for a term of three years;
- Two School Committee members for a term of three years;
- One School Committee member for an unexpired term of two years;
- Three Trustees of the Sandwich Public Library for a term of three years;
- One Trustee of the Sandwich Public Library for an unexpired term of one year;
- One Trustee of the Weston Memorial Fund for a term of three years;

and all other candidates that may appear on the official ballot,

and to vote YES or No on the following questions.

BALLOT QUESTION #1

Shall the Town of Sandwich be allowed to assess an additional \$1,300,000 in real estate and personal property taxes for the purpose of designing and constructing improvements to Sandwich public roads and related infrastructure, including all costs incidental and related thereto, for the fiscal year beginning July first, two thousand seventeen?

YES: _____

NO: _____

BALLOT QUESTION #2

Shall the Town of Sandwich prohibit the operation of all types of marijuana establishments as defined in G.L. c.94G, §1, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, within the Town of Sandwich?

YES: _____

NO: _____

BALLOT QUESTION #3 (Non-Binding Public Advisory Question)

Whereas, the original design for the Pilgrim Nuclear Power Station (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September, 2017, and;

Whereas the PNPS spent fuel pool is vulnerable to terrorist and cyber-attack, and;

Whereas, citizens of the Town of Sandwich find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner,

Therefore, Should the people of the Town of Sandwich direct the town’s government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Sandwich and its inhabitants and visitors?

YES: _____

NO: _____

The polls for the election will be open at 7:00 a.m. and close at 8:00 p.m. on said

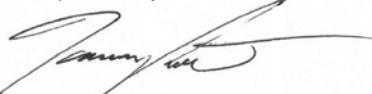
THURSDAY, THE FOURTH DAY OF MAY, 2017.

VOTED: To adjourn to the Town Election on May 4, 2017. This was a voice vote and declared carried by the moderator.

The meeting was adjourned at 10:50 P.M.

I hereby certify that this is a true record of the Annual Town Meeting held on May 1, 2017.

Respectfully Submitted,



Taylor D. White
Town Clerk

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
November 13, 2017**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:11P.M. The total number of eligible voters for this meeting was 15,612 and the clerks checked in a total of 289 voters, which is a 1.8% turnout.

The Moderator swore in the following Sandwich residents as tellers: Nancy Crossman, Daryl Crossman, John Leiss, Donna Leiss, Phyllis Helfrich, Paul Houlihan, Bob King, Tobin Wirt, Matthew Cubetus, William Fleming, Maryellen Anderson, Kathy Brown and Mary Hunt. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Town Clerk, Taylor White, led Town Meeting in the Pledge of Allegiance.

Moderator Garry Blank designated Kevin Kirrane as temporary moderator for the purposes of overseeing the deliberation and votes on Articles 2 & 3.

UNANIMOUSLY VOTED: That the Town authorize the Moderator to designate Kevin Kirrane to conduct the meeting as it pertains to Articles 2 & 3. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 1

To see if the Town will vote to authorize the Board of Selectmen to amend the Agreement for Right of Way dated June 13, 1927, recorded with Barnstable County Registry of Deeds in Book 447, Page 581 granted to Cape and Vineyard Electric Company, succeeded by Eversource Energy, on a portion of Town-owned property off Colonial Way shown on Assessor's Map 25 as Parcel 62, shown as existing Eversource ROW Easement 90 feet by 340± feet, by granting to Eversource Energy and its successors and assigns, a perpetual easement to enter upon to survey and to construct, reconstruct, repair, replace, maintain, operate, inspect, patrol and remove a line or lines of poles and/or H-Frames and/or combinations of poles, H-Frames, and towers with wires and/or cables above and/or underground, and all foundations, anchors, guys and other usual fixtures, equipment and appurtenances and to clear and keep cleared the easement area from trees and structures deemed necessary for the transmission and/or the distribution supply of electric energy for light, heat, power, telephone, telegraph, or any other purpose (which line or lines may be erected at the same or different times) over, across and under and upon the existing Eversource ROW Easement, on such terms and conditions as the Board of Selectmen may deem to be in the Town's best interest; and further to authorize the Board of Selectmen to file a petition with the General Court for special legislation pursuant to Article 97 of the Amendments to the Massachusetts Constitution, as may be needed, to authorize the Town of Sandwich to grant an amendment of easement to Eversource Energy on a portion of the above-described property, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to amend the Agreement for Right of Way dated June 13, 1927 granted to Cape and Vineyard Electric Company, succeeded by Eversource Energy, as printed in the Warrant under Article 1. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 2

To see if the Town will vote to amend the Town's General Bylaw by adding a new Section 4.15, Marijuana Establishments, that would provide as follows, and further to amend the Table of Contents to add Section 4.15, "Marijuana Establishments", or take any action relative thereto.

Section 4.15 Marijuana Establishments

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, to include marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Sandwich.

David Darling of Old County Road moved to indefinitely postpone Article 2. There was a second from the floor. This was a voice vote and declared not carried by the Moderator.

Matthew Cubetus of Windsong Road made a motion to move the question. There was a second from the floor. This was a voice vote and declared carried by the Moderator.

VOTED: That the Town amend the Town’s General Bylaw by adding a new Section 4.15, Marijuana Establishments, and amend the Table of Contents to add Section 4.15, “Marijuana Establishments”, as printed in the Warrant under Article 2. This was a voice vote and declared carried by the Moderator.

ARTICLE 3

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by adding a new Section 8050, Marijuana Establishments, that would provide as follows, and further to amend the Table of Contents to add the new Section 8050, “Marijuana Establishments”, or take any action relative thereto.

8050 – Marijuana Establishments

Consistent with G.L. c.94G, §3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G, §1, to include marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Sandwich.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws by adding a new Section 8050, Marijuana Establishments, and amend the Table of Contents to add the new Section 8050, “Marijuana Establishments”, as printed in the Warrant under Article 3. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

COUNTED VOTE: The vote was doubted by at least seven town meeting voters standing. The Moderator called for a counted vote. The counted vote was taken and declared carried by the required two-thirds majority by the Moderator by a vote of 209 yeas and 45 nays.

ARTICLE 4

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by adding a new Section 8100, Municipal Reuse Overlay District, that would provide as follows, and further to amend the Table of Contents to add the new Section 8100, “Municipal Reuse Overlay District”, or take any action relative thereto.

8100. Municipal Reuse Overlay District – Purpose

The purpose of this overlay district is to allow for reuse of municipal properties that no longer serve the originally intended purpose. This zoning district provides zoning flexibility to allow for this redevelopment, while also allowing for the preservation of open space on adjoining Town-owned land. Given the historic nature of Sandwich, many Town buildings and lands are now encompassed by uses that have been developed over the past several decades and the buildings, specifically, might not be congruent with surrounding uses. When Town buildings and lands no longer serve a municipal purpose this section envisions a process and zoning to

allow for reuse, either by a public or private entity, which will best serve the community but will minimize impacts to surrounding neighborhoods.

8110. Location

The Municipal Reuse Overlay District is herein established as an overlay district and shall be superimposed on other districts established in this Zoning By-law. A plan entitled “Municipal Reuse Overlay District” prepared by Town of Sandwich and dated August 3, 2017 is on file in the Planning & Development Office. The plan delineates the district and is hereby made a part of this By-law.

8115. Definitions

Adult Retirement Development – see Zoning By-law Section 7020

Assisted Living Facility – see Zoning By-law Section 7020

Co-working / cooperative office – work space leased at short term intervals and includes shared space, private space, and group space plus typical office equipment like printer, copier, fax, etc. May include kitchenette for preparation of personal meals but not for commercial meal preparation.

8120. Special Permit Filing Requirements

The issuance of any special permit for any use or structure in the District shall be governed by the requirements of this Bylaw and by the requirements and procedures set forth under Sections 1330 through 1370 of this Zoning By-law. In the event of a conflict between these provisions, the stricter provisions shall be applied. The SPGA is authorized, upon receipt of a written request, to waive specific submission requirements of Sections 1330 through Sections 1370 if the SPGA deems a particular requirement to be duplicative or unnecessary. The Special Permit Granting Authority for this overlay district is the Zoning Board of Appeals.

8130. Dimensional Requirements and Allowed Uses

8131. The following dimensional requirements are applicable to the overlay district:

- Minimum lot size – 5 acres
- Minimum lot frontage – 150 feet
- Minimum front yard – 30 feet
- Minimum side & rear yard – 25 feet
- Maximum lot coverage – not to exceed existing lot coverage percentage
- Maximum building height – Any newly-constructed structures may not exceed the maximum building height set forth in Section 2600 except by special permit from the Zoning Board of Appeals.
- Maximum shape factor – 22

8132. The following uses are allowed by-right in the overlay district:

- Residential – multi-family*

- Municipal

8133. The following uses are allowed by special permit in the overlay district:

- Office
- Co-working / cooperative office
- Artist Studios
- Museum
- Assisted living facility
- Continuing care retirement community (CCRC)
- Adult Retirement Development
- Childcare facility
- Nursing home, convalescent home, hospice care
- Adult day care
- Cultural facility

*Residential density for an all-residential development is 10 units per acre. Residential density for mixed-use development with two levels of residential units is 6.5 units per acre or 3.5 units if one level. No rounding of partial units will be allowed. If the number of multi-family dwelling units allowed on a lot exceeds 10, there shall be two separate points of access and egress supplied. The location of these shall comply with the dimensional requirements for separation and visibility of Section 3140 of these by-laws. These access roads shall be interconnected on the lot so as not to form separate dead ends.

8140. Conditions

The Zoning Board of Appeals may impose reasonable conditions, safeguards and limitations on time or use of any special permit granted.

8150. Severability

The provisions of this Bylaw are severable. The invalidity of any Section or provision of this Zoning Bylaw shall not invalidate any other Section or provision hereof.

Robert King of Summer Street proposed an amendment to Article 4. Town Counsel, John Gorgio, offered an opinion that the amendment as presented is outside the scope of the discussion. The Moderator ruled the amendment out of order.

John Juros of Cranberry Trail moved to call the question. There was a second from the floor. This was a voice vote and declared carried by majority by the Moderator.

COUNTED VOTE: That the Town amend the Sandwich Protective Zoning By-laws by adding a new Section 8100, Municipal Reuse Overlay District, and further to amend the Table of Contents to add the new Section 8100, "Municipal Reuse Overlay District", as printed in the Warrant under Article 4. This was a counted vote and declared carried by the required two-thirds majority by the Moderator by a vote of 216 yeas and 51 nays.

VOTED: To adjourn to the Special Town Meeting. This was a voice vote and declared carried by the moderator.

The meeting was adjourned at 8:43 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on November 13, 2017.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Taylor D. White", written over a light gray rectangular background.

Taylor D. White
Town Clerk