

Town of Sandwich  
Special Town Meeting

# WARRANT

Monday, November 13, 2017  
7:00 p.m. – Sandwich High School



**BOARD OF SELECTMEN**

Susan James, Chair  
David J. Sampson, Vice-Chair  
Peter Beauchemin  
Robert J. George  
Michael J. Miller

**MODERATOR**

Garry N. Blank

**FINANCE COMMITTEE**

Robert Guerin, Chair  
Mark Snyder, Vice-Chair  
Matthew Anderson  
Gwenn Dyson  
Daniel E. Frye  
Charles Holden  
James W. Pierce  
Richard Reilly  
Laura Wing

**November 13, 2017 – Special Town Meeting  
Index of Warrant Articles**

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2. Town Bylaws: Section 4.15, Marijuana Establishments (p. 4)
3. Zoning By-laws: Section 8050, Marijuana Establishments (p. 4)
4. Zoning By-laws: Section 8100, Municipal Reuse Overlay District (p. 4)

**Reference Material & Volunteer Application Form:**

1. Article 4 – Plan Entitled “Municipal Reuse Overlay District” & Dated August 3, 2017 (p. 10)
2. A Glossary of Commonly Used Terms (p. 11)
3. Table of Basic Points of Motion (p. 14)

**NOTE:** Petition articles have been printed as submitted and may contain typographic and other errors.

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

**Warrant**

Barnstable, ss.

To the Constables of the Town of Sandwich, in the County of Barnstable,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sandwich qualified to vote in elections and Town affairs to meet at the Sandwich High School, 365 Quaker Meetinghouse Road, in said Sandwich on

**Monday, November 13, 2017, at 7:00 p.m.,**

then and there to act on the following articles.

**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.

**Recommended by the Board of Selectmen.**

## **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.

**Recommended by the Board of Selectmen.**

## **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.

**Recommended by the Board of Selectmen.**

## **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.

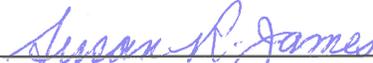
**8150. Severability**

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.

**Recommended by the Board of Selectmen.**

And you are hereby directed to serve this Warrant by posting attested copies thereof, one at the Town Hall, and one at each of the Post Offices in Sandwich, the last posting to be at least fourteen days prior to the time of holding said meeting,

given under our hands this 19th Day of October, 2017.

  
\_\_\_\_\_  
Susan James, Chairman

  
\_\_\_\_\_  
David J. Sampson, Vice-Chairman

  
\_\_\_\_\_  
Peter Beauchemin

  
\_\_\_\_\_  
Robert J. George

  
\_\_\_\_\_  
Michael J. Miller

**SELECTMEN OF SANDWICH**

I hereby certify that I have posted attested copies of this warrant at Sandwich Town Hall, Town Hall Annex, Sandwich Post Office, East Sandwich Post Office and Forestdale Post Office, all located within the Town of Sandwich, on

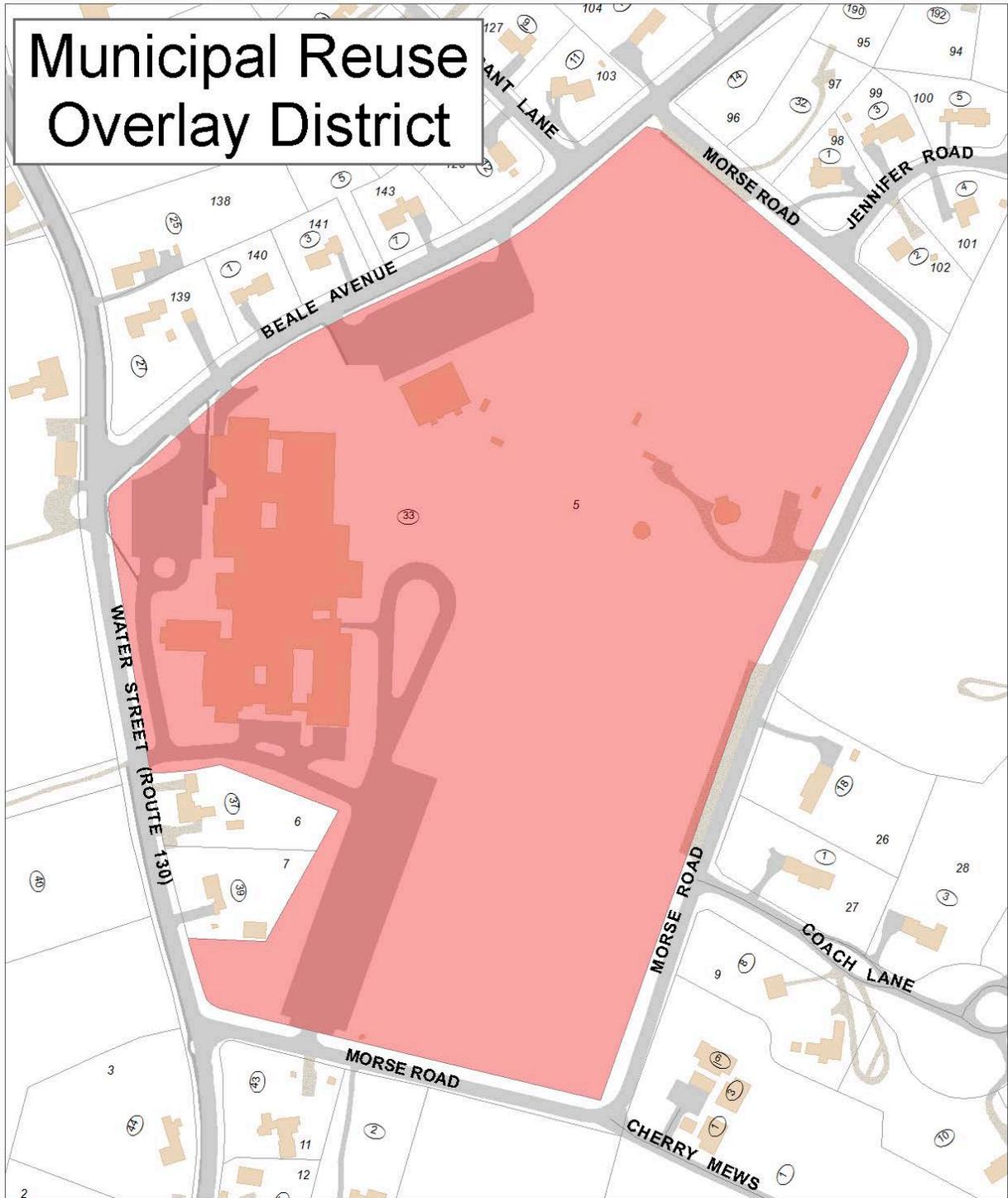
10-20-2017  
Date

  
\_\_\_\_\_  
Constable

**REFERENCE MATERIAL:**

# ARTICLE 4 – MUNICIPAL REUSE OVERLAY DISTRICT PLAN

## Municipal Reuse Overlay District



0 125 250 500 Feet

 Municipal Reuse  
Overlay District



TOWN OF SANDWICH  
PLANNING DEPARTMENT  
Municipal Reuse  
Overlay District

August 3, 2017

## A GLOSSARY OF COMMONLY USED TERMS

**Appropriation** – An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited to a specific amount and identifies the timeframe when it will be expended.

**Assessed Valuation** – A valuation set upon real estate or other property by a government as a basis for levying taxes. Equalized assessed valuation refers to a municipality's assessed valuation, as determined by local assessors, adjusted by the State Department of Revenue to reflect a full and fair market value ("Equalized Valuation").

**Betterment** – An addition made to, or change made in, a fixed asset which is expected to prolong its life or to increase its efficiency. The term is also applied to sidewalks, water lines, and highways and the corresponding tax assessment abutters may authorize for repairs to their properties.

**Bond** – A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date or dates in the future, called the maturity date(s) together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for longer period of time and requires greater legal formality.

**Bond Anticipation Note (BAN)** – Short-term note of a government sold in anticipation of bond issuance. BANs are full faith and credit obligations.

**Bond Ratings** – Designations used by bond rating services to give relative indications of credit quality.

**Budget** – A plan of financial operations embodying an estimate of proposed expenditures for a given period and the proposed means of financing them.

**Budget Message** – Statement summarizing the plans and policies contained in the budget report, including an explanation of the principal budget items and recommendations regarding financial policy for the upcoming year.

**Capital Budget** – A plan for expenditure of public funds for capital purposes.

**Capital Expenditure** – Nonrecurring payments for capital improvements including construction, acquisition, site development and overhead costs. The fees for architects, engineers, lawyers, and other professional services plus the cost of financing may be included.

**Cherry Sheet** – An annual statement received by the Town from the Department of Revenue detailing estimated receipts for the next fiscal year from various state aid accounts, the lottery, and estimated charges payable in setting the tax rate.

Supplemental Cherry Sheets may be issued during the year and there is no guarantee that the estimated receipts and charges shown thereon will not vary from actual receipts and charges. The name was derived from the pink color of the document.

**Debt Service** – The cost (usually stated in annual terms) of the principal retirement and interest of any particular bond issue.

**Enterprise Fund** – Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. Sandwich Hollows Golf Club).

**Excess Levy Capacity** – The difference between a community's maximum tax levy limit as established by Proposition 2.5 and its actual tax levy in the most recent year for which the community has set a tax rate. It is the additional tax levy that a community can raise at Town Meeting without going to the voters for an override or debt exclusion.

**Exclusions (Debt Exclusion or Capital Expenditure Exclusion)** – Proposition 2.5 allows communities to raise funds for certain purposes above the amount of their levy limits or levy ceilings. Subject to voter approval, a community can assess taxes in excess of its levy limit for the payment of certain capital projects and for the payment of specified debt service costs. Such an exclusion increases the amount of property tax revenue a community may raise for a limited or temporary period of time in order to fund the specific project. Unlike overrides, exclusions do not increase the community's levy limit and do not become part of the base for calculating future years' levy limits.

**Fiscal Year** – The state and municipalities operate on a fiscal year which begins on July 1 and ends on June 30. For example, the FY'04 fiscal year is from July 1, 2003 to June 30, 2004.

**Free Cash (Surplus Revenue)** – Free cash represents the portion of surplus revenue which the municipality is able to appropriate. It is money that the community raised to spend for a particular item but was left over because the full appropriation was not expended. From this surplus the municipality's liabilities are subtracted (i.e. any unpaid back taxes). The remainder, if any, is certified annually by the Department of Revenue as the community's free cash. Amounts from certified free cash may be appropriated at Town Meeting by the community for expenditures or to offset property taxes.

**General Fund** – The fund into which the general (non-earmarked) revenues of the municipality are deposited and from which money is appropriated to pay the general expenses of the municipality.

**Growth Revenue (New Growth)** – The amount of property tax revenue that a community can add to its allowable tax levy from taxes from new construction, alterations, subdivisions, or changes of use. It is computed by applying the prior year's tax rate to the increase in valuation.

**Note** – A short-term loan, typically of a year or less in maturity.

**Overlay** – The amount raised by the assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and state allowed exemptions.

**Overrides** – Proposition 2.5 allows a community to assess taxes in excess of the automatic annual 2.5% increase and any increase due to new growth by passing an override. A community can take this action as long as it is below its levy ceiling (2.5% of full and fair cash value of community). When an override is passed, the levy limit for the year is calculated by including the amount of the override. Unlike exclusions, the override results in a permanent increase in the levy limit of a community, which becomes part of the levy limit base and increases along with the base at the rate of 2.5% each year.

**Proposition 2.5** – M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community's annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2.5 also established two types of voter approved increases in local taxing authority – overrides and exclusions.

**Reserve Fund** – A fund established by Town Meeting which is under the control of the Finance Committee and from which transfers may be made for extraordinary and unforeseen expenditures. The appropriation cannot be greater than 5% of the tax levy for the prior fiscal year.

**Revolving Funds** – Those funds which may be used without appropriation and which are established for particular uses under M.G.L. such as continuing education programs, school lunch programs, self-supporting recreation and park services, conservation services, etc. (i.e. Sandwich Marina, Sandwich Community School).

**Stabilization Fund** – A special reserve account which is invested until used. Towns may appropriate into this fund in any year an amount no more than 10% of the prior year's tax levy. The outstanding balance in the account cannot exceed 10% of the Town's equalized valuation. Generally, it takes a 2/3 vote of Town Meeting to appropriate money from the Stabilization Fund.

**Surplus Revenue** – See "Free Cash".

## TABLE OF BASIC POINTS OF MOTIONS

Rank	Type of Motion	2nd Req'd.	May Debate	May Amend	Vote Req'd.	May Recons.	May Interrupt
<b>MAIN MOTIONS</b>							
None	Main Motion	Yes	Yes	Yes	Varies	Yes	No
Same	Reconsider or Rescind	Yes	Same	No	Majority	No	No
None	Take from the Table	Yes	No	No	Majority	No	No
None	Advance an Article	Yes	Yes	Yes	Majority	Yes	No
<b>PRIVILEGED MOTIONS</b>							
1	Dissolve or Adjourn Adjourn to Fixed	Yes	No	No	Majority	No	No
2	Time/Recess	Yes	Yes	Yes	Majority	No	No
3	Point of No Quorum	No	No	No	None	No	No
4	Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
5	Question of Privilege	No	No	No	None	No	Yes
<b>SUBSIDIARY MOTIONS</b>							
6	Lay on the Table	Yes	No	No	2/3	Yes	No
7	The Previous Question	Yes	No	No	2/3	No	No
8	Limit or Extend Debate	Yes	No	No	2/3	Yes	No
9	Postpone to Time Certain	Yes	Yes	Yes	Majority	Yes	No
10	Commit or Refer	Yes	Yes	Yes	Majority	Yes	No
11	Amend (or Substitute)	Yes	Yes	Yes	Majority	Yes	No
12	Indefinitely Postpone	Yes	Yes	No	Majority	Yes	No
<b>INCIDENTAL MOTIONS</b>							
Same	Point of Order	No	No	No	None	No	Yes
Same	Appeal	Yes	Yes	No	Majority	Yes	No
Same	Division of a Question	Yes	Yes	Yes	Majority	No	No
Same	Separate Consideration	Yes	Yes	Yes	Majority	No	No
Same	Fix the Method of Voting	Yes	Yes	Yes	Majority	Yes	No
Same	Nominations to Committee	No	No	No	Plurality	No	No
Same	Withdraw or Modify Motion	No	No	No	Majority	No	No
Same	Suspension of Rules	Yes	No	No	2/3*	No	No

\* Unanimous if rule protects minorities; out of order if rule protects absentees

Source: Town Meeting Time, 3rd Edition