

**TOWN OF SANDWICH  
ANNUAL TOWN MEETING  
May 3, 2021**

The Annual Town Meeting was called to order in the Sandwich High School Gymnasium by Moderator Garry Blank at 7:00 P.M. The total number of eligible voters for this meeting was 16,746 and the clerks checked in a total of 228 voters, which is a 1.3% turnout.

The Moderator swore in the following Sandwich residents as tellers: Nancy Crossman, Daryl Crossman, Karen Ellery Jones, Kathy Felt, Erik Tarvin, Kathy Brown, Paul Houlihan, Kim Rutty, Sherrill Rutty, Thomas Coniaris and Alla Shokhova. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Reverend Tina Walker-Morin of First Church gave the invocation. Michael Miller, Board of Selectmen Chairman, led Town Meeting in the Pledge of Allegiance.

Taylor White, Town Clerk, asked for a moment of silence in remembrance of Clyde Gill who passed recently.

**ARTICLE 1**

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

**UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2022 Annual Town Reports. 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 \$82,431,491.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2021 to June 30, 2022 as itemized below in the third column entitled FY'22 Recommendation, or take any other action relative thereto.

**Fiscal Year 2022 Finance Committee Budget Message:**

Consistent with recent budget messages, we can again opine that our town's financial condition remains sound, thanks to careful planning and prudent fiscal management. Town boards and committees continue to regularly present Town Meeting reasonable spending plans that provide for the education, public safety, public works and other municipal services that we residents expect and value, while modestly enhancing our reserves and slowly addressing prioritized capital projects. Borrowing continues to be done responsibly to support capital needs and maintain infrastructure. Evidence of our good fiscal stewardship includes commentary from the ratings agency Standard & Poor's ("S&P") who recently described the town's fiscal management as "strong, with good financial policies and practices."

Our municipal budget reflects careful, measured spending – increasing modestly over the previous year. It's accurate to say that we take a very conservative approach to budgeting. We were proactive in reducing expenses wherever it was prudent and reasonable to do so and we postponed many smaller capital projects. We were also very cautious in our revenue estimates. Overall, the town's financial picture is good and our budgeting practices very reasonable.

The process of creating a spending plan with limited funds is hard work. It is always a challenge 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. Our Town Manager, the Assistant Town Manager, Finance Director, our Superintendent of Schools, department heads, and various elected and appointed boards and committees, work hard to create our budget. Their jobs are difficult and often times thankless. The Finance Committee appreciates their hard work, energy and effort. The Finance Committee works diligently to provide 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 work very seriously. We work hard 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 that we have to serve you our neighbors and fellow taxpayers.

Respectfully submitted,

Matthew Anderson  
 Ed Collupy  
 Nancy Crossman  
 Bob Guerin  
 James McCormick  
 Jeremy Shea  
 Mark Snyder  
 Laura Wing

### FY'22 GENERAL FUND BUDGET TOTALS

<b>No.</b>	<b>Department</b>	<b>FY'20 Appropriation</b>	<b>FY'21 Appropriation</b>	<b>FY'22 Recommendation</b>
114	Moderator	450	450	450
123	Selectmen/Manager	529,875	523,830	487,401
	Personnel Expenses	500,000	300,000	338,973
131	Finance Committee	3,400	3,400	3,400
135	Accounting	222,961	187,865	195,491
141	Assessing	394,166	370,249	392,599
145	Treasurer	232,727	267,922	271,194
146	Tax Collector	212,154	220,987	228,060
147	Tax Title	35,000	35,000	35,000
151	Legal	300,000	300,000	300,000
152	Human Resources	179,354	186,413	196,878
161	Town Clerk	192,156	202,590	209,194
162	Elect. & Registration	49,750	75,750	48,000
171	Natural Resources	303,997	315,118	313,356
175	Planning & Development	231,213	239,008	262,703
190	Facilities Management	642,652	723,288	747,325
195	Town Reports	11,000	12,500	12,500
196	Bind Records	7,000	7,000	7,000
197	Info. Technology	663,873	699,430	708,152
	<b>Total 100s</b>	<b>4,711,728</b>	<b>4,645,800</b>	<b>4,757,676</b>

210	Police Department	4,558,510	4,782,241	4,923,555
220	Fire Department	3,679,534	3,798,102	3,925,753
241	Inspections	291,605	302,746	314,226
244	Sealer of Weights & Measures	200	14,000	14,350
291	Emergency Management	17,500	22,500	22,500
294	Forest Warden	1,500	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	2,500	2,500	2,500
<b>Total 200s</b>		8,555,349	8,927,589	9,208,384

300	School Department	34,132,914	35,144,706	35,984,494
313	UCCRVTS	2,161,680	2,135,468	2,433,216
<b>Total 300s</b>		36,294,594	37,280,174	38,417,710

410	DPW - Engineering	227,086	279,322	289,071
420	DPW	1,825,761	1,874,438	1,990,283
421	Snow & Ice	400,000	400,000	400,000
424	Streetlights	25,000	20,000	20,000
<b>Total 400s</b>		2,477,847	2,573,760	2,699,354

No.	Department	FY'20 Appropriation	FY'21 Appropriation	FY'22 Recommendation
510	Health Department	214,691	227,483	237,259
522	Nursing Department	165,829	169,905	178,254
540	Social Services	35,000	35,000	35,000
541	COA	231,800	238,462	248,229
543	Veterans	88,320	103,500	105,000
<b>Total 500s</b>		735,640	774,350	803,742

610	Library	991,595	1,005,907	1,031,580
630	Recreation	229,684	252,602	251,955
650	DPW - Parks	25,850	30,850	30,850
671	Hoxie / Grist Mill	53,500	3,500	3,500
693	Memorial Day	1,200	1,200	1,200
694	Historic District	14,800	15,550	15,550
<b>Total 600s</b>		1,316,629	1,309,609	1,334,635

**Operating Budget Subtotal:** 54,091,787 55,536,282 57,221,501

135	Sanitation, Marina & SHGC Indirect Costs Transfers			80,000
171	Waterways Fund Transfer			7,500
220	Ambulance Fund Transfer			1,750,000
630	Beach & Recreation Account Transfers (incl. Sandy Neck)			299,458
650	Cemetery Trust Fund Transfer			35,000
671	Hoxie House / Grist Mill Transfer			14,000

**Inter-Fund Transfers Subtotal:** 2,185,958

132 Reserve Fund 500,000

710	Short Term Debt	100,000
750	Exempt Debt Outside Proposition 2.5	2,730,529
750	Non-Exempt Debt Inside Proposition 2.5	1,274,880
910	Group Health Insurance	11,500,000
912	Medicare	703,040
940	Property & Liability Insurance	1,343,750
941	Unemployment Account	200,000
950	Retirement Assessment	4,611,333
<b>Other Budget Accounts Subtotal:</b>		<b>23,024,032</b>

**FY'22 BUDGET TOTAL: 82,431,491**

**UNANIMOUSLY VOTED:** That the Town hear the report of the Finance Committee and raise and appropriate \$77,817,624; transfer and appropriate \$2,427,909 from Free Cash; transfer and appropriate \$1,750,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$40,000 from Sandwich East Boat Basin Marina enterprise fund; transfer and appropriate \$20,000 from the Sandwich Hollows Golf Club enterprise fund; transfer and appropriate \$20,000 from the DPW – Sanitation Division enterprise fund; transfer and appropriate \$299,458 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$14,000 from the Hoxie House / Grist Mill receipts reserved for appropriation account; transfer and appropriate \$7,500 from the Waterways Fund; transfer and appropriate \$35,000 from cemetery trust funds; to defray Town expenses for the Fiscal Year 2022 as itemized in the third column entitled FY'22 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	\$ 450
Chairman Board of Selectmen	\$5,000
Selectmen – 4 each	\$3,000
Chairman Board of Assessors	\$2,000
Assessors – 2 each	\$1,500
Town Clerk	\$88,973

**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'22 enterprise fund budgets for the Department of Public Works Sanitation Division, Sandwich Hollows Golf Club, Sandwich Marina – East Boat Basin, and Cable Public Access, in accordance with the following list, or take any other action relative thereto.

<b><u>Enterprise Fund</u></b>	<b><u>Recommended FY'22 Budget</u></b>
Cable Public Access	545,000
Department of Public Works Sanitation Division	1,076,434
Sandwich Hollows Golf Club	1,071,255
Sandwich Marina – East Boat Basin	2,109,371

**UNANIMOUSLY VOTED:** That the Town establish the FY'22 enterprise fund budgets, to be expended under the direction of the Board of Selectmen, for the Department of Public Works Sanitation Division, Sandwich Hollows Golf Club, Sandwich Marina – East Boat Basin, and Cable Public Access, in accordance with the provisions of M.G.L. c.44, §53F½ and the following list:

**DPW – Sanitation Division:**

Transfer and appropriate \$1,000,000 from DPW – Sanitation Division receipts and \$15,934 from Sanitation Division enterprise fund retained earnings and raise and appropriate \$60,500

**Sandwich Hollows Golf Club:**

Transfer and appropriate \$1,000,000 from Golf Department receipts and \$71,255 from the Golf Department enterprise fund retained earnings

**Sandwich Marina – East Boat Basin:**

Transfer and appropriate \$1,750,000 from Sandwich East Boat Basin Marina receipts and \$359,371 from the Marina Enterprise Fund retained earnings

**Cable Public Access:**

Transfer and appropriate \$545,000.00 from Cable Public Access receipts.

**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, §53E1/2 and Section 2.11 of the Sandwich Town Bylaws to authorize the spending limits of revolving funds for the following Town departments for FY'22, to be expended under the direction of the Board of Selectmen, in accordance with the following list:

<b>Revolving Account</b>	<b>Expenditure Limit</b>
Recreation Programs	\$525,000
Solar Energy / Town Utilities	\$125,000
Town Hall Meeting Room	\$10,000
Sand Hill School Community Center Expenses	\$10,000
Oak Crest Cove Expenses	\$12,000
Sandwich: A Cape Cod Town Book	\$2,000

Senior & Community Services Programs	\$60,000
School Department Book Fines	\$10,000

or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town set the spending limit for all Town & School Department revolving funds for Fiscal Year 2022, all as printed in the Warrant under Article 4. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 5**

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 \$450,000.00, or any other amount, and to transfer and appropriate the sum of \$46,000.00 from the Ambulance Fund, or any other amount, and to transfer and appropriate the sum of \$75,000.00 from the Golf Department Enterprise Fund, 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, for a total capital appropriation of \$571,000.00:

<b>Capital List</b>	<b>Amount</b>
Police Department – Taser Replacements	16,000
Fire Department – Dive & Rescue Equipment	15,000
DPW – Fuel Depot Upgrade	15,000
Golf Department – Repairs & Improvements	75,000
Facilities Department – Town Building Repairs/Improvements	300,000
School Department – School Building Repairs/Improvements	150,000
<b>Capital List Total</b>	<b>571,000</b>

<b>Transfer Funding Sources</b>	<b>Amount</b>
Ambulance Fund	46,000
Golf Department Enterprise Fund	75,000
<b>Capital Offset Total</b>	<b>121,000</b>

or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$450,000 from Free Cash; transfer and appropriate \$46,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$75,000 from the Sandwich Hollows Golf Club enterprise fund; 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 as printed in the Warrant under Article 5. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 6**

To see if the Town will vote to transfer and appropriate \$1,000,000.00, or any other amount, from the Water Infrastructure Investment Fund, to be expended under the direction of the Board of Selectmen, for the purpose of further implementing the Town's Comprehensive Water Resources Management Plan as it relates to wastewater infrastructure and drainage improvement projects, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$1,000,000 from the Water Infrastructure and Investment Fund, to be expended under the direction of the Board of Selectmen, for the purpose of further implementing the Town's Comprehensive Water Resources Management Plan as it relates to wastewater infrastructure and drainage improvements 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 in accordance with M.G.L. c.40, §5B to raise and appropriate or transfer from available funds a sum of \$650,000.00, or any other amount, to be transferred into the Stabilization Fund, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town vote in accordance with M.G.L. c.40, §5B to raise and appropriate \$650,000 to be transferred into the Stabilization Fund. This was a voice vote and declared carried unanimously by the Moderator**

## **ARTICLE 8**

To see if the Town will vote in accordance with M.G.L. c.32B, §20(b) to raise and appropriate or transfer from available funds a sum of \$100,000.00, or any other amount, to be transferred into the Other Post-Employment Benefits Liability Trust Fund, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town vote in accordance with M.G.L. c.32B, §20(b) to raise and appropriate \$100,000 to be transferred into the Other Post-Employment Benefits Liability Trust Fund. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 9**

To see if the Town will vote to appropriate the sum of money, received or to be received, from the Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during FY'22, or take any other action relative thereto.

**UNANIMOUSLY VOTED: That the Town 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'22. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 10**

To see if the Town will vote to transfer and appropriate the sum of \$19,587.60, 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, under Chapter 154 of the Acts of 2009, 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 \$19,587, to be expended under the direction of the School Committee, from the Sandwich High School cellular antenna lease receipt reserved for appropriation account, under Chapter 154 of the Acts of 2009, for the purpose of 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 11**

To see if the Town will vote to transfer and appropriate the sum of \$63,445.82, or any other amount, from the beach renourishment receipts reserved for appropriation account, as established at the 2013 Annual Town Meeting under Article 23, 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 \$63,445.82 from the beach renourishment receipts reserved for appropriation account, as established at the 2013 Annual Town Meeting under Article 23, to be expended under the direction of the Board of Selectmen, for the purpose of funding future public ocean beach and dune renourishment projects. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 12**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$46,238.62, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'22 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 \$46,238.62, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'22 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 13**

To see if the Town will vote (1) to authorize the Board of Selectmen to acquire the property by gift, purchase or eminent domain located at 180 Cotuit Road shown on Land Court Plan No. 34769-A filed with the Barnstable Registry District of the Land Court and shown on Tax Assessor's Map 13 as Parcel 44, containing 18.90 acres for purposes of the development of a solar energy project; and further to authorize the Board of Selectmen to lease said property to a solar energy provider to erect, operate and maintain solar energy facilities for a term of up to 45 years, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town;

(2) and further to authorize the Board of Selectmen to enter into an agreement between the Town and the owner of said solar facility as authorized herein, for a payment in lieu of taxes ("PILOT") for real and personal property taxes pursuant to G.L. c. 59, §38 (H) (b) and G.L. c. 164, §31 in conjunction with the solar facility to be installed on the above-referenced property, for a term of years co-extensive with the term of the ground lease, and on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town;



(3) and further to authorize the Board of Selectmen to transfer the care, custody and control of said property subject to the terms and conditions of the ground lease to the Conservation Commission for conservation purposes and to authorize the Conservation Commission to accept the care, custody and control of said property subject to the provisions of the ground lease for solar purposes and for conservation purposes pursuant to G.L. c. 40, § 8C;

(4) and further to transfer the care, custody, management and control of the following parcels of land from the Town Treasurer for the purpose of sale at auction to the Conservation Commission for conservation purposes in perpetuity in accordance with G.L. c.184, §§ 31-33: (a) a certain parcel of land located off Thicket Run Road, shown on Assessor's Map 33 as Parcel 59; (b) a certain parcel of land on Gully Lane shown on Assessor's Map 32 as Parcel 11; and (c) a certain parcel of land on Gully Lane shown on Assessor's Map 32 as Parcel 10; and further to authorize the Board of Selectmen and the Conservation Commission to execute any and all documents necessary or convenient to accomplish the purpose of this Article, or take any other action relative thereto.

**COUNTED VOTED: That the Town approve Article 13 as printed in the warrant. This was a counted vote and declared carried by the required two-thirds majority by the Moderator by a vote was 156 yeas and 57 nays.**

#### **ARTICLE 14**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'22 Community Preservation budget and to appropriate from the Community Preservation Fund FY'22 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'22; 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'22 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 FY'22 Community Preservation budget and to appropriate from the Community Preservation Fund FY'22 estimated annual revenues the sum of \$75,000, 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 FY'22; and further, reserve for future appropriation from the Fiscal Year 2022 Community Preservation Fund estimated annual revenues the following sums: \$185,480 for open space purposes; \$185,480 for historic resources purposes; and \$185,480 for community housing purposes; and further transfer and appropriate \$543,405.36 from the Community Preservation Fund undesignated fund balance to the Open Space fund balance; and transfer and appropriate \$936,925 from the Community Preservation Fund undesignated fund balance for debt payments. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 15**

To see if the Town will vote to raise and appropriate or transfer from available funds under the Community Preservation Act historic resources program the sum of \$136,315.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and making recommended repairs, renovations, and improvements to the East Sandwich Preparative Meeting of Sandwich Monthly Meeting's 1810 Friends Meetinghouse located at 6 Quaker Road; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; and further, to authorize the Board of Selectmen to enter into a grant agreement with said East Sandwich Preparative Meeting of Sandwich Monthly Meeting, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; and to further authorize the Board of Selectmen to accept a historic preservation restriction pursuant to the grant agreement; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate \$136,315 from the Community Preservation Act undesignated fund balance, to be expended under the direction of the Board of Selectmen, for the purpose of preserving and making recommended repairs, renovations, and improvements to the East Sandwich Preparative Meeting of Sandwich Monthly Meeting's 1810 Friends Meetinghouse located at 6 Quaker Road ; and further, authorize the Board of Selectmen to enter into a grant agreement with said East Sandwich Preparative Meeting of Sandwich Monthly Meeting on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; and further, authorize the Board of Selectmen to accept a historic preservation restriction pursuant to the grant agreement; or take any other action relative thereto. This was a voice vote and declared carried by the Moderator.**

## **ARTICLE 16**

To see if the Town will vote to transfer and appropriate under the Community Preservation Act affordable housing program the sum of \$150,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of supporting Habitat for Humanity of Cape Cod, Inc.'s Sandwich scattered site community housing programs located at 167 Cotuit Road and 1 Nauset Road; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; and further, to authorize the Board of Selectmen to enter into a grant agreement with said Habitat for Humanity of Cape Cod, Inc., on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; and further to authorize the Board of Selectmen to accept an affordable housing restriction pursuant to the grant agreement; or take any other action relative thereto.

**VOTED: That the Town transfer and appropriate \$150,000 from the Community Preservation Act affordable housing reserve, to be expended under the direction of the Board of Selectmen, for the purpose of supporting Habitat for Humanity of Cape Cod, Inc.'s Sandwich scattered site community housing programs located at 167 Cotuit Road and 1 Nauset Road; and further, authorize the Board of Selectmen to enter into a grant agreement with said Habitat for Humanity of Cape Cod, Inc., on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; and further, authorize the Board of Selectmen to accept an affordable housing restriction pursuant to the grant agreement. This was a voice vote and declared carried by the Moderator.**

## **ARTICLE 17**

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 Meiggs-Backus Road shown on Assessor's Map 4 as Parcels 11 and 39, containing approximately 21.6 acres, 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 \$455,000.00, 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.

**UNANIMOUSLY VOTED: That the Town 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 Meiggs-Backus Road shown on Assessor's Map 4 as Parcels 11 and 39, containing approximately 21.6 acres; and**

**that said land shall be under the care, custody and control of the Conservation Commission; and**

**transfer and appropriate from the Community Preservation Fund undesignated fund balance the sum of \$455,000, to be expended under the direction of the Board of Selectmen, for the purpose of acquiring the parcels described above; and**

**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.**

**This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.**

## **ARTICLE 18**

To see if the Town will vote to amend the Town of Sandwich Bylaws, Section 6.60, Signs, Part 4 (i), by inserting the words highlighted in red as written below, or take any action relative thereto.

Section 6.60 Signs

Part 4: i) All signs from this date forward, unless excepted herein shall be **made from wood or composite material**, and either painted or carved and painted. Specifically excluded are temporary Real Estate signs placed at property for sale, rent or lease and temporary Construction Business signs placed by tradesman at the location where work is being performed.

**VOTED: That the Town amend the Sandwich Town Bylaws by amending Section 6.60, Part 4(i), Signs, as printed in the Warrant under Article 18. This was a voice vote and declared carried by the Moderator.**

**ARTICLE 19**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by amending the Table of Contents to add sections that are missing and update new sections, as written below, or take any action relative thereto.

Table of Contents

~~4130. Accessory Dwelling Units (ADU)~~

~~4132. Lot Requirements~~

~~4133. Square Footage Requirements~~

~~4134. Site Requirements~~

~~4135. Applicable By laws and Regulations~~

~~4136. Principal Owner Requirements~~

~~4137. Ownership Requirements~~

~~4138. Occupant Requirements~~

~~4139. Application Requirements and Procedures~~

4131. Purpose and Intent

4132. Requirements

4133. Use and Dimensional Requirements

4134. Monitoring

4135. Enforcement

4136. Amnesty

3490. Compliance with State and Federal Regulations.

4330. District Administration

4340. Development Regulations

4345. Other Regulations

4350. Permitting required for Floodplain Overlay District

4355. Assurance that all necessary permits are obtained

4360. Enforcement

4370. Disclaimer of Liability

4380. Severability

4390. Fill

4457. Subdivision Affordability Requirements

4500. ~~DELETED ATM 4/98~~ MIXED USE CLUSTER DEVELOPMENT REGULATIONS

4501. Objective

4502. Applicability

4503. Mixed Use Cluster Provisions

4504. Residential Restrictions

4505. Affordability Restrictions/Regulatory Agreement

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending its Table of Contents as printed in the Warrant under Article 19. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

**ARTICLE 20**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article 1, Section 1260, Performance Bond or Deposit, by deleting the word "shall" and inserting the word

“may”, clarifying that a bond may not always be required, as written below, or take any action relative thereto.

1260. A performance bond or deposit of not less than \$12.00 per foot of lot frontage plus \$0.05 per cubic foot of foundation volume ~~shall~~ **may** be required prior to authorization of any new structure or addition if, in either case, involving more than 200 square feet of floor area, as security against possible costs due to erosion or damage within street rights - of-way, or failure to enclose and backfill the foundation within the time period covered by the building permit, or failure to carry out any or all conditions mandated in a special permit granted by the Board of Appeals. Such bonds may also be required by the Building Inspector for site alterations not involving new structures but potentially incurring damage within street rights-of-way. These bonds shall be held by the Town Treasurer until he is notified by the Building Inspector that all on-site work, as required under the building code and conditions of a special permit granted, and all movement of heavy equipment has been completed and any damage repaired.

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article I, Section 1260, Performance Bond as printed in the Warrant under Article 20. This was a voice vote and declared carried 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, Article 1, Section 1330, Special Permits, by deleting the words “the twelve (12) months” and inserting the words “three (3) years”, thereby lengthening the time of special permit approval pursuant to M.G.L. c.40A, as written below, or take any action relative thereto.

1330. Special Permits shall normally be granted unless, because of conditions peculiar to the particular case but not generally true for similar permitted uses on other sites in the same district, it appears that nuisance, hazard or congestion will be created, or for other reasons there will be substantial harm to the neighborhood or derogation from the intent of the by-law, so that the stated district objectives will not be satisfied. The Special Permit Granting Authority shall place upon each special permit the condition that failure to comply with the conditions set forth in the special permit will result in termination thereof and that it shall expire upon transfer of ownership, prior to initiation of substantial construction on or occupancy of the site, unless such transfer is authorized in the permit, or if no substantial construction or occupancy takes place within ~~the twelve (12) months~~ **three (3) years** of special permit approval, excluding such time required to pursue or await the determination of an appeal referred to in Section 17 of Chapter 40A. Extenuating circumstances may be a basis for a six (6) month extension to be granted by the Special Permit Granting Authority. 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 more than ~~twelve (12) months~~ **three (3) years** 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.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article I, Section 1330, Special Permit Approval Timeline as printed in the Warrant under Article 21. This was a voice vote and declared unanimously 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, Article II, Section 2220, Use Regulation Schedule, Accessory Uses, by deleting “Guest House, accessory to Residential Use” in its entirety, or take any action relative thereto.

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article II, Section 2220, Guest House Unregulated Use as printed in the Warrant under Article 22. This was a voice vote and declared carried 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, Article II, Section 2220, Use Regulation Schedule, Accessory Uses, by allowing Drive-Up and Drive Through Facilities in the B2 zoning district, as written below, or take any action relative thereto.

Drive-Up or Drive-Through, Accessory to Retail Use:

<b>R-1</b>	<b>R-2</b>	<b>VIL</b>	<b>BL-1</b>	<b>B-2</b>	<b>FLEX</b>	<b>IND</b>	<b>MAR</b>	<b>RDG</b>	<b>S</b>	<b>GD</b>
		(2,3)	(2,3)				(2,3)			
N	N	N	N	YS	N	N	N	N	N	N

USE REGULATION ZONING NOTES:

- 2. Drive-up and drive-through facilities shall be prohibited, unless in a B2 zoning district where a special permit from the Zoning Board of Appeals is required.

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article II, Section 2220, Drive Up & Drive Through Facilities 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, Article II, Section 2600 (g), Intensity of Use Schedule Notes, by deleting the duplicate sentence as written below, or take any action relative thereto.

2600 (g) A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District. (Amended 1/14/08). ~~A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District. (Amended 1/14/08).~~

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article II, Section 2600 (g), to Remove a Duplicate Sentence as printed in the Warrant under Article 24. This was a voice vote and declared unanimously carried 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, Article II, Section 2420, Change, Extension or Alteration, by rewriting the second paragraph to clarify non-conforming regulations, as written below, or take any action relative thereto.

Provided, however, that **The Zoning Enforcement Officer may provide a written finding that any** alteration, reconstruction, extension or structural change to a lawfully existing single or two-family residential structure shall not be subject to the special permit requirements of this Section 2420 if the alteration, reconstruction, extension or structural change does not increase the nonconforming nature of the structure **by 30% or more.** ~~(Amended 1/14/08)~~

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article II, Section 2420, Non-Conforming Regulations as printed in the Warrant under Article 25. This was a voice vote and declared unanimously carried 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, Article II, Section 2540, Multiple Principal Buildings on the Same Lot, paragraph (c), Affordable Housing, by deleting the sentence to clarify the monitoring agent, as written below, or take any action relative thereto.

c. Affordable Housing. In the BL-1 and B-2 Districts, one dwelling unit may be located within a structure which has a principal non-residential use, but only upon issuance of a special permit by the Zoning Board of Appeals. Additional dwelling units may thereafter be authorized by special permit; however, to be eligible for a special permit for additional dwelling units, a 1:1 ratio of market rate units to affordable units shall be established and maintained. ~~The Board of Appeals shall condition any special permit allowing the affordable units according to the affordability criteria in Section 4138.~~ Upon issuance of a special permit, the applicant shall enter into a monitoring services agreement with the Sandwich Housing Authority (SHA) and shall abide by the rules and regulations of the SHA. In addition, no special permit for more than one such unit shall be issued unless adequate parking is provided; appropriate site provisions have been made for both the residential and non-residential uses; and all of the criteria of Section 1330 have been shown to be satisfied.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article II, Section 2540, Monitoring Agent as printed in the Warrant under Article 26. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

#### **ARTICLE 27**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article III, Section 3400, Environmental Controls, by adding a new Section 3490, Compliance with State and Federal Regulations, as worded below, or take any action relative thereto.

3490. Compliance With State and Federal Regulations.

All development activities shall comply with the requirements of section 2.3.6 of the General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems issued jointly by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article III, Section 3490, Environmental Controls as printed**

**in the Warrant under Article 27. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

**ARTICLE 28**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4115, By-Right Accessory Apartment, by replacing the first sentence of the Section to clarify the definition of an accessory apartment, and replacing note (g) clarifying driveway regulations, as worded below, or take any action relative thereto.

An accessory apartment (non-rental) is allowed as an accessory use to an owner occupied single-family dwelling in residential zoning districts in accordance with the following requirements. These requirements regulate the use and are not subject to relief through a variance.

g) A minimum of one additional off-street parking space shall be provided, however, the construction of a new separate driveway is prohibited unless authorized by the Director of Public Works or the Town Engineer.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article IV, Section 4115, Driveway Regulations & Accessory Apartment as printed in the Warrant under Article 28. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

**ARTICLE 29**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4130, Accessory Dwelling Units, by deleting Sections 4130 to 4136 in their entirety and replacing them, and by amending Section 2200, Accessory Uses, footnote 26, and the definition of Accessory Uses, to be written as follows, or take any action relative thereto.

4130. Accessory Dwelling Unit (ADU)

4131. Purpose and Intent of the Accessory Dwelling Unit is to:

- a) Broaden the range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year-round community, a viable healthy local workforce and to prevent the displacement of Sandwich residents.
- b) Promote a more economic and energy efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single family neighborhoods.
- c) Encourage greater diversity of population with particular attention to young adult citizens and to allow for "aging in place" for our senior citizens.

4132. Requirements

- a) An ADU constructed within a single family dwelling, attached to a single family dwelling or as a detached structure on a lot conforming to Section 2600 of the Zoning By-Law shall be permitted as a "By Right" use, provided it meets all requirements of the Town of Sandwich Protective Zoning By-Law. No more than twenty-four (24) "By Right"



building Permits for new ADUs shall be granted within a twelve (12) month period, January 1st to December 31st and the number of permits shall be counted according to projects approved.

b) An ADU constructed within a single family dwelling shall be permitted as a by-right use and shall meet all the requirements of the Town of Sandwich Protective Zoning By-Law.

c) A Special Permit from the Planning Board is required in the following instances:

I. The subject property does not meet the minimum requirements set forth in section 2600 of the Zoning Bylaw.

II. An ADU is constructed as a detached accessory structure- not attached to a single family dwelling.

III. The subject property must have a minimum 20,000 s.f.

No more than twenty-four (24) Special Permits shall be granted by the Special Permit Granting Authority (SPGA) for the construction of an ADU within a twelve (12) month period January 1st to December 31st and the number of permits shall be counted according to projects approved.

d) When a Special Permit is required the SPGA shall address at a minimum the Special Permit Criteria outlined in Section 1330 of the Protective Zoning Bylaw.

e) The Building Commissioner shall administer and enforce the provisions of this section unless a Special Permit is required then the Planning Board will be the SPGA.

f) ADUs shall not be eligible for zoning variances. In addition, no variance may be granted which would allow more than one (1) ADU on a lot.

g) The construction of an accessory dwelling unit must be in conformity with the State Building Code, Title V of the State Sanitary Code and lawful under all other provisions of applicable town health, building, zoning and other local laws and regulations.

h) Prior to the issuance of a building permit or Special Permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new building and improvements on a lot associated with a proposed ADU.

#### 4133. Use and Dimensional Requirements:

The following requirements shall apply to all ADUs, whether permitted by right or by special permit from the Planning Board:

a) Only one ADU is permitted for each lot.

b) The ADU shall be a complete, separate housing keeping unit containing both a kitchen and a bath.

c) An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practicable, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained, considering the following: building architectural details, roof design, building spacing and orientation, building screening, door and window location, and building materials.

d) The ADU shall contain no more than two bedrooms and contain no more than 900 square feet of habitable space. Once an ADU has been added to a single family dwelling or lot, the accessory dwelling unit shall not be enlarged.

e) At least one (1) off street parking space in addition to that required for the principal single family dwelling is required for each ADU. All parking for ADUs shall be off street. New parking spaces created shall be pervious.

f) An ADU may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. The principal dwelling, the ADU and the lot on which they are located shall remain in common or single ownership and shall not be severed in ownership.

g) The principal dwelling or the accessory dwelling unit must be the primary residence of the owner, and the remaining dwelling must be leased for a minimum of a twelve (12) consecutive months and a maximum of three (3) consecutive years, with no subletting to occur, and is prohibited from any use as rental units on a monthly, weekly or daily basis including, but not limited to, seasonal rental and rental through vacation rental services and websites. An ADU shall not be used for boarding and lodging, or other commercial use. No occupancy of the ADU is permitted other than as the primary residence of the owner or by lease for a minimum of twelve (12) consecutive months and other conditions as stated.

h) A detached ADU requires a minimum lot size of 20,000 s.f.

i) An ADU and principal dwelling shall share common septic/ wastewater and water facilities.

j) An ADU shall have an occupancy of not more than two (2) persons per bedroom.

#### 4134. Monitoring:

Prior to the issuance of a building permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that the owner is or shall be in residence in one of the units shall be submitted in the case of a By Right unit to the Building Commissioner or in the case of a Special Permit to the SPGA. Any change or transfer in ownership will require an updated certificate.

#### 4135. Enforcement:

Failure to comply with the provisions of this Bylaw shall be punishable by fine. Any person, firm or corporation violating any section or provision of this Bylaw shall be fined one hundred (100) dollars for each offense. Each day that such offense continues shall constitute a separate offense. If the Building Commissioner determines that the owner has repeatedly failed to comply with this bylaw, he/she may revoke the occupancy permit for the ADU. In such an event, the Building Commissioner may require that the elements that make the

accessory dwelling unit a separate dwelling unit be removed from the property within 90 days of said determination, with the owner to comply with all requirements of the State Building Code and Sandwich Protective Zoning By-Law. Any such determination may be appealed to the Zoning Board of Appeals.

4136. Amnesty:

In an effort to meet local housing needs, the owner of real property containing an accessory dwelling unit, as described in this Section may apply for a Special Permit to legally continue the use as an accessory dwelling unit, provided that the unit is no larger than 900 s.f. or thirty percent of the gross square footage of the principle dwelling, whichever is larger. The amnesty provisions of this bylaw shall apply to unlawful accessory dwelling units in existence prior to December 31, 2020.

**2200 Use Regulations – Accessory Dwelling Unit (ADU)**

R-1	R-2	VIL	BL-1	B-2	FLEX	IND	MAR	RD	S	GD
		(2,3)	(2,3)				(2,3)			
Y(26)	Y(26)	Y(26)	Y(26)	Y(26)	N	N	N	Y(26)	Y(26)	N

26. A detached ADU on a non-conforming lot requires a minimum lot size of 20,000 s.f. and a special permit from the Planning Board. All units shall satisfy the requirements of Section 4130.

**Definitions:**

~~ACCESSORY DWELLING UNIT (ADU) – A dwelling unit with the purpose of promoting affordable housing in the Town for year-round residents that is no larger than 1,000 square feet in size or thirty percent of the gross square footage of a principal dwelling, whichever is larger incorporated into a lawful principal single-family dwelling or attached to a single-family dwelling or within a detached building accessory to and on the same lot as a lawful principal single-family dwelling.~~

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article IV, Section 4130, Accessory Dwelling Unit Bylaw as printed in the Warrant under Article 29. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

**ARTICLE 30**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4300, Flood Plain District, by deleting Sections 4300 to 4360 in their entirety and replacing them, to be written as follows, or take any action relative thereto.

4300. Flood Plain District. Purpose

The purpose of the Floodplain Protection Overlay District is to:

1. Ensure public safety through reducing the threats to life and personal injury.
2. Eliminate new hazards to emergency response officials.

3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
5. Eliminate costs associated with the response and cleanup of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

#### 4310. Creation.

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Sandwich designated as Zone A, AE, AH, AO, A99, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 6, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

Any Use, Structure or Development permitted in the portions of the Districts so overlaid shall be permitted subject to the provisions of this District, as well as those of the Massachusetts State Building Code, 780 CMR and the State Wetland Protection Act, G.L. c. 131, § 40 and its implementing Regulations, 310 CMR 10.00 et seq. dealing with construction in floodplains. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

#### 4320. Definitions.

For the purposes of this section of the zoning bylaw the following definitions shall be applied:

**BASE FLOOD** - The flood having one percent chance of being equaled or exceeded in any given year.

**COASTAL HIGH HAZARD AREA** – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waves, as designated on the FIRM as Zone V and VE.

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

**DISTRICT** - Flood Plain District.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** - The agency which administers the National Flood Insurance Program and provides nationwide flood hazard area mapping and regulatory standards for development in flood hazard areas.

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

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood related erosion hazards.

**FUNCTIONALLY DEPENDENT USE** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

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

**HISTORIC STRUCTURE** - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or
  - b. Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

**NEW CONSTRUCTION** - Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction. New construction includes work

determined by the Building Commissioner to be substantial improvement. [Referenced Standard ASCE 24-14].

**MANUFACTURED HOME** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**RECREATIONAL VEHICLE** - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

**ONE-HUNDRED-YEAR FLOOD** - See Base Flood.

**REGULATORY FLOODWAY** - see FLOODWAY.

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

**START OF CONSTRUCTION** - The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

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

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

**SUBSTANTIAL IMPROVEMENT** - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged, before the damage occurred. "Substantial improvement" shall be deemed to

occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

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

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

**VIOLATION** - The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in US Code of Federal Regulations, Title 44, Part 60, §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

**ZONE A** - The 100-year flood area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

**ZONE AE** - The 100-year flood area where the base flood elevation has been determined.

**ZONE AH** - Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

**ZONE AO** – An Area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

**ZONE A99** – An area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

**ZONE X** - Areas of minimal or moderate flood hazards or areas of future-conditions flood hazard.

**ZONE V** - An area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE VE (for new and revised maps) – An Area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

4330. District Administration.

1. Floodplain Administrator - The Town of Sandwich hereby designates the position of Building Commissioner, or their designee, to be the official Floodplain Administrator for the Town.

2. Requirement to submit new technical data

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

FEMA Region I Risk Analysis Branch Chief  
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

4340. Development Regulations.

The following requirements apply in the Floodplain District:

1. In Zones VE all new construction shall be located landward of the reach of mean high tide.

2. The placement of mobile homes in the Floodplain District is prohibited.

3. Reference to Existing Regulations. The Floodplain District is established as an Overlay District to all other Districts. All development in the District, including structural and non-structural activities, whether permitted by right or by Special Permit must be in full compliance with G. L. c. 131, §40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code, 780 CMR which addresses floodplain and coastal high hazard;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)



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

5. Floodway encroachment. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6. Watercourse alterations or relocations in riverine areas. In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8th floor  
Boston, MA 02114
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

7. Protection of dunes. Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

#### 4345. Other Regulations.

1. All subdivision and development proposals in the floodplain overlay district shall be reviewed to assure that:

- a. Such proposals minimize flood damage;

- b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - c. Adequate drainage is provided to reduce exposure to flood hazards.
2. Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
  3. AO and AH zones drainage requirements. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
  4. Recreational vehicles. In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
  5. Please refer to the Floodplain Manual for addition certifications and regulations required.

#### 4350. Permitting required for Floodplain Overlay District.

##### 1. Building Permits.

The following uses are permitted by right since they create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill or storage of materials or equipment:

- a. Agricultural uses such as farming, grazing, truck farming, and horticulture.
- b. Forestry and nursery uses.
- c. Outdoor recreational uses, including fishing, boating and play areas.
- d. Conservation of water, plants and wildlife.
- e. Wildlife management areas; foot, bicycle and horse paths.
- f. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- g. Buildings lawfully existing prior to the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction.

In the case of minor changes (300 SF or less) to existing buildings, placement of facilities that the Building Commissioner determines are directly associated with an agricultural activity, fences, sheds, drilling, mining, paving or any other minor

development that might increase flooding or adversely impact flood risks to other properties the Building Commissioner shall determine if said activity increases flooding or will adversely impact flood risks to other properties and require that a special permit be issued by the Zoning Board of Appeals for such activities.

2. Special Permits. A special permit issued by the Zoning Board of Appeals is required for major construction (greater than 301 SF), including new construction, changes to existing buildings, placement of manufactured homes and large storage facilities. A Special Permit may be granted within the reasonable discretion of the Zoning Board of Appeals and subject to such conditions and safeguards as the Zoning Board of Appeals deems necessary to fulfill the purposes of this Section, the requirements of this overlay District may be varied. When reviewing such Special Permit applications, the Board shall consider:

- a. The susceptibility of the proposed facility and the contents to flood damage and the effect of such damage upon the site and surrounding property.
- b. The availability of alternative locations for the proposed use which are not subject to flooding or erosion.
- c. The necessity to the facility of a waterfront location, where applicable.
- d. A determination that the relief requested is the minimum necessary

3. Commonwealth of Massachusetts Variances to building code. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

4. Sandwich Zoning Bylaw Variances. A variance from these floodplain bylaws must meet the requirements set out in Section 1321 and in addition, may only be granted if:

- a.) Good and sufficient cause and exceptional non-financial hardship exist;
- b.) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
- c.) the variance is the minimum action necessary to afford relief.

4355. Assurance that all necessary permits are obtained.

Prior to the issuance of a Zoning Permit the property owner or his/her representative must certify that all local, state and federal permits necessary in order to carry out the proposed development in the floodplain overlay district have been obtained including but not limited to (identify each item as approved or not applicable):

- Order of Conditions pursuant to the Town of Sandwich General Bylaws,
- Order of Conditions pursuant to G.L. c. 131, § 40
- Massachusetts Department of Environment Protection Chapter 91 License
- Select Board Public Access License
- 401 Water Quality Certificate issued by Massachusetts Department of Environment Protection
- Board of Health Disposal System Construction Permit
- Board of Health Well Permit
- U.S. Army Corps Programmatic General Permit
- U.S. Army Corps Individual Permit
- Commonwealth of Massachusetts Chapter 253 Dam Safety Permit

4360. Enforcement.

Failure to comply with the regulations set forth herein will authorize the Building Commissioner to exercise enforcement under section 1200.

4370. Disclaimer of liability.

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

4380. Severability.

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

4390. No fill may be placed on any lot, any portion of which is at or below the base flood elevation, without a special permit.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article IV, Section 4300, Flood Plain District as printed in the Warrant under Article 30. This was a voice vote and declared unanimously carried by the required two-thirds majority by the Moderator.**

### **ARTICLE 31**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4710, Cottage Colonies, by adding a rental option to the conversion of non-conforming cottage colonies, as written below, or take any action relative thereto.

4710. Cottage Colonies. Any existing cottage colony may not be converted to single-family dwelling use under separate ownership unless the lots upon which each building is located comply with the minimum requirements for a cluster subdivision and are created as a cluster subdivision under Section 4400. However, a non-conforming cottage colony may be converted to a residential or mixed-use **rental property**, condominium, cooperative or time sharing condominium that is more intensive or frequent than seasonal or intermittent use upon issuance of a Special Permit from the Planning Board and compliance with Section 4740

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending as printed in the Warrant under Article 31. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

### **ARTICLE 32**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4740, Procedures, for the conversion of seasonal or intermittent-use structures by adding a rental option, clarifying the inspection regulations, and adding an affordable housing provision, as written below, or take any action relative thereto.

4740. Procedures. The Planning Board shall act upon conversion of any existing cottage colony into a residential or mixed-use **rental property**, condominium, cooperative or time sharing condominium application as an application for special permit as set forth in Section 1330 through 1360 and, where applicable, Section 2400. The conversion of any existing cottage colony into a residential or mixed-use **rental property**, condominium, cooperative or time sharing condominium shall comply with the following additional requirements:

~~6. Completion of a full inspection and building code compliance checklist to be conducted by the Town Building Inspector prior to Special Permit approval and issuance of final occupancy certificates. Review and approval by the Sandwich Building Department to ensure compliance with all applicable regulations, as determined by the Building Commissioner.~~

**8. Ten (10) percent of total cottages converted must be made affordable and meet the guidelines for a low or moderate income family. For the purpose of this section low income shall be defined as an income less than eighty (80) percent of the area median income, and moderate income shall be defined as an income between eighty (80) and one hundred and twenty (120) percent of the area median income, as determined by the Federal and/or State Census. The affordable units shall meet the requirements necessary to be added to the Subsidized Housing Inventory. All occupants of the affordable units shall be approved by the Sandwich Housing Authority to assure compliance with this by-law.**

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article IV, Section 4740, Procedures as printed in the Warrant under Article 32. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

## **ARTICLE 33**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, by adding a new Section 4457 related to an affordable housing provision, as written below, or take any action relative thereto.

4457. This section of the Bylaw applies to any residential subdivision or division of land resulting in ten (10) or more buildable lots. In any development that is subject to the regulations hereunder, ten (10) percent of all dwelling units shall be made affordable and meet the guidelines for a low or moderate income family. For the purpose of this section low income shall be defined as an income less than eighty (80) percent of the area median income, and moderate income shall be defined as an income between eighty (80) and one hundred and twenty (120) percent of the area median income, as determined by the Federal and/or State Census. The affordable units shall meet the requirements necessary to be added to the Subsidized Housing Inventory. The affordable units may be constructed on the locus of the development and sold or rented, or the Planning Board may, in its discretion, approve one (1) or more of the following methods, or any combination thereof, for the provision of affordable units.

1. Off-Site Units: An equivalent number of affordable housing units may be constructed on another site in the Town of Sandwich. All requirements that apply to on-site provision of affordable units shall apply to off-site affordable units. In addition, the location of the off-site units shall be approved by the Planning Board as a part of the Definitive Subdivision approval process.

2. Fee in Lieu of Units: The Planning Board may allow an applicant to make a cash payment to the Town through its Housing Authority for each affordable unit required by these regulations. The cash payment per unit shall be determined by multiplying the most recent published area median income as determined by the United States Department of Housing and Urban Development ("HUD") (the "Base Income Number") by the Maximum Resale Price Multiplier. Maximum Resale Price Multiplier is calculated at the initial sale by dividing the Initial Sales Price by the Base Income Number.

The applicant shall submit to the Building Commissioner documentation ensuring the requirements of this section will be met, prior to the issuance of a building permit for any dwelling unit. Specific requirements relative to the location, appearance, and phasing of construction of the affordable units may be imposed as a condition by the Planning Board during the Definitive Subdivision approval process.

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws by amending Article IV, Section 4457, Affordable Housing Provision as printed in the Warrant under Article 33. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

## **ARTICLE 34**

### **PETITIONERS ARTICLE FOR SANDWICH TOWN MEETING**

#### **Article: Commercial Single-Use Plastic Water Bottle Ban**

To see if the Town will vote to adopt the following as a general by-law and to insert it into the Code of Town of Sandwich, Massachusetts.

#### **Section 1. Sale of Single-use Plastic Water Bottles**

Effective on December 31, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Sandwich. Enforcement of this regulation will begin December 31, 2021.

### **Section 2. Definitions**

A single-use plastic bottle is a beverage container made from any type of plastic resin.

### **Section 3. Exemptions**

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth, or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

### **Section 4. Enforcement**

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate.

Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G.L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Sandwich.

All businesses will be routinely inspected until the Town Manager deems the inspection to no longer be required.

### **Rationale:**

Single-use plastic bottles impact environmental health, and the health and longevity of other species, who may ingest plastic as food. Ultimately, plastic re-enters the human food chain where the adverse consequences are both known and emerging. Plastics pollute and impact our environment across their lifecycle from production to use to disposal.

Over 1,500 single-use plastic water bottles are used and discarded in the U.S. per second.

Elimination of the use of single-use plastic water bottles will have a significant impact on future plastic-bound pollution including the nation's greenhouse gas footprint and is consistent with protection of the natural environment in Sandwich, Barnstable County, our nation and our earth, which we have a common responsibility to protect and steward.

*(Submitted by Petition)*

**Mary Cote of Manamok Circle moved to adopt a new General Bylaw banning the sale of single-use plastic bottles as printed in the warrant under Article 34. There was a second from the floor.**

**Thomas Coniaris of Partridge Path made a motion to moved the question. There was a second from the floor. Secord from the floor. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

**COUNTED VOTE: That the Town adopt a General Bylaw banning the sale of single-use plastic bottles as printed in the warrant under Article 34. This was a counted vote and declared carried by the Moderator by a vote was 111 yeas and 77 nays.**

**ARTICLE 35**

To see if the Town will vote to amend the Town of Sandwich Bylaws.....**IT SHALL BE UNLAWFUL TO HAVE ROOSTERS IN AN R-2 ZONED AREA OF THE TOWN.**

*(Submitted by Petition)*

**No motion was made to move Article 35. The Moderator declared the Article failed.**

**ARTICLE 36**

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;
- One Board of Selectmen member for a term of three years;
- One Constable for a term of three years;
- One Moderator for a term of three years;
- Three Planning Board members for terms of three years;
- One Planning Board member for an unexpired term of one year;
- Three School Committee members for terms of three years;
- Three Trustees to the Sandwich Public Library for terms of three years;
- One Sandwich Housing Authority member for a term of five years;
- One Trustee to the Weston Memorial Fund for a term of three years;

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

The polls for the election will be open at 10:00 a.m. and close at 6:00 p.m. on said

THURSDAY, THE SIXTH DAY OF MAY, 2021.

**VOTED: To adjourn to the Town Election on May 6, 2021. This was a voice vote and declared carried by the moderator.**

The meeting was adjourned at 9:33 P.M.

I hereby certify that this is a true record of the Annual Town Meeting held on May 3, 2021.

Respectfully Submitted,



Taylor D. White  
Town Clerk



**TOWN OF SANDWICH  
SPECIAL TOWN MEETING  
November 15, 2021**

The Special Town Meeting was called to order in the Sandwich High School Auditorium by Moderator Garry Blank at 7:06 P.M. The total number of eligible voters for this meeting was 16,670 and the clerks checked in a total of 324 voters, which is a 1.9% turnout.

The Moderator swore in the following Sandwich residents as tellers: Nancy Crossman, Daryl Crossman, Linda Paltrineri, Bill Fleming, Paul Houlihan, Kim Ruty, Sherrill Ruty, Thomas Coniaris, Eric Tarvin, Kathy Felt, Kathy Brown, Katie Roy, Candy Thompson and Mara Evans. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. The members of the Sandwich Little League Cooperstown team lead the Town Meeting in the Pledge of Allegiance.

**The Moderator asked for a blanket vote to see if Town Meeting will allow non-voters to address the meeting. This was a voice vote and declared failed by the Moderator.**

**Christina Walker-Morin of Grand Oak Road made a motion to fix the method of voting for all articles on the Warrant to counted vote. There was a second from the floor. This was a counted vote and declared carried by 192 yeas and 82 nays.**

**ARTICLE 1**

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 \$1,057,690.00, 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:

<b><u>Capital &amp; Expense List</u></b>	<b><u>Amount</u></b>
Department of Public Works – Utility Pickup Replacement	50,000
Department of Public Works – Sanitation – Roll Off Containers	60,000
Department of Public Works – Sanitation – Improvements	40,000
Department of Public Works – Engineering – Pickup Replacement	34,420
Police Department – Equipment Improvements	65,000
Fire Department – Ambulance Replacement	280,000
Recreation Department – Beach Program Improvements	55,000
Facilities Department – Building Repairs & Improvements	65,000
Marina – Repairs & Improvements	220,000
Natural Resources – Animal Control Vehicle Improvements	8,270
Natural Resources – Pickup Replacement	40,000
Town Parking Lot Improvements	65,000
<u>School Department – Building Repairs &amp; Improvements</u>	<u>75,000</u>
<b>Capital &amp; Expense List Total</b>	<b>1,057,690</b>
Ambulance Fund Transfer	-280,000
<u>Marina Enterprise Fund Retained Earnings Transfer</u>	<u>-220,000</u>
<b>Net Appropriation</b>	<b>557,690</b>

or take any other action relative thereto.

**COUNTED VOTE: That that the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$557,690 from Free Cash; transfer and appropriate \$280,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$220,000 from the Sandwich Marina enterprise fund retained earnings; 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 as printed in the Warrant under Article 1. This was a counted vote and declared carried by 269 yeas and 8 nays.**

## **ARTICLE 2**

To see if the Town will vote to (a) authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, the fee to and/or permanent and/or temporary easements and/or other real property interests, for purposes of establishing, constructing, operating and maintaining a shared use path for non-motorized transportation, open space and recreation purposes and for all other purposes for which shared use paths are now or hereafter may be used in the Commonwealth, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, landscaping, parking areas and other appurtenances and/or facilities, to enable the Town to undertake the Service Road Shared Use Path Project, and for any and all purposes incidental or related thereto, in, on, over, across, under and along all or any portion of the certain parcels of land located on or near Service Road and Round Hill Road and approximately shown on a plan entitled "Massachusetts Department of Transportation Highway Division, Plan and Profile of Service Road Shared Use Path in the Town of Sandwich, Barnstable County, Preliminary Right of Way," dated September 27, 2021, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file with the Town Clerk, and as may be amended and/or incorporated into an easement plan(s); and (b) transfer the care, custody and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plan from the board having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for roadway purposes and for purposes of a shared use path and purposes incidental to the use thereof, and further to dedicate said portions of the Town-owned properties to the foregoing purposes; and (c) raise and appropriate, transfer from available funds and/or borrow a sum of money in support of the foregoing project and any and all costs incidental or related thereto, including but not limited to the cost of any easement acquisitions, appraisals and survey; and further (d) authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes, or take any action relative thereto.

**COUNTED VOTE: That the Town authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, the fee to and/or permanent and/or temporary easements and/or other real property interests, for purposes of establishing, constructing, operating and maintaining a shared use path for non-motorized transportation, open space and recreation purposes and for all other purposes for which shared use paths are now or hereafter may be used in the Commonwealth, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, drainage, utilities, driveways, guardrails, slopes, grading, rounding, landscaping, parking areas and other appurtenances and/or facilities, to enable the Town to**

**undertake the Service Road Shared Use Path Project, and for any and all purposes incidental or related thereto, in, on, over, across, under and along all or any portion of the certain parcels of land located on or near Service Road and Round Hill Road and approximately shown on a plan entitled “Massachusetts Department of Transportation Highway Division, Plan and Profile of Service Road Shared Use Path in the Town of Sandwich, Barnstable County, Preliminary Right of Way,” dated September 27, 2021, prepared by Vanasse Hangen Brustlin, Inc., a copy of which is on file with the Town Clerk, and as may be amended and/or incorporated into an easement plan(s);**

**AND**

**transfer the care, custody and control of a portion or portions of the Town-owned property or properties shown on the aforesaid plan from the board having custody of the same for the purposes for which such properties are currently held to the Board of Selectmen for roadway purposes and for purposes of a shared use path and purposes incidental to the use thereof, and further to dedicate said portions of the Town-owned properties to the foregoing purposes;**

**AND**

**authorize the Board of Selectmen to enter into all agreements and take any and all actions as may be necessary or appropriate to effectuate the foregoing purposes,**

**as printed in the Warrant under Article 2.**

**This was a counted vote and declared carried by the required two-thirds majority by the Moderator, 287 yeas and 13 nays.**

### **ARTICLE 3**

To see if the Town will vote to decrease the \$455,000.00 appropriation made at the May 3, 2021 Annual Town Meeting under Article 17 for the purchase of two parcels of land off Meiggs-Backus Road shown on Assessor’s Map 4 as Parcels 11 and 39, containing approximately 21.6 acres, from the Community Preservation Fund undesignated fund balance by \$226,387.50, with said decrease being transferred to the undesignated fund balance due to the award of a grant from the Commonwealth of Massachusetts’ Drinking Water Supply Grant Program;

**And further,**

to see if the Town will vote to accept a deed restriction on said parcels as a condition of the Commonwealth’s Drinking Water Supply Protection Grant Program which states:

- (i) This property is acquired for water supply protection pursuant to Massachusetts General Laws Chapter 40, Sections 39B, 41 and 15B, and Article 97 of the Amendments to the Massachusetts Constitution and is under the control of the Conservation Commission of the Town of Sandwich, subject to the Conservation Restriction held by the Centerville-Osterville-Marstons Mills Fire District and the Barnstable Land Trust, Inc.; and,
- (ii) Massachusetts Department of Environmental Protection approval is required before any portion of this property can be transferred to a different ownership or control, or before the property can be changed to a different use.

**And further,**

to authorize the Town of Sandwich Conservation Commission to grant a conservation restriction on said parcels of land pursuant to Massachusetts General Laws Chapter 184, Section 31-33;

or take any action relative thereto.

**COUNTED VOTE: that the Town accept a deed restriction as a condition of the Commonwealth's Drinking Water Supply Protection Grant Program on two parcels of land off Meiggs-Backus Road, containing approximately 21.6 acres, as shown on Assessor's Map 4 as Parcels 11 and 39 which were authorized for purchase at the May 3, 2021 Annual Town Meeting under Article 17, and authorize the Conservation Commission to grant a conservation restriction on said parcels of land pursuant to Massachusetts General Laws Chapter 184, Section 31-33, as printed in the Warrant under Article 3. This was a counted vote and declared carried by the Moderator, 285 yeas and 2 nays.**

#### **ARTICLE 4**

To see if the Town will vote to amend the Town of Sandwich Bylaws, Chapter 9, Boat Operations and Use of Waterways, Section 9.04, Horsepower, and Section 9.05, Operation, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

##### **Section 9.05: Horsepower**

4) There shall be no horsepower limitation on Peters Pond.

a) **The use of Personal Watercrafts, including jet-ski watercraft, surf jet watercrafts, and wet bike watercrafts is prohibited on Peters Pond.**

##### **Section 9.05: Operation**

1) Vessels shall not be operated on any pond at greater than headway speed and create no wake - wash, between the hours of sunset to sunrise.

2) No vessel shall be operated at any time on any pond in an overloaded condition.

3) Motorboats and ~~Personal Watercraft~~ shall not be operated within a shoreline safety zone except for the purpose of launching or retrieving such vessel provided they remain outside of the designated swimming area(s), and operate at headway speed, only within the shoreline safety zone.

4) ~~Personal Watercraft operation is prohibited on Peters Pond, after the hour of 7:00 PM or after sunset, whichever occurs first, and before sunrise, daily.~~

5) ~~Personal Watercraft operation is prohibited on Peters Pond, when vision is unduly restricted by weather.~~

Carl Johansen of Oxford Road made a motion to move the question; there was a second from the floor. This was a counted vote and declared carried by the required two-thirds majority by the Moderator, 266 yeas and 26 nays.

**COUNTED VOTE:** that the Town amend the Town of Sandwich Bylaws, Chapter 9, Boat Operations and Use of Waterways, Section 9.04, Horsepower, and Section 9.05, Operation, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as printed in the Warrant under Article 4. This was a counted vote and declared and carried by the Moderator, 203 yeas and 83 nays.

**ARTICLE 5**

To see if the Town will vote to amend the Town of Sandwich Bylaws, Chapter 4, Public Health, Section 4.00, Illegal Dumping, Part 1, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

Part 1: It shall be unlawful to throw, place, drop, sweep into, deposit, discharge, or leave on any street, drainage system, Town-owned property, conservation land, or other public property any litter or pollutant including, but not limited to: rubbish; garbage; tires, abandoned vehicles; construction materials; stumps; brush; tree limbs; hedge and grass trimmings; noxious, chemical, hazardous, or dangerous refuse; any pollutant as defined by the General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems issued jointly by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection; or any other offensive substance or waste. There shall be no exception, other than duly authorized deposit(s) at the Solid Waste Transfer Station or ~~Septage Lagoen~~ in conformance with the rules and regulations thereof.

**COUNTED VOTE:** That the Town amend the Town of Sandwich Bylaws, Chapter 4, Public Health, Section 4.00, Illegal Dumping, Part 1, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as printed in the Warrant under Article 5. This was a counted vote and declared and carried by the Moderator, 266 yeas and 3 nays.

**ARTICLE 6**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2220, Use Regulation Schedule, Accessory Uses, by allowing Motor Vehicle Rental Establishment with a special permit in the B2 zoning district, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

Motor Vehicle Rental Establishment Use:

<b>R-1</b>	<b>R-2</b>	<b>VIL</b> (2,3)	<b>BL-1</b> (2,3)	<b>B-2</b>	<b>FLEX</b>	<b>IND</b>	<b>MAR</b> (2,3)	<b>RDG</b>	<b>S</b>	<b>GD</b>
N	N	N	N	<del>N</del> <b>S</b>	N	N	N	N	N	N

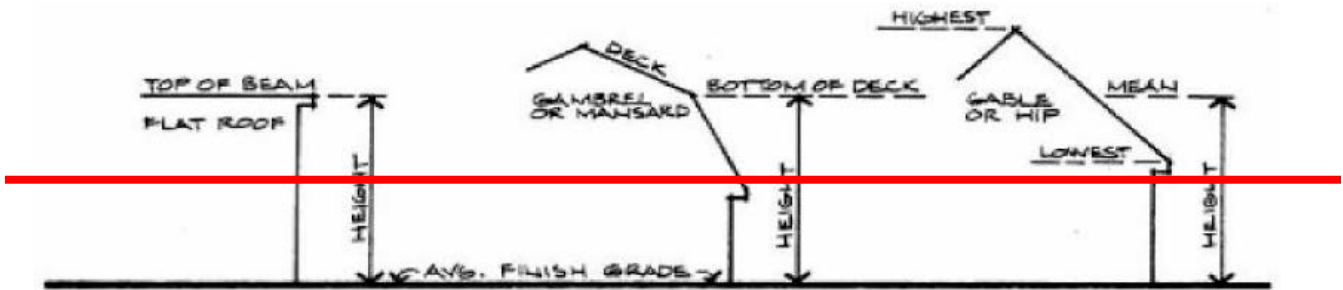
**COUNTED VOTE:** Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2220, Use Regulation Schedule, Accessory Uses, by allowing Motor Vehicle Rental Establishment with a special permit in the B2 zoning district, by inserting the words highlighted in red and deleting the words highlighted in

~~striethrough as printed in the warrant under Article 6. This was a counted vote and declared carried by the required two-thirds majority by the Moderator, 247 yeas and 5 nays.~~

**ARTICLE 7**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Definitions, Height, by deleting the illustration depicting building height, as shown below, or take any action relative thereto.

**HEIGHT** - The vertical distance from the mean existing grade at the front line of the building to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs and to the ridge for gable, hip and gambrel roofs; except for those buildings that are required to be placed on elevated foundations, specific to Federal and/or State flood elevation requirements, adjacent to the shoreline and/or within those areas designated by FEMA to be part of an A or V Zone, where the vertical distance would be measured from the top of the Federal and/or State required elevated foundation to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs and to the ridge for gable, hip and gambrel roofs Not included are spires, cupolas, TV antennae and other parts of structures, which do not enclose potentially habitable floor space.



**COUNTED VOTE:** That the Town amend the Sandwich Protective Zoning By-laws, Definitions, Height, by deleting the illustration depicting building height, as printed in the Warrant under Article 7. This was a counted vote and declared carried by the required two-thirds majority by the Moderator, 232 yeas and 8 nays.

**ARTICLE 8**

We the undersigned voters in the Town of Sandwich in accordance with the By-laws, Chapter 1, Section 1.05, Part 2, request the Board of Selectmen place the following Article on the Warrant for the next Special Town Meeting.

To see if the Town will vote to amend the Town of Sandwich By-laws Chapter 4, Section 4.08 – Single Use Plastic Bottles: Commercial Ban, by striking it in its entirety.

*(Submitted by Petition)*

Eileen Starrs of Mashview Circle of made a motion to vote to amend the Town of Sandwich By-laws Chapter 4, Section 4.08 – Single Use Plastic Bottles: Commercial Ban, by striking it in its entirety; there was a second from the floor.


**James Coogan of Main Street made a motion to move the question; there was a second from the floor. This was a counted vote and declared carried by the required two-thirds majority by the Moderator, 242 yeas and 39 nays.**

**COUNTED VOTE: That the Town of Sandwich Bylaws, Chapter 4, Section 4.08 – Single Use Plastic Bottles: Commercial Ban, by striking it in its entirety. This was a counted vote and declared and carried by the Moderator, 169 yeas and 131 nays.**

**Upon completion of the Warrant, the moderator declared the meeting adjourned at 9:10 P.M.**

I hereby certify that this is a true record of the Special Town Meeting held on November 15, 2021.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Taylor D. White", written in a cursive style.

Taylor D. White  
Town Clerk