

**TOWN OF SANDWICH  
ANNUAL TOWN MEETING  
May 2, 2022**

The Annual Town Meeting was called to order in the Sandwich High School Auditorium by Moderator Garry Blank at 7:14 P.M. The total number of eligible voters for this meeting was 16,652 and the clerks checked in a total of 608 voters, which is a 3.6% turnout.

The Moderator swore in the following Sandwich residents as tellers: Sharon Walker, Candus Thomson, William Fleming, Sean Rausch, Robert King, Tobin Wirt, Kathy Felt, Erik Tarvin, Kathy Brown, Paul Houlihan, Kim Ruty, Sherrill Ruty, Thomas Coniaris and Alla Shokhova. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. The Sandwich Girl Scouts led Town Meeting in the Pledge of Allegiance. Reverend Tina Walker-Morin of First Church gave the invocation.

**The Moderator thanked Selectman David Sampson for his six years of service to the residents of Sandwich.**

**The Moderator asked for a blanket vote to allow non-residents to speak before Town Meeting. This was a counted vote and declared not carried by the Moderator by a vote of 188 yeas and 300 nays.**

**ARTICLE 1**

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

**UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2023 Annual Town Reports and to hear the report of the Board of Selectmen on the 2022 Long Range Plan. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 2**

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$86,039,599.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2022 to June 30, 2023 as itemized below in the third column entitled FY'23 Recommendation, or take any other action relative thereto.

**Fiscal Year 2023 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 were also very cautious in our revenue estimates. Overall, the town's financial picture is good and our budgeting practices very reasonable. We also supported addressing two, long-standing municipal operating budget needs – additional funding for public roads and infrastructure improvements and more accurately funding Fire Department overtime demands for service.

The Committee has long exhibited a commitment to maintaining and improving our physical assets. To continue this effort, we support the proposed infrastructure improvements at Sandwich Hollows Golf Course and the School Department debt exclusion to complete significantly needed repairs at all three schools and establishing a permanent home for central administration.

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 service departments to continue to provide quality services within the confines of available resources. Our Town and School staff and various elected and appointed boards and committees work hard to create our budget. Their jobs are difficult and often 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,  
Sandwich Finance Committee

**FY'23 BUDGET**

<b>NO.</b>	<b>DEPARTMENT</b>	<b>FY21 APPROP</b>	<b>FY22 APPROP</b>	<b>FY23 APPROP</b>
114	Moderator	450	450	500
123	Selectmen/Manager	523,830	487,401	487,559
	Personnel Expenses	300,000	338,973	670,113
131	Finance Committee	3,400	3,400	2,875
135	Accounting	187,865	195,491	208,499
141	Assessing	370,249	392,599	354,630
145	Treasurer	267,922	271,194	539,359
146	Tax Collector	220,987	228,060	0
147	Tax Title	35,000	35,000	35,000
151	Legal	300,000	300,000	325,000
152	Human Resources	186,413	196,878	200,822
161	Town Clerk	202,590	209,194	209,419
162	Elect. & Registration	75,750	48,000	70,750
171	Natural Resources	315,118	313,356	322,012
175	Planning & Development	239,008	262,703	264,912
190	Facilities Management	723,288	747,325	847,007
195	Town Reports	12,500	12,500	12,500
196	Bind Records	7,000	7,000	7,000
197	Info. Technology	699,430	708,152	711,521
	<b>Total 100s</b>	4,670,800	4,757,676	5,269,478
210	Police Department	4,782,241	4,923,555	5,126,589
220	Fire Department	3,798,102	3,925,753	4,135,558
241	Inspections	302,746	314,226	332,534
244	Sealer of Weights & Measures	14,000	14,350	14,709
291	Emergency Management	22,500	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>	8,927,589	9,208,384	9,639,890
300	School Department	35,144,706	36,058,894	36,923,875
313	UCCRVTs	2,135,468	2,433,216	2,668,824
	<b>Total 300s</b>	37,280,174	38,492,110	39,592,699
410	DPW - Engineering	279,322	289,071	295,937
420	DPW	1,874,438	1,990,283	2,652,396
421	Snow & Ice	400,000	400,000	400,000
424	Streetlights	20,000	20,000	20,000
	<b>Total 400s</b>	2,573,760	2,699,354	3,368,333

NO.	DEPARTMENT	FY21 APPROP	FY22 APPROP	FY23 APPROP
510	Health Department	227,483	237,259	245,425
522	Nursing Department	169,905	178,254	182,932
540	Social Services	35,000	35,000	35,000
541	Senior & Community Services	238,462	248,229	265,861
543	Veterans	103,500	105,000	117,500
	<b>Total 500s</b>	774,350	803,742	846,718
610	Library	1,005,907	1,031,580	1,006,435
630	Recreation	252,602	251,955	310,870
650	DPW - Parks	30,850	30,850	30,850
671	Hoxie / Grist Mill	3,500	3,500	56,000
693	Memorial Day	1,200	1,200	1,200
694	Historic District	15,550	15,550	10,700
	<b>Total 600s</b>	1,309,609	1,334,635	1,416,055
	<b>Operating Budget Subtotal:</b>	55,536,282	57,295,901	60,133,173
135	Sanitation, Marina & SHGC Indirect Costs Transfers			80,000
171	Waterways Fund Transfer			7,500
220	Ambulance Fund Transfer			1,850,000
630	Beach & Recreation Account Transfers (incl. Sandy Neck)			336,757
650	Cemetery Trust Fund Transfer			35,000
671	Hoxie House / Grist Mill Transfer			10,000
	Overlay Release			0
	<b>Inter-Fund Transfers Subtotal:</b>			2,319,257
132	Reserve Fund			500,000
710	Borrowing Expenses			150,000
750	Exempt Debt Outside Proposition 2.5			2,283,713
750	Non-Exempt Debt Inside Proposition 2.5			1,276,872
910	Group Health Insurance			11,900,000
912	Medicare			724,132
940	Property & Liability Insurance			1,500,000
941	Unemployment Account			100,000
950	Retirement Assessment			4,802,452
Fund 80	OPEB Trust Fund			250,000
Fund 83	Stabilization Fund			100,000
	<b>Other Budget Accounts Subtotal:</b>			23,587,169
	<b>FY'23 BUDGET TOTAL:</b>			<b>86,039,599</b>

**UNANIMOUSLY VOTED:** That the Town hear the report of the Finance Committee and raise and appropriate \$81,720,342; transfer and appropriate \$2,000,000 from Free Cash; transfer and appropriate \$1,850,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$50,000 from Sandwich East Boat Basin Marina enterprise fund; transfer and appropriate \$15,000 from the Sandwich Hollows Golf Club enterprise fund; transfer and appropriate \$15,000 from the DPW – Sanitation Division enterprise fund; transfer and appropriate \$336,757 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$10,000 from the Hoxie House / Grist Mill receipts reserved for appropriation account; transfer and appropriate \$7,500 from the Waterways Fund; and transfer and appropriate \$35,000 from cemetery trust funds; to defray Town expenses for the Fiscal Year 2023 as itemized in the third column entitled FY’23 Appropriation, 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	\$91,570

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’23 enterprise fund budgets for the Department of Public Works Sanitation Division, Sandwich Hollows Golf Club, Sandwich Marina, 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’23 Budget</u></b>
Cable Public Access	545,000
Department of Public Works Sanitation Division	1,081,258
Sandwich Hollows Golf Club	1,104,334
Sandwich Marina	2,072,517

**UNANIMOUSLY VOTED:** That the Town establish the FY’23 enterprise fund budgets, to be expended under the direction of the Board of Selectmen, for the Cable Public Access, Department of Public Works Sanitation Division, Sandwich Hollows Golf Club, and Sandwich Marina – East Boat Basin, in accordance with the provisions of M.G.L. c.44, §53F½ and the following list:

**Cable Public Access:**

Transfer and appropriate \$545,000 from Cable Public Access receipts

**DPW – Sanitation Division:**

Transfer and appropriate \$1,005,758 from DPW – Sanitation Division receipts and raise and appropriate \$60,500

**Sandwich Hollows Golf Club:**

**Transfer and appropriate \$1,089,334 from Golf Department receipts**

**Sandwich Marina – East Boat Basin:**

**Transfer and appropriate \$1,950,500 from Sandwich East Boat Basin Marina receipts and \$72,017 from the Marina Enterprise Fund retained earnings**

**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'23, 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 2023, 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 \$300,000.00, or any other amount, and to transfer and appropriate the sum of \$125,000.00 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 \$425,000.00:

<b>Capital List</b>	<b>Amount</b>
Facilities Department – Town Building Repairs & Improvements	150,000
School Department – School Building Repairs & Improvements	150,000
Golf Department – Repairs & Improvements	125,000
<b>Capital List Total</b>	<b>425,000</b>

  

<b>Transfer Funding Sources</b>	<b>Amount</b>
Golf Department Enterprise Fund	125,000
<b>Capital Offset Total</b>	<b>125,000</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 \$300,000 from Free Cash and transfer and appropriate \$125,000 from the Sandwich Hollows Golf Club 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 5. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 6**

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'23, 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'23. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 7**

To see if the Town will vote to transfer and appropriate the sum of \$34,560.44, 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 \$34,560.44, 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 8**

To see if the Town will vote to transfer and appropriate the sum of \$89,267.58, 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 \$89,267.58 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 9**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$72,499.16, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'23 Sandwich Promotions Fund as established under Chapter 313 of the Acts of 2020, in accordance with the following list; and further, to authorize the Board of Selectmen to enter into a grant agreement with the Sandwich Chamber of Commerce and Canal Region Chamber of Commerce, on such terms and conditions as the Board of Selectmen deems appropriate, setting forth the conditions under which such funds may be expended; or take any other action relative thereto.

<b>Grant Recipient</b>	<b>Amount</b>
Visitor Services Board	28,999.66
Sandwich Chamber of Commerce	28,999.66
Canal Region Chamber of Commerce	14,499.83
<b>Sandwich Promotions Fund Total</b>	<b>72,499.16</b>

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$72,499.16, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'23 Sandwich Promotions Fund as established under Chapter 313 of the Acts of 2020, as printed in the warrant under Article 9. 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 \$150,000.00, or any other amount, from the Sandwich Marina Enterprise Fund retained earnings, to be expended under the direction of the Board of Selectmen, for the purpose of increasing the FY'22 Sandwich Marina budget for the purchase of fuel, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$150,000 from the Sandwich Marina Enterprise Fund retained earnings, to be expended under the direction of the Board of Selectmen, for the purpose of increasing the FY'22 Sandwich Marina budget for the purchase of fuel. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 11**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'23 Community Preservation budget and to appropriate from the Community Preservation Fund FY'23 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'23; 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'23 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'23 Community Preservation budget and to appropriate from the Community Preservation Fund FY'23 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'23; and further, reserve for future appropriation from the Fiscal Year 2023 Community Preservation Fund estimated annual revenues the following sums: \$170,315 for open space purposes; \$170,315 for historic resources purposes; and \$170,315 for community housing purposes; and further transfer and appropriate \$902,625 from the Community Preservation Fund undesignated fund balance for debt payments. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 12**

To see if the Town will vote to authorize the Board of Selectmen to grant any and all required real estate interests, including but not limited to, easements along the affected Town beaches, properties, and parking lots and to accept any real estate interests acquired by gift, purchase, or eminent domain as may be needed, associated with the U.S. Army Corps of Engineers' proposed Continuing Authorities Program Section 111 Shore Damage Mitigation Project and Cape Cod Canal dredging projects, and any beach nourishment and reconstruction project, for the purpose of accessing, constructing, operating, inspecting, and implementing said projects, on such terms and conditions and for such consideration as the Board of Selectmen may determine, and to further authorize the Board of Selectmen to execute any and all instruments as may be necessary to carry out such project; or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to grant and accept any required easements associated with the U.S. Army Corps of Engineers' proposed Section 111 Shore Damage Mitigation Project and Cape Cod Canal dredging projects, and any beach nourishment and reconstruction project, as printed in the Warrant under Article 12. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 13**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, permanent and/or temporary easements, for public way purposes, including without limitation, for the construction, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, walkways, driveways, drainage, slopes, grading, rounding, landscaping, and other appurtenances and/or facilities, to enable the Town to undertake the Route 130 and Quaker Meetinghouse Road Roadway Improvements Project and for any and all purposes incidental or related thereto, in, on and under portions of the parcels of land located on Route 130 and Quaker Meetinghouse Road shown on a plan entitled "Location Plan, Town of Sandwich, QMH Rd at Route 130 Roadway Project," prepared by Stantec Consulting Services, Inc. dated April 7, 2022, a copy of which is on file with the Town

Clerk, as said plan may be amended and/or incorporated into an easement plan, and, further, 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 other action relative thereto.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to accept any required easements for the Route 130 and Quaker Meetinghouse Road Roadway Improvements Project, as printed in the Warrant under Article 13. This was a voice vote and declared carried unanimously by the Moderator.**

#### **ARTICLE 14**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich Hollows Golf Course buildings, grounds, and public infrastructure, including improvements to the irrigation, water supply well and pumping systems, storage facilities, and associated equipment and supplies, and all other costs incidental and related thereto; and further to authorize the Board of Selectmen to enter into any and all contracts necessary to carry out such project; or take any action relative thereto.

**VOTED: That the Town appropriate \$3,500,000 for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich Hollows Golf Course buildings, grounds, and public infrastructure, including improvements to the irrigation, water supply well and pumping systems, storage facilities, and associated equipment and supplies, and all other costs incidental and related thereto, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$3,500,000 and to issue any bonds or notes that may be necessary for such purpose pursuant to M.G.L. c.44, §7(1), or any other enabling authority; that while the bonds issued for this project shall be general obligations of the Town, it is the intent said debt service shall be paid from Sandwich Hollows Golf Course receipts; and authorize the Board of Selectmen to enter into any and all contracts necessary to carry out such project. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

#### **ARTICLE 15**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to Sandwich Public Schools buildings, grounds, playgrounds, and public infrastructure, including improvements at Sandwich High School located at 365 Quaker Meetinghouse Road, Oak Ridge School located at 260 Quaker Meetinghouse Road, Forestdale School located at 151 Route 130, and the Human Services Building located at 270 Quaker Meetinghouse Road, and all other costs incidental and related thereto; and further to authorize the School Committee to enter into any and all contracts necessary to carry out such project; provided that said appropriation shall be contingent upon the passage of a so-called Proposition Two and One-half debt exclusion referendum in accordance with M.G.L. c.59, §21 C(k), or take any action relative thereto.

**VOTED: That the Town appropriate \$15,750,000 for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to Sandwich Public Schools buildings, grounds, playgrounds, and public infrastructure, including improvements at Sandwich High**

School located at 365 Quaker Meetinghouse Road, Oak Ridge School located at 260 Quaker Meetinghouse Road, Forestdale School located at 151 Route 130, and the Human Services Building located at 270 Quaker Meetinghouse Road, and all other costs incidental and related thereto; and to meet this appropriation authorize the Treasurer, with the approval of the Board of Selectmen, to borrow \$13,000,000 pursuant to M.G.L. c.44, §7(1), or any other enabling authority, and to issue bonds and notes therefor, to transfer and appropriate \$750,000 from the Town's Sale of Land Sinking Fund Account, and transfer and appropriate \$2,000,000 in School Department Elementary and Secondary School Emergency Relief grant funds; and further to authorize the School Committee to enter into any and all contracts necessary to carry out such project; provided that said appropriation shall be contingent upon the passage of a so-called Proposition Two and One-half debt exclusion referendum in accordance with M.G.L. c.59, §21 C(k). This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

## **ARTICLE 16**

### **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 the Town of Sandwich, Massachusetts.

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

Effective on September 12, 2022, 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 September 12, 2022.

#### **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 specific 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-based 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)*

**David Sampson of Cove Road made a motion to call the question. There was a second 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 new General Bylaw banning the sale of single-use plastic bottles as printed in the Warrant under Article 16. This was a counted vote and declared not carried by the Moderator by a vote was 225 yeas and 297 nays.**

#### **ARTICLE 17**

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 underlined and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

#### **Section 9.04: 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.

*(Submitted by Petition)*

Nancy Horn of Pine Grove Circle made a motion to fix the method of voting to a card count. There was a second from the floor. This was a voice vote and declared carried by the Moderator.

Carl Johansen of Oxford Road made a motion to call the question. There was a second 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 amend the Town of Sandwich Bylaws, Chapter 9, Boat Operations and Use of Waterways, Section 9.04, Horsepower, and Section 9.05, Operation, as printed in the Warrant under Article 17. This was a counted vote and declared not carried by the Moderator by a vote of 61 yeas and 363 nays.

At this time the Moderator appointed Town Clerk, Taylor White, as temporary moderator for Article 18.

## **ARTICLE 18**

### **Summary**

The Town previously voted to prohibit adult-use marijuana retailers in all Town zoning districts. These articles seek to amend the Zoning Bylaw 8000 to allow the Registered Marijuana Dispensary (“RMD”, now referred to as a Medical Marijuana Treatment Center, or “MTC”) established in Sandwich by special permit in the medical marijuana overlay district to become a Colocated Marijuana Operation (“CMO”) consisting of the existing MTC and an adult-use marijuana retailer (a “Marijuana Retailer”) so that it may sell adult-use marijuana products pursuant to M.G.L. c. 94G and regulations set forth at 935 C.M.R. 500.00 et seq., and to further collect marijuana sales tax on the such adult-use sales pursuant to M.G.L. c. 64N. The undersigned believe that the Town’s benefit from the tax collected plus certain other fees that may be collected under the Host Community Agreement will bring significant financial benefit to the Town without incurring additional expense.

### **Petition Article I**

To see if the Town of Sandwich will vote to amend the Sandwich Protective Zoning By-Law in Sections 8000, 8001, 8002, 8003, 8004, 8005, 8006 and 8050, and by adding Section 8051 as follows: (2/3 majority vote required)

(Note: Proposed new language appears in bold and underlined. Deleted language appears in strikethrough)

#### **8000. Medical Marijuana Overlay District.**

**8001. Purpose.** The purpose of this Section is to provide for the placement of a ~~Registered Marijuana Dispensary~~ **Medical Marijuana Treatment Center (RMD MTC), or colocated marijuana operation consisting of a MTC and an adult-use marijuana retailer (hereinafter referred to as a CMO)** in accordance with the ~~Humanitarian Medical Use of Marijuana at MGL c. 94I, App. S14 et seq.~~ **and the Regulation of and the Use and Distribution of Marijuana Not Medically Prescribed at MGL c. 94G et seq.**, in a location suitable for a lawful medical **and/or adult-use retail** marijuana facility and to minimize adverse impacts of a ~~RMD MTC or CMO~~ **CMO** on adjacent properties, residential neighborhoods, and locations where minors congregate by regulating the siting, design, placement, security and removal of a ~~RMD MTC or CMO~~ **CMO**.

Where not expressly defined in the Zoning Bylaw, terms herein shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act G.L. c. 94C, App. S 1-1, et seq., **MGL c. 94G et seq., and the Cannabis Control Commission Regulations promulgated thereunder, 935 CMR 500 et seq. and 935 CMR 501 et seq.** and the Department of Public Health (DPH) Regulation promulgated thereunder, 105 CMR 725, et seq., and otherwise by their plain language.

**8002. Overlay District.** The Medical Marijuana Overlay District (MMOD) is hereby established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control. Land within the MMOD may be used for either:

1. A ~~Registered Marijuana Dispensary (RMDMTC)~~ **or CMO** in which case the requirements set forth in this Section shall apply; or
2. A use allowed in the underlying district in which case the requirements of the underlying district shall apply.

**8003. Location.**

1. The MMOD overlay is located in the B-2 medical campus area along Route 130 in Sandwich between Massachusetts Military Reservation, the Route 6 Mid-Cape Highway and the Sandwich Industrial Park as shown on the zoning map on file with the Town Clerk. This location is suitable because it is highly visible with direct access to state highways and byways, easy access for public and emergency services, and relatively central location within the community. The overlay district also share proximity with other medical uses within this campus area.
2. A ~~RMDMTC~~ **or CMO** shall not be located within 500 feet of any of the following facilities that are in existence at the time of permit application:
  - a. School, including a public or private elementary, vocational or secondary school or a public or private college, junior college or university;
  - b. Child Care Center as defined in MGL Chapter 15D Section 1A;
  - c. Public park; or
  - d. Any facility where the primary purpose is to serve persons under age 18 who commonly congregate to participate in scheduled and structured activities other than medical uses.
3. Measurement of distance for the purpose of the bylaw shall be measured from property line to property line. The Zoning Board of Appeals may waive this distance requirement by a supermajority vote as part of the issuance of a Special Permit in any of the following instances:
  - a. Renewal of a Special Permit for an existing ~~RMDMTC~~ **or CMO**; or
  - b. New application (change of applicant) for an existing ~~RMDMTC~~ **or CMO**; or
  - c. If the applicant demonstrates that a ~~RMDMTC~~ **or CMO** would otherwise be effectively prohibited within the Town; **or**
  - d. The applicant demonstrates that the ~~RMDMTC~~ **or CMO** will employ adequate security measures to prevent diversion of medical marijuana to minors ~~who are not qualifying patients pursuant to 105 CMR 725.004~~ **935 CMR 500 et seq. and 935 CMR 501 et seq.**

#### 8004. Eligibility.

1. Only one RMDMTC or CMO shall be permitted within the Town. ~~As defined in Section 10.2 a RMD can either dispense, prepare, cultivate or any combination thereof. Therefore, any facility with one or a combination of these activities constitutes a RMD.~~
2. Only an applicant holding a valid Provisional ~~Certificate of Registration~~ License from the Department of Public Health Cannabis Control Commission (CCC) is eligible to apply for a Special Permit under this Section.

#### 8005. Administration and Procedure.

1. One RMDMTC or CMO shall be permitted in the MMOD pursuant to a Special Permit. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) for a RMDMTC or CMO Special Permit. In addition to the RMDMTC or CMO Special Permit, applicants are urged to attend a voluntary town staff Site Plan Review.
2. The Zoning Board of Appeals shall notify and refer copies of RMDMTC or CMO applications to the appropriate Town officials, such as Police Department, Fire Department, Building Commissioner, Town Engineer, Highway Superintendent, Health Department, Water Department, and Council on Aging, who have expertise or responsibilities relating to the application or serve constituencies likely to use a RMDMTC or CMO. These reviewers may examine the application and submit written comments to the Zoning Board of Appeals. Failure to submit written comments by the designated deadline shall be construed as a lack of opposition to the proposal.
3. Applicants for a RMDMTC or CMO Special Permit shall follow the application requirements on forms provided by the Zoning Board of Appeals or their designee.
  - a. An applicant for a Special Permit to operate a RMDMTC or CMO under this bylaw shall submit the following to the Zoning Board of Appeals for its review:
    - 1) A copy of its Provisional ~~Certificate of Registration~~ License from the Massachusetts Department of Public Health (DPH) CCC;
    - 2) A copy of any waivers of DPH CCC regulations issued to the RMDMTC or CMO;
    - 3) A full description of all security measures including employee security policies approved by the DPH CCC;
    - 4) A copy of the emergency procedures approved by the DPH CCC;
    - 5) A copy of the policies and procedures for patient or personal caregiver home delivery approved by DPH the CCC;
    - 6) A copy of the policies and procedures for the transfer, acquisition or sale of marijuana between ~~RMDs~~ marijuana establishments as approved by the DPH CCC; and
    - 7) A security contingency plan to address emergency situations and conditions presented by emergencies such as extended power outage and natural disasters.
  - b. The site plan shall clearly delineate various areas of the RMDMTC or CMO (both indoors and outdoors) including but not limited to as public access areas, employee-only access areas, storage, cultivation, preparation, waste disposal, administrative, transportation and loading as well as parking areas.

Site plans and/or application narrative shall contain sufficient information so that the Zoning Board of Appeals can evaluate the following design and operational standards.

4. Design Standards. The facility shall meet the following minimum requirements:
  - a. All activities related to the ~~RMD~~**MTC or CMO** with regard to processing, cultivation, or storage of marijuana shall be conducted indoors. No materials, plants or byproducts shall be visible from outside of the premises/building. With the exception of loading areas, no operations shall be visible to the public;
  - b. The facility may include waiting areas for **customers**, patients and caretakers and area where **customers**, patients and caregivers receive instruction about use of the product and other activities directly related to administration of services. There shall not be any facilities for use by the general public such as public reception areas, public restrooms or public lounge or seating areas;
  - c. All shipping and receiving areas shall exclusively serve the ~~RMD~~**MTC or CMO**. In the case of a multi-use or multi-tenant site, the ~~RMD~~**MTC or CMO** shall be laid out and designed to ensure separation from other uses or tenants at the site;
  - d. The facility shall have adequate water supply, stormwater systems, sewage disposal, and surface and subsurface drainage;
  - e. Adequate lighting, including night lighting that provides for monitoring of building and site security;
  - f. Signage is limited to that which is permitted under ~~105-CMR-725.100(L)~~ **935 CMR 500.00 et seq. and 935 CMR 501.00 et seq.** and shall comply with the Town of Sandwich Sign Bylaw.
5. Security and Operational Standards.
  - a. The Zoning Board of Appeals shall request review and comment from the Chief of Police or designee. Failure to submit written comments by a designated deadline set by the Zoning Board of Appeals shall be construed as a lack of opposition to the proposal. The Chief of Police or designee may recommend reasonable security conditions to the Board;
  - b. The applicant under this Section shall provide and keep up to date contact information as required by the Chief of Police and Building Commissioner such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day.
  - c. Security Design Requirements. At a minimum, the security features used to protect the site shall fully comply with ~~105-CMR-725~~ **935 CMR 500.00 et seq. and 935 CMR 501.00 et seq.** and, in addition, must have the following capabilities:
    - 1) A security camera system that monitors all entrances and exits for vehicles and persons as well as all areas where marijuana is received, stored, processed, sent or otherwise handled;
    - 2) The security camera system shall have a minimum 180 day storage capacity;
    - 3) Access and egress to all entrances and exits for vehicles and persons into areas where marijuana is received, stored, processed, sent or otherwise handled shall be controlled by an electronic access

security system that records the ingress and egress of vehicles and persons;

- 4) All personnel shall have a security identity card that includes a front facial picture of the employee. The identity card shall also serve as the electronic access card for entrance into all restricted areas. The date and time of all access and egress into such areas shall be digitally recorded. Identification cards shall be worn at all times when personnel are in the RMDMTC or CMO facility and must be plainly visible and not concealed;
- 5) All security alarm systems for the RMDMTC or CMO shall be monitored by central station alarm. The Sandwich Police Department shall be immediately notified of the receipt of any alarm by the central station monitor; and
- 6) The applicant shall immediately notify the Sandwich Police Department of any breakdown or malfunction of any part of the security system. This notification shall include at a minimum the following:
  - Date and time of malfunction;
  - Nature of malfunction;
  - Any loss or attempted loss of product as a result of the malfunction;
  - The compensatory measures in place to address the discontinuity of the security system; and
  - Estimated date and time of restoration of the security measures.

6. Enforcement.

- a. Failure to comply with any of the provisions of the security measures in this Section shall be reported to the Building Commissioner for review. The applicant's unwillingness or inability to make timely repairs to the security system may result in the issuance of a Cease and Desist order until such repairs have been completed and approved by appropriate town officials.

**8006. Special Permit Approval Criteria and Conditions.**

1. The Zoning Board of Appeals may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources and the preservation of community character of the surrounding area including but not limited to the following:
  - a. Minimize the impacts of increased noise and traffic;
  - b. Impose security precautions related to the high value of products and cash transactions;
  - c. Deter unauthorized or ineligible customers at the RMDMTC or CMO;
  - d. Impose measures to prevent diversion of marijuana; and
  - e. Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.
2. Zoning Board of Appeals shall address the following general conditions in each special permit issued under this Section:
  - a. Hours of operation, including dispatch for home delivery;

- b. The reporting of any incidents to the Building Commissioner and Zoning Board of Appeals as required under the requirements of 105CMR 725.110(f) **935 CMR 500.00 et seq. and 935 CMR 501.00 et seq.** within 24 hours of occurrence. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
  - c. The reporting of any summary cease and desist order, quarantine order, summary suspension order, limiting sales order, notice of hearing or final action by ~~DPH~~ **the CCC** or the Division of Administrative Law Appeals as applicable regarding the **RMDMTC or CMO** to the Building Commissioner and the Zoning Board of Appeals within 48 hours of their receipt.
3. A Special Permit may be issued to any applicant who, in the determination of the Zoning Board of Appeals, has met the requirements of the Section; as well as the criteria in Section 1330 and 1340.
4. The issuance of a special permit under this Section shall also be subject to the following;
- a. The special permit shall expire within five (5) years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the Special Permit;
  - b. Special permits shall be limited to the current applicant and shall expire on the date the Special Permit holder ceases operation of the **RMDMTC or CMO**;
  - c. Special permits shall lapse upon the expiration or termination of an applicant's ~~registration~~ **licensure** by ~~DPH~~ **the CCC**;
  - d. The holder of a special permit for an **RMDMTC or CMO** facility shall notify the Building Inspector and the Zoning Board of Appeals in writing within 48 hours of the cessation of operation of the **RMDMTC or CMO** or the expiration or termination of the permit holder's ~~registration~~ **licensure** with ~~DPH~~ **the CCC**; and
  - e. Any failure to fully comply with any conditions of the special permit, this or any bylaws of the Town of Sandwich, or the laws or regulations of the Commonwealth of Massachusetts, may result in the suspension or revocation of the special permit by the Zoning Board of Appeals.

**8050. Marijuana Establishments.**

Consistent with G.L. c. 94G, §3 (a)(2), **except for a MTC or colocated marijuana operation consisting of a MTC and Marijuana Retailer**, all types of ~~non-medical~~, "marijuana establishments" as defined in G.L. c.94G, §1, to include marijuana cultivators, independent testing laboratory, marijuana product manufactures, ~~marijuana retailers~~ or any other types of licensed marijuana-related businesses shall be prohibited within the Town of Sandwich.

**8051. Approval of Colocation. Upon the approval for final licensure of an adult-use Marijuana Retailer to be colocated with an existing MTC, the sale of adult-use marijuana shall be allowed at a CMO in the MMOD pursuant to 935 CMR 500.00 et seq. and 935 CMR 501.00 et seq.**

**Summary**

Sandwich Town Meeting previously voted to add Chapter 4, Section 4.15 to the Town Bylaws to prohibit retail sales of adult-use marijuana. This article seeks to delete the reference prohibiting retail sales of non-medical marijuana for adult-use (over 21) at the existing **RMDMTC**. This

would allow for the establishment of a Colocated Marijuana Operation consisting of both medical and adult-use retail sales.

### **Petition Article II**

To see if the Town will vote to amend the general bylaws of the Town section 4.15 of the Sandwich Bylaws which prohibits the retail sale of adult use marijuana at a licensed RMD in order to allow the retail sale of adult-use marijuana and collection of the tax thereto at a licensed RMD converting it to a CMO as follows:

#### **Section 4.15: Marijuana Establishments**

Consistent with G.L. c.94G, §3(a)(2), **except for a MTC or colocated marijuana operation consisting of a MTC and Marijuana Retailer**, all types of ~~non-medical~~ “marijuana establishments” as defined in G.L. c.94G, §1, to include marijuana cultivators, independent testing laboratory, marijuana product manufactures, ~~marijuana retailers~~ or any other types of licensed marijuana-related businesses shall be prohibited within the Town of Sandwich.

*Or take any other action relative thereto.*

#### **Petition Article III**

In the event Petition Articles I and II prevail, and it is deemed there must be a vote by ballot to reverse the prohibition of retail sale of marijuana, the Town Clerk shall place such a ballot question on the very next ballot that will be considered by Sandwich Voters.

*(Submitted by Petition)*

**Adam Higgins of Woodridge Road made a motion to divide the question. There was a second from the floor. This was a counted vote and declared not carried by the Moderator by a vote was 168 yeas and 222 nays.**

**Adam Higgins of Woodridge Road made a motion to fix the method of voting to secret ballot. There was a second from the floor. This was a voice vote and declared not carried by the Moderator.**

**R. Patrick Ellis of Spring Hill Road made a motion to call the question. There was a second 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 amend the Sandwich Protective Zoning By-laws Sections 8000, 8001, 8002, 8003, 8004, 8005, 8006 and 8050, and by adding Section 8051, and amend the Town Bylaws, Chapter 4, Section 4.15, all as related to the retail sale of marijuana, as printed in the Warrant under Article 18. This was a counted vote and declared carried by the Moderator by a vote of 305 yeas and 120 nays.**

### **ARTICLE 19**

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 Health member for an unexpired term of one year;  
Two Board of Selectmen members for terms of three years;  
One Constable for a term of three years;  
Two Planning Board members for terms of three years;  
Two School Committee members for terms of three years;

Three Trustees to the Sandwich Public Library for terms of three years;  
One Town Clerk for a term of three years;  
One Trustee to the Weston Memorial Fund for a term of two years;

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

and to vote YES or No on the following questions.

**BALLOT QUESTION #1**

Shall the Town of Sandwich be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to Sandwich Public Schools buildings, grounds, playgrounds, and public infrastructure, including improvements at Sandwich High School located at 365 Quaker Meetinghouse Road, Oak Ridge School located at 260 Quaker Meetinghouse Road, Forestdale School located at 151 Route 130, and the Human Services Building located at 270 Quaker Meetinghouse Road, and all other costs incidental and related thereto?

**YES:** \_\_\_\_\_

**NO:** \_\_\_\_\_

**BALLOT QUESTION #2**

**Non Binding Public Advisory Question for the 2022 Spring Town Ballot  
Calling upon Holtec Pilgrim, LLC, owner of the closed Pilgrim Nuclear Power Station and  
Holtec Decommissioning International, LLC, to immediately withdraw any plans to  
discharge any radioactive water into Cape Cod Bay.**

**WHEREAS**, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and

**WHEREAS**, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

**WHEREAS**, The National Academies of Science has determined there is no safe dose of ionizing radiation,

**WHEREAS**, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food hand from sediment to sea grasses to the fish we eat; and

**WHEREAS**, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and

**WHEREAS**, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and

**WHEREAS**, The Commonwealth has the authority to stop the dumping;

Therefore, shall the people of the Town of Sandwich direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

**YES:** \_\_\_\_\_

**NO:** \_\_\_\_\_

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

THURSDAY, THE FIFTH DAY OF MAY, 2022.

**VOTED: To adjourn to the Town Elections on May 5, 2022. This was a voice vote and declared carried by the moderator.**

The meeting was adjourned at 10:25 P.M.

I hereby certify that this is a true record of the Annual Town Meeting held on May 2, 2022.

Respectfully Submitted,



Taylor D. White  
Town Clerk

**TOWN OF SANDWICH  
SPECIAL TOWN MEETING  
November 14, 2022**

The Special Town Meeting was called to order in the Sandwich High School Auditorium by Moderator Garry Blank at 7:00 P.M. The total number of eligible voters for this meeting was 16,999 and the clerks checked in a total of 147 voters, which is a .08% turnout.

The Moderator swore in the following Sandwich residents as tellers: Patricia Kenyon, Candus Thomson, William Fleming, Robert King, Tobin Wirt, Erik Tarvin, Linda Paltrineri, Kathy Brown, Paul Houlihan, Robert Thomson, Kim Ruddy, Sherrill Ruddy, Thomas Coniaris and Alla Shokhova. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Sandwich Soul led Town Meeting in the Pledge of Allegiance and National Anthem. Father Harrison of Corpus Christi gave the invocation.

**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 \$709,468.00, 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; Special Article List</u></b>	<b><u>Amount</u></b>
Department of Natural Resources – Dump Trailer	18,000
Department of Natural Resources – Patrol Boat	10,000
Fire Department – Pumper Truck Lease Purchase	86,000
Fire Department – Ambulance Fund Medicare Audit	35,000
Department of Public Works – Landfill Flare Blower Replacement	60,000
Department of Public Works – Front End Loader Replacement	275,000
Golf Department – Maintenance Equipment	185,000
<u>Recreation Department – Program &amp; Facility Improvements</u>	<u>55,000</u>
<b>Capital &amp; Expense List Total</b>	<b>724,000</b>
<u>Ambulance Fund Transfer</u>	<u>-121,000</u>
<b>Net Appropriation</b>	<b>603,000</b>

or take any other action relative thereto.

**VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$603,000 from Free Cash and transfer and appropriate \$121,000 from the ambulance receipts reserved for appropriation account, 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 voice vote and declared carried by the Moderator.**

**ARTICLE 2**

To see if the Town will vote to accept Massachusetts General Laws Chapter 64N, Section 3 and impose an excise on the retail sales of marijuana at the rate of 3.0%, effective January 1, 2023, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town accept the provisions of Massachusetts General Laws, Chapter 64N, Section 3 and impose an excise on the retail sales of marijuana at 3.0%, to be effective January 1, 2023. 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, §53E1/2 to amend the Sandwich Town Bylaws, Section 2.11, Departmental Revolving Funds by adding a new Revolving Fund listing, to read as follows, and to authorize the spending limits of this revolving fund for FY'23 at \$50,000.00, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

<b>Revolving Fund</b>	<b>Authorized to Spend Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>
Center for Active Living Expenses	Town Manager	Facility Rentals & Program Fees	Center for Active Living Expenses

**UNANIMOUSLY VOTED: That the Town in accordance with the provisions of M.G.L. c.44, §53E1/2, amend the Sandwich Town Bylaws, Section 2.11, Departmental Revolving Funds, by adding a new Revolving Fund listing for Center for Active Living expenses and set the spending limit for said revolving fund for FY'23 at \$50,000, as printed in the Warrant under Article 3. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 4**

To see if the Town will vote to raise and appropriate or transfer from available fund the sum of \$15,780.30, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of paying an invoice for Town Counsel services from FY'21, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town transfer and appropriate \$15,780.30 from the FY'23 Legal budget, to be expended under the direction of the Board of Selectmen, to pay for a FY'21 invoice for Town Counsel services. This was a voice vote and declared carried unanimously by the Moderator.**

**ARTICLE 5**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to provide as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill so submitted, unless the Select Board approves amendments to the bill before enactment by the General Court; and further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any action relative thereto.

An Act Relative to Wastewater Treatment and Disposal in the Town of Sandwich

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

Section 1. Notwithstanding any general or special law to the contrary, the Town of Sandwich is hereby authorized to enter into a contract for wastewater treatment and disposal services

for a term not to exceed 99 years with the private operator of the wastewater treatment and disposal facilities located at Joint Base Cape Cod. Said contract shall not be subject to the public bidding requirements of chapter 30B of the General Laws. Said treatment and disposal facilities are located in the Towns of Sandwich and Bourne on land owned in part by the United States of America and in part by the Commonwealth and subject to a lease between the Commonwealth and the United States of America acting through the Secretary of the United States Airforce. A private operator has entered into an exchange agreement with the United States Airforce whereby the ownership of said wastewater treatment and disposal facilities has been transferred to the private operator.

Section 2. The Town of Sandwich is hereby authorized to acquire, and the Commonwealth is hereby authorized to grant to the Town of Sandwich, an easement or other interest in the land or wastewater treatment and disposal facilities located on Joint Base Cape Cod for the purpose of securing access and a property interest in all or a portion of such facilities utilized to provide wastewater treatment and disposal facilities on behalf of the Town. The Town of Sandwich is hereby authorized to acquire an access easement for sewer transmission lines from the Town of Mashpee. Any such easement or other interest in land granted to the Town of Sandwich pursuant to this act shall cause the Town of Sandwich to have an ownership interest in any wastewater treatment and disposal facilities constructed within the area of such easement or other interest in land, for purposes of chapter 29C of the General Laws.

Section 3. Notwithstanding any general or special law or regulation to the contrary, any capital contribution made by the Town of Sandwich for improvements to the Joint Base Cape Cod wastewater treatment and disposal facilities that are constructed for the purpose of obtaining treatment and disposal capacity to serve the Town of Sandwich needs shall be eligible for funding under chapter 29C of the General Laws, and the Town may incur debt for a term of not more than 30 years for the purposes of this act, and any such debt shall be excluded from the limitation on indebtedness set forth in section 10 of chapter 44 of the General Laws. Except as otherwise provided herein, any debt issued by the Town of Sandwich for the purposes of this act shall be subject to the provisions of chapter 44 of the General Laws.

Section 4. The Town of Sandwich is hereby authorized to enter into one or more intermunicipal agreements pursuant to section 4A of chapter 40 of the General laws or joint powers agreements pursuant to section 4A½ of chapter 40 of the General Laws with the Towns of Barnstable, Bourne, Falmouth, and Mashpee, or any other governmental unit for wastewater treatment and disposal services at said facility.

Section 5. This act shall take effect upon passage.

**UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation to provide for wastewater treatment and disposal for the Town of Sandwich at Joint Base Cape Cod, as printed in the Warrant under Article 5; provided that the General Court may make clerical or editorial changes of form only to the bill unless the Select Board approves amendments to the bill before enactment by the General Court; and further authorize the Select Board to approve amendments which shall be within the scope of the general public objectives of this petition. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 6**

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 \$225,827.50, 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, or take any action relative thereto.

**UNANIMOUSLY VOTED: That the Town decrease the \$455,000 appropriation made at the May 3, 2021 Annual Town Meeting under Article 17 by \$225,827.50, with said decrease being transferred to the Community Preservation Fund undesignated fund balance due to the award of a grant from the Commonwealth of Massachusetts' Drinking Water Supply Grant Program for the purchase of two parcels of land off Meiggs-Backus Road. This was a voice vote and declared carried unanimously by the Moderator.**

## **ARTICLE 7**

To see if the Town will vote to amend the Town of Sandwich Bylaws by inserting a new Chapter 11, Stretch Energy Code, as written below, or take any action relative thereto.

### **Chapter 11 – STRETCH ENERGY CODE**

#### **Section 11.01 Definitions**

**International Energy Conservation Code (IECC)** - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

**Stretch Energy Code** - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

#### **Section 11.02 Purpose**

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

#### **Section 11.03 Applicability**

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

#### **Section 11.04 Stretch Code**

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Sandwich General Bylaws, Chapter 11.

The Stretch Code is enforceable by the building commissioner and effective as of July 1, 2023.

**VOTED: That the Town amend the Town of Sandwich Bylaws by adding a new Chapter 11, Stretch Energy Code, by inserting the words printed in the Warrant under Article 7. This was a voice vote and declared carried by the Moderator.**

### **ARTICLE 8**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity Use Schedule, by removing footnote l) in its entirety, as highlighted in strikethrough below, and reordering the remaining footnotes accordingly, or take any action relative thereto.

#### **2600 INTENSITY OF USE SCHEDULE**

~~l) Minimum lot area requirements for all principal uses in residential districts located within a Water Resource District, as described in Section 5000, shall be 87,120 square feet~~

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity Use Schedule, by removing footnote l) in its entirety and reordering the remaining footnotes accordingly, as printed in the Warrant under Article 8. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

### **ARTICLE 9**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4133, Use and Dimensional Requirements, by removing footnote i) in its entirety, as highlighted in strikethrough below, and reorder all remaining footnotes accordingly, or take any action relative thereto.

#### **4130. Accessory Dwelling Units (ADU)**

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

**VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article IV, Section 4133, Use and Dimensional Requirements, by removing footnote i) in its entirety and reordering all remaining footnotes accordingly, as printed in the Warrant under Article 9. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.**

### **ARTICLE 10**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Sections 4182 and 4190, Large Scale Canopy Solar Procedures and Dimensional and Density Requirements, for the purpose of allowing Large Scale Canopy Solar projects by-right, by inserting the words highlighted in red and by adding a new definition for Large Scale Canopy Solar in Article VIII, Definitions Section, as written below, or take any action relative thereto.

#### **4182. Procedure**

Large scale ground-mounted solar photovoltaic installations located within the Industrial Limited District and the Ground Mounted Solar Overlay District are allowed by right subject to compliance with sections 4180 through 4196 and other applicable sections of this bylaw.

Large Scale canopy solar arrays are allowed by right subject to compliance with sections 4180 through 4196 and other applicable sections of this bylaw.

#### **4190. Dimensional and Density Requirements**

All sites and construction thereon shall conform to the area, frontage, building height, coverage and setbacks set forth in Section 2600 of this bylaw appropriate for the zoning district in which the installation is located except that the minimum lot area in R-2, RD-1 and RD-2 shall be 15 acres. The 15 acre minimum lot area may be reduced by special permit if after hearing, the Planning Board finds that a smaller lot area will meet the standards and purposes of Sections 1330 and 4181 through 4195 and approves a specific smaller lot area. Lot coverage calculations shall not include the area of the solar panels.

All large scale canopy solar arrays and construction thereon shall conform to the area, frontage, building height, coverage and setbacks set forth in Section 2600 of this bylaw appropriate for the zoning district in which the installation is located.

#### **Definitions**

**Large Scale Canopy Solar** – A solar array used for generating power installed on top of a parking surface or pedestrian walkway in a manner that maintains the function of the area beneath the canopy. Large Scale Canopy Solar shall have a minimum rated capacity of 250kW individually.

**UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article IV, Sections 4182 and 4190, Large Scale Canopy Solar Procedures and Dimensional and Density Requirements, for the purpose of allowing Large Scale Canopy Solar projects by-right, by inserting the words highlighted in red, and by adding a new definition for Large Scale Canopy Solar in Article VIII, Definitions Section, as printed in the Warrant under Article 10. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.**

#### **ARTICLE 11**

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4453, Affordability Requirement Standards, for the purpose of reducing the affordability requirements, increasing density and allowing a consistent ratio of units for both rental and homeownership, by inserting the words highlighted in red and deleting the words highlighted in strikethrough as written below, or take any action relative thereto.

##### **4450. Affordable Housing Conditional Density Development**

##### **4453. Standards.**

**a) Number Of Dwelling Units** (~~Amended ATM 2007~~). The number of units allowed in an Affordable Housing Conditional Density Development shall be as follows:

<b>HOMEOWNERSHIP</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum Number of Units</b>
<del>4 Units per acre</del>	<del>100% Affordable Units</del>	<del>40</del>
<del>2 Units per acre</del>	<del>50% Affordable Units</del>	<del>20</del>
<b>RENTAL</b>		
<del>1 Bedroom Units or Units Deed Restricted Affordable to Age 55 and older*</del>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum Number of Units</b>
<del>10 Units per acre</del>	<del>100% Affordable Units</del>	<del>40</del>
<del>6 Units per acre</del>	<del>25% Affordable Units</del>	<del>20</del>
<b>2-BEDROOM UNITS</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum Number of Units</b>
<del>4 Units per acre</del>	<del>50% Affordable Units</del>	<del>20</del>

<b>HOMEOWNERSHIP OR RENTAL</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum Number of Units</b>
<b>4 Units per acre, 2 bedroom maximum</b>	<b>25% Affordable Units</b>	<b>40</b>
<b>RENTAL</b>		
<b>1 Bedroom Units or Units Deed Restricted Affordable to Age 55 and older*</b>		
<b>Number of Dwelling Units</b>	<b>Percent Affordable</b>	<b>Maximum Number of Units</b>
<b>10 Units per acre</b>	<b>100% Affordable Units</b>	<b>40</b>
<b>6 Units per acre</b>	<b>25% Affordable Units</b>	<b>20</b>

**UNANIMOUSLY VOTED:** That the Town amend the Sandwich Protective Zoning By-laws, Article IV, Section 4453, Affordability Requirement Standards, for the purpose of reducing affordability requirements, increasing density, and allowing a consistent ratio of units for both rental and homeownership, by inserting the words highlighted in red and deleting the words highlighted in strikethrough, as printed in the Warrant under Article 11. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

**ARTICLE 12**

To see if the Town will vote 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

constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the boardwalk and related structures, located over Mill Creek between Boardwalk Road and Town Neck Beach, and all other costs incidental and related thereto, or take any action relative thereto.

**Selectman Charles Holden made a motion to indefinitely postpone Article 12. There was a second from the floor. This was a voice vote and declared carried unanimously by the Moderator.**

The meeting was adjourned at 8:12 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on November 14, 2022.

Respectfully Submitted,



Taylor D. White  
Town Clerk