

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
February 9, 2015**

Pursuant to the provisions of Massachusetts General Law, Chapter 39, Section 10A, Town Moderator Garry Blank issued an emergency declaration to continue Special Town Meeting to February 23, 2015 at 7:00 P.M. due to inclement weather. This declaration was properly filed with the Town Clerk's Office and posted by Constable Clyde Gill on February 10, 2015 as prescribed in Massachusetts General Law, Chapter 39, Section 10A.

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
February 23, 2015**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:13 P.M. The total number of eligible voters for this meeting was 15,029 and the clerks checked in a total of 317 voters, which is a 2% turnout. Sandwich Boy Scout Troop 47 led Town Meeting in the Pledge of Allegiance and Finance Committee member Linell M. Grundman sang the Star Spangled Banner. The Moderator introduced Anne Cabbage, Pastor of First Church, who offered an opening prayer. The Moderator then swore in the following Sandwich residents as tellers: William Collins, Brandon Carrico, William Livingston, James Rogers and Julie Molloy. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers.

ARTICLE 1

To see if the Town will vote to transfer and appropriate the sum of \$140,549.22, or any other amount, for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Oak Ridge School and Forestdale School and for capital improvements associated with moving all Pre-Kindergarten through 6th grades to the schools, including design, site improvements, equipment, furnishings and costs incidental thereto; said funds to be transferred from the following School Department capital project balances; and further to authorize the School Committee to enter into any and all contracts necessary to carry out such project; or take any action relative thereto.

<u>Project</u>	<u>Amount</u>	<u>Town Meeting, Article</u>
Building Repairs & Improvements	73,869.60	5/6/13, Article 5
High School A-Wing & STEM Improvements	54,046.94	11/18/13, Article 1
Wing School Safety Zone Signage	4,901.95	5/2/11, Article 3
Computer Software	4,110.00	5/7/12, Article 5
Oak Ridge School Windows	2,317.42	5/1/06, Article 4
SHS Field Maintenance & Improvements	500.09	5/3/10, Article 5
Flooring Improvements	371.63	5/7/12, Article 5
Bathroom Partitions	222.59	5/7/12, Article 5
Wing School Building Study	<u>209.00</u>	5/3/10, Article 4
Total	140,549.22	

VOTED: Carl Johansen of Oxford Road made a motion to move the question. His motion was seconded from the floor. This was a voice vote and declared not carried by the Moderator.

COUNTED VOTE: That the Town transfer and appropriate \$140,549.22 for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Oak Ridge School and Forestdale School and for capital improvements associated with moving all Pre-Kindergarten through 6th grades to the schools, including design, site improvements, equipment, furnishings and costs incidental thereto with said funds being transferred from the School Department capital project balances as printed in the warrant under Article 1. This was a counted vote and declared carried by the Moderator. The vote was 179 Yea and 104 Nay.

ARTICLE 2

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$275,000.00, or any other amount, for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Oak Ridge School and Forestdale School and for capital improvements associated with moving all Pre-Kindergarten through 6th grades to the schools, including design, site improvements, equipment, furnishings and costs incidental thereto, and further to authorize the School Committee to enter into any and all contracts necessary to carry out such project, or take any action relative thereto.

VOTED: James Coogan of Main Street made a motion to move the question. His motion was seconded from the floor. This was a voice vote and declared carried by the Moderator.

VOTED: That the Town transfer and appropriate \$275,000 from Free Cash for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Oak Ridge School and Forestdale School and for capital improvements associated with moving all Pre-Kindergarten through 6th grades to the schools, including design, site improvements, equipment, furnishings and costs incidental thereto. This was a voice vote and declared carried by the Moderator.

ARTICLE 3

To see if the Town will vote to amend the purpose for which \$1,000,000.00 in Community Preservation Act open space and recreation program funds were appropriated by the May 5, 2014 Annual Town Meeting under Article 15 for securing professional services to design, permit, and construct a beach renourishment, restoration and resiliency project on Town Neck Beach by removing the restriction limiting the expenditure of funds until the Town has received notification that it has received a grant from the National Fish and Wildlife Foundation – Hurricane Sandy Coastal Resiliency Competitive Grants program, with all other provisions of the May 5, 2014 vote remaining in effect, or take any action relative thereto.

VOTED: Steven Barr of Craft Road made a motion to amend Article 3 by adding the following to the end of Article 3 as printed in the Warrant. His motion was seconded from the floor.

Any funds appropriated or reappropriated by this motion shall be expended under the guidelines of and in accordance with MGL Chapter 44B. None of the funds requested by this motion shall be expended on private property.

The Moderator ruled the last sentence in the proposed amendment was outside the scope of Town Meeting. This was a voice vote and declared not carried.

VOTED: Mr. Greg Bodrie a non-voter and resident of Bourne was granted the privilege to speak before Town Meeting. This was a voice vote and declared carried by the Moderator.

UNANIMOUSLY VOTED: That the Town amend the purpose for which \$1,000,000 in Community Preservation Act open space and recreation program funds were appropriated by the May 5, 2014 Annual Town Meeting under Article 15 for securing professional services to design, permit, and construct a beach renourishment, restoration and resiliency project on Town Neck Beach by removing the restriction limiting the expenditure of funds until the Town has received notification that it has received a grant from the National Fish and Wildlife Foundation – Hurricane Sandy Coastal Resiliency Competitive Grants program, with all other provisions of the May 5, 2014 vote remaining in effect. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, creating a Beach Restoration Fund, into which shall be deposited a portion of the revenue received from the collection of local sales tax upon restaurant meals; provided, however, that the General Court may make clerical or editorial changes of form only to the Bill, unless the Board of

Selectmen approve amendments to the Bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

AN ACT ESTABLISHING A BEACH RESTORATION FUND IN THE TOWN OF SANDWICH

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

SECTION 1: Notwithstanding the provisions of section 53 of chapter 44 of the General Laws or section 2 of chapter 64L of the General Laws or of any general or special law to the contrary, the town of Sandwich may establish in the town treasury a separate special revenue account to be known as the Beach Restoration Fund and may appropriate at an annual or special town meeting monies in the fund to nourish beaches within the town of Sandwich. Commencing on July 1, 2016, fifty percent of the amounts received by the Town annually pursuant to section 2 of Chapter 64L of the General Laws from the local sales tax imposed upon the sale of restaurant meals in the town of Sandwich shall be deposited into the fund. Interest earned shall remain with and become part of the fund.

SECTION 2: This act shall take effect upon its passage, or take any action relative thereto.

Irene Davis of White Cap Path moved Article 4. Her motion was seconded from the floor.

Steven Barr of Craft Road made a motion to amend Article 4. The Moderator ruled the amendment out of order.

VOTED: James Coogan of Main Street made a motion to move the question. His motion was seconded from the floor. This was a voice vote and declared carried by the Moderator.

VOTED: that the Town authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation creating a Beach Restoration Fund, into which shall be deposited a portion of the revenue received from the collection of local sales tax upon restaurant meals; provided that the General Court may make clerical or editorial changes of form only to the Bill, unless the Board of Selectmen approve amendments to the Bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, as printed in the warrant under Article 4. This was a voice vote and declared carried by the Moderator.

ARTICLE 5

To see if the Town will vote to request the Board of Selectmen to place on the next Annual Town Meeting Ballot, a non-binding question, asking the citizens of Sandwich to approve or disapprove any contract or sale of the property commonly known as the "Golden Triangle", or take any action relative thereto.

Patricia Stebbins of Easterly Drive moved Article 5. Her motion was seconded from the floor.

VOTED: Harold Mitchell of Settlers Path made a motion to move the question. His motion was seconded from the floor. This was a voice vote and declared carried by the Moderator.

VOTED: That the Town will vote to request the Board of Selectmen to place on the next Annual Town Meeting Ballot, a non-binding question, asking the citizens of Sandwich to approve or disapprove any contract or sale of the property commonly known as the "Golden Triangle". This was a voice vote and declared not carried by the Moderator.

COUNTED VOTED: The vote on Article 5 was challenged from the floor by 10 voters. The Moderator called for a counted vote and declared the Article carried. The vote was 89 Yea 69 Nay.

ARTICLE 6

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$60,000.00, or any other amount, 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 preserve, restore, and protect the Dexter Grist Mill; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$60,000 from the Community Preservation Act historic resources program reserve for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to preserve, restore, and protect the Dexter Grist Mill as printed in the warrant under Article 6. This was a voice vote and declared carried by the Moderator.

ARTICLE 7

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 East Boat Basin Sandwich Marina Office Building, Garage, and Year-round Restroom Facility located at 12 Freezer Road including design, site improvements, equipment, furnishings and costs incidental thereto and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for such purpose pursuant to M.G.L. c.44, §7(3), or any other general or special law; 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: R. Patrick Ellis of Spring Hill Road made a motion to move the question. His motion was seconded from the floor. This was a voice vote and declared carried by the Moderator.

VOTED: That the Town appropriate \$2,500,000 for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the East Boat Basin Sandwich Marina Office Building, Garage, and Year-round Restroom Facility located at 12 Freezer Road including design, site improvements, equipment, furnishings and costs incidental thereto, that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow \$2,500,000 and to issue any bonds or notes that may be necessary for such purpose pursuant to M.G.L. c.44, §7(3), or any other enabling authority; 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 8

To see if the Town will vote to transfer the sum of \$100,000.00, or any other amount, from the FY'15 Group Health Insurance Account, and appropriate a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of reducing a projected FY'15 deficit in the Unemployment Account, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$100,000 from the FY'15 Group Health Insurance Account to the FY'15 Unemployment Account for the purpose of reducing a projected FY'15 deficit in the Unemployment Account. This was a voice vote and declared carried by the Moderator.

ARTICLE 9

To see if the Town will vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from any alternative energy payments made to the Town, to be expended under the direction of the Board of Selectmen for the purpose of paying any general government utility expenses, and to establish a limit on the total amount that may be expended from the fund in FY'15, or take any action relative thereto.

VOTED: That the Town vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from any alternative energy payments made to the Town, to be expended under the direction of the Board of Selectmen for the purpose of paying any general government utility expenses, and to establish a limit of \$150,000 on the total amount that may be expended from the fund in FY'15. This was a voice vote and declared carried by the Moderator.

ARTICLE 10

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F1/2 to raise and appropriate or transfer from available funds a sum of \$60,000.00, or any other amount, from the Golf Enterprise Fund to be expended under the direction of the Board of Selectmen, for the purpose of completing extraordinary repairs and improvements to the Sandwich Hollows Golf Club clubhouse and golf course and for replacing maintenance and capital equipment for Sandwich Hollows Golf Club operations, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$60,000 from the Golf Enterprise Fund reserve in accordance with the provisions of M.G.L. c.44, §53F1/2 for the purpose of completing extraordinary repairs and improvements to the Sandwich Hollows Golf Club clubhouse and golf course and for replacing maintenance and capital equipment for Sandwich Hollows Golf Club operations. This was a voice vote and declared carried by the Moderator.

ARTICLE 11

To see if the Town will vote to transfer the care, custody, control, and management of land shown on a plan entitled "Site Plan – Substation at Sandwich High School" as prepared by Kaestle Boos Associates, Inc. and dated January 21, 2015, said land consisting of approximately 0.7 acres located at the Sandwich High School property, Assessors Map 34, Lot 2, from the School Committee for educational purposes to the Board of Selectmen for general municipal purposes, including the construction of a public safety facility, or take any action relative thereto.

VOTED: That the Town transfer the care, custody, control, and management of land shown on a plan entitled "Site Plan – Substation at Sandwich High School" as prepared by Kaestle Boos Associates, Inc. and dated January 21, 2015, said land consisting of approximately 0.7 acres located at the Sandwich High School property, Assessors Map 34, Lot 2, from the School Committee for educational purposes to the Board of Selectmen for general municipal purposes, including the construction of a public safety facility. This was a voice vote and declared not carried by the required two-thirds majority by the Moderator.

VOTED: At 11:08 P.M. the Moderator requested a vote to present Articles beyond 11 P.M. per Section 1.15 of the Sandwich By-Laws. This was a voice vote and declared not carried by the Moderator.

At 11:09 P.M. the Moderator declared the meeting dissolved.

(Note: With the dissolution of the Special Town Meeting, all remaining Warrant Articles are considered Indefinitely Postponed. A new Warrant is needed to reconvene)

I hereby certify that this is a true record of the Special Town Meeting held on February 23, 2015.

Respectfully Submitted,

Taylor D. White
Town Clerk

ARTICLE 12

To see if the Town will vote to transfer and appropriate the sum of \$88,642.84, or any other amount, to be expended under the direction of the School Committee, from the Sandwich High School cellular tower lease receipt reserved for appropriation account, for the purpose of the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School, or take any action relative thereto.

ARTICLE 13

To see if the Town will vote to transfer and appropriate a sum of \$60,000.00, or any other amount, from the Ambulance Fund Receipts Reserved for Appropriation Account, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing four chest compression systems and related equipment, or take any action relative thereto.

ARTICLE 14

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2410, Abandonment, by deleting Section 2410 in its entirety and replacing it with the following, thereby increasing the allowed period of abandonment from two years to five years, or take any action relative thereto.

2410. Abandonment. A non-conforming use of a building or land, which has been abandoned for a period of five (5) years, shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when the premises has been vacant for five years, or when the characteristic equipment and/or furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment, whichever shall occur first.

ARTICLE 15

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Special Regulations, by adding a new Section 4126, Exterior Storage, to read as follows, or take any action relative thereto.

4126. Exterior storage units may temporarily (no longer than six months) be positioned on a property only after notification to the Building Inspector of its date of delivery and its date of proposed removal.

ARTICLE 16

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by inserting a new Article VIII, Medical Marijuana Overlay District (MMOD), to read as follows, or take any action relative thereto.

ARTICLE VIII – MEDICAL MARIJUANA OVERLAY DISTRICT (MMOD)

8000 Medical Marijuana Overlay District

8001 Purpose

The purpose of this Section is to provide for the placement of a Registered Marijuana Dispensary (RMD) in accordance with the Humanitarian Medical Use of Marijuana at GL c 94C, App. S1-1 et seq., in a location suitable for a lawful medical marijuana facility and to minimize adverse impacts of a RMD on adjacent properties, residential neighborhoods, and locations where minors congregate by regulating the siting, design, placement, security and removal of a RMD.

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. and the Department of Public Health (DPH) Regulations promulgated thereunder, 105CMR 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 (RMD) 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 the 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 RMD 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 this 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 RMD; or
 - b. New application (change of applicant) for an existing RMD; or
 - c. If the applicant demonstrates that a RMD would otherwise be effectively prohibited within the Town; or
 - d. The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

8004 Eligibility

1. Only one RMD 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 from the Department of Public Health is eligible to apply for a Special Permit under this Section.

8005 Administration and Procedure

1. One RMD 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 RMD Special Permit. In addition to the RMD 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 RMD 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 RMD. 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 RMD 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 RMD 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 from the Massachusetts Department of Public Health (DPH);
- 2) A copy of any waivers of DPH regulations issued to the RMD;
- 3) A full description of all security measures including employee security policies approved by the DPH;
- 4) A copy of the emergency procedures approved by the DPH;
- 5) A copy of the policies and procedures for patient or personal caregiver home delivery approved by DPH;
- 6) A copy of the policies and procedures for the transfer, acquisition or sale of marijuana between RMDs as approved by the DPH; 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 RMD (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 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 patients and caretakers and areas where 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. In the case of a multi-use or multi-tenant site, the RMD 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) 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 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 RMD facility and must be plainly visible and not concealed;
- 5) All security alarm systems for the RMD 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 systems 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 RMD;
- 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) 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 or the Division of Administrative Law Appeals as applicable regarding the RMD 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 this Section; as well as the criteria in Sections 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 RMD;
- c. Special permits shall lapse upon the expiration or termination of an applicant's registration by DPH;
- d. The holder of a special permit for an RMD facility shall notify the Building Inspector and the Zoning Board of Appeals in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH; 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.

8007 Prohibition Against Nuisances

No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in that area.

8008 Severability

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

No Recommendation Required.

ARTICLE 17

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Definitions, by deleting the current definitions of "Height" and "Yard" and replacing them with the following definitions, and by inserting a new definition of "Storage, Exterior", 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 adjacent to the shoreline and/or within those areas designated by FEMA to be part of any A or V Zone, where the vertical distance would be measured from the top of the 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.

YARD – A required open space, unobstructed with structures other than fences or other customary yard accessories.

STORAGE, EXTERIOR – Temporary (no longer than six months) exterior storage units located outside a building including but not limited to "pods", trailers, containers and the like which may house merchandise, furniture and more.

ARTICLE 18

To see if the Town will vote to amend Section 2.01 of the Town Bylaws, Capital Improvement Planning Committee, by deleting the language in Part 2 highlighted below with a strikethrough and adding the language highlighted with an underline, or take any action relative thereto.

Part 2: The Committee shall define and study all proposed capital projects and improvements involving major non-recurring tangible assets and projects. All officers, boards and committees, including the Selectmen and the School Committee, shall give to the Committee on forms prepared by it the information needed to prepare a Capital Budget for Town Meeting. The Committee shall consider the relative need, impact, timing, cost and funding methodology of these capital expenditures and the effect each will have on the financial position of the Town. ~~No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report, or the Committee shall first have submitted and may make~~ a report to the Finance Committee and Board of Selectmen explaining the omission.

ARTICLE 19

To see if the Town will vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from any payments made to the Town from purchasing the Town's written history, Sandwich: A Cape Cod Town, to be expended under the direction of the Board of Selectmen for the purpose of paying for any future publication of the Town's history, and to establish a limit on the total amount that may be expended from the fund in FY'15, or take any action relative thereto.

ARTICLE 20

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$15,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting the Town's written history, Sandwich: A Cape Cod Town, by updating and publishing the document in both print and electronic forms;

that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

ARTICLE 21

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$7,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of commemorating the Town's participation in the Civil War through the manufacture and display of a Civil War Memorial Plaque at Town Hall; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

ARTICLE 22

To see if the Town will vote to rescind the vote of the May 2, 2011 Annual Town Meeting under Article 19 appropriating \$450,000.00 from the Community Preservation Act affordable housing program for the purpose of supporting the Forestdale Village affordable housing project owned by Forestdale Village, LLC, or take any other action relative thereto.

**TOWN OF SANDWICH
ANNUAL TOWN MEETING
May 4, 2015**

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:02 P.M. The total number of eligible voters for this meeting was 14,969 and the clerks checked in a total of 280 voters, which is a 1.8% turnout. The Moderator swore in the following Sandwich residents as tellers: Shawn Murray, Diane Hanelt, Melinda Gallant, Rosie Rhoades, David Merrell, Maryellen Anderson and Nancy Crossman. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Board of Selectmen Chairman Ralph Vitacco led Town Meeting in the Pledge of Allegiance and Finance Committee member Linell M. Grundman sang the Star Spangled Banner. The Moderator again introduced Chairman Vitacco who honored Cindy Russell for dedicated work as Chair of the 375th Anniversary Committee. Anne Cubbage, Pastor of First Church, offered an opening prayer.

The Moderator acknowledged Robert George who requested a moment of silence for longtime Sandwich Police Officer George Elvander who passed this year.

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 action relative thereto.

Ralph Vitacco, Chair of the Board of Selectmen read the Long Range Plan message.

VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2014 Annual Town Reports and hear the report of the Board of Selectmen on the Long Range Plan. This was a voice vote and declared carried 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 \$68,459,219.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2015 to June 30, 2016 as itemized below in the third column entitled FY'16 Recommendation, or take any action relative thereto.

Gene Parini, Chairman of the Finance Committee read the budget message.

Fiscal Year 2015 Finance Committee Budget Message:

In accordance with Section 7.2.b of the Town Charter, the Finance Committee hereby presents its Fiscal Year 2016 budget message to Town Meeting and to the taxpayers and residents of Sandwich.

The budget being presented this evening is based on sound assumptions regarding our anticipated revenues and expenses for FY'15. As the Town Manager will explain in his budget presentation, it is always difficult to estimate State aid and assessments because these amounts are not finalized until well after tonight's a vote on the budget. Nevertheless, the Finance Committee believes the assumptions relied upon in preparation of this budget with respect to State aid are reasonable, with the only real concern being the Tuition Assessment line item for our students attending other public education options outside of Sandwich. As will be highlighted shortly, this figure has grown substantially over the last eight years to the extent that this assessment alone is almost \$1.0 million greater than all of the Town's discretionary aid. In the event that State aid and assessment figures change substantially from our current projections, we will have to come back to a future Special Town Meeting to make the proper adjustments to balance the FY'15 budget.

It is important to keep in mind that in comparison to other communities, we budget extremely close to our allowed limits and have very little leeway if assumptions change during the fiscal year. This is particularly true for FY'15. One of our concerns this year has been how to support the implementation of the School Department's STEM effort, which includes relocating all 7th and 8th grades to Sandwich High School, within the funds available and to avoid an override request. After lengthy discussions and deliberations, the Finance Committee voted to support the School Budget and associated increased costs with the caveat that next year's school budget presented by the School Committee to the Board of Selectmen and the Finance Committee must show significant reductions.

This is a risk but we have made a decision to take this risk because we believe the School Department will be able to make significant budget reductions in FY'16 from the amount they would typically be seeking by fully implementing the STEM initiative and closing the Henry T. Wing School in the 2015 – 2016 school year. Enrollments have declined too significantly over the past 12 years to avoid this decision. For example, Sandwich High School, which is designed for 1,450 students, has less than 800 students enrolled this school year. In 2002, Sandwich had a total enrollment of 4,212 students and this year we have 3,018 – a 28 per cent decrease.

In order to implement the School Department's priorities, the Board of Selectmen and Finance Committee support a 3.78 per cent increase in the School budget and a General Government increase of 2.50 per cent. It is clear to the Committee that in future years there needs to be a significant budgetary shift to migrate funding from school operations to municipal operations. Town staffing and funding levels are far below similar communities and we believe municipal operations need to catch up to the growth Sandwich experienced during the last 30 years. The Town was able to make some small staffing improvements with the 2.50 per cent budget increase we have recommended, but it is clear to the Committee that additional personnel needs have to be addressed in future years.

In balancing the FY'15 budget, we were very fortunate that our appropriations to some key budget line items increased very little or even decreased. For example, Group Health Insurance increased by just 0.86 per cent, our County Retirement Assessment increased by 0.34 per cent, our Property & Liability Insurance decreased by 6.25 per cent, and our assessment to the Upper Cape Cod Regional Technical School decreased by 8.51 per cent. Without these favorable figures and the General Government's diligence in containing its request to a 2.50 per cent increase, we would not have been able to fund the additional requests of the School Department.

In addition to the budget amounts being voted in Article 2, the Committee fully supports the FY'15 capital budget recommendation in Article 5. This year you will see that more than \$930,000 has been allotted for several needed capital purchases, many of which have been on request lists for several years. Some key focus areas of the capital budget include a re- analysis of the Wing School, replacing several departmental vehicles, appropriating money for beach capital improvements, and fully implementing a unified financial system for Town and School operations.

Although the FY'15 budget addresses many issues and areas of importance, there are others that need to be addressed in the future and we would be remiss if we did not call these to the attention of Town Meeting. One is the understaffing of our Police and Fire Departments and the inadequate facilities in which they are housed. The second pressing issue is the state of our roads. The Committee supports passage of Warrant Article 7 for a \$1.3 million dollar outlay expenditure knowing that this amount is not adequate to address the road and public facility infrastructure and repairs needed. The Committee encourages our elected officials and town staff to continue their efforts to address these needs in the next budget year.

Finally, we would like to publicly thank the Town and School staff that met with us regularly over the last many months, presented detailed budget information, and answered numerous questions during our deliberations on the FY'15 budget. As our diligent review efforts have proven over the years, even when we have slight disagreements about specific spending amounts or funding sources, we all

recognize that Sandwich is operated very efficiently, follows extremely sound financial practices, and consistently makes very wise budget decisions.

FY'16 BUDGET TOTALS

No.	Department	FY'14 Appropriation	FY'15 Appropriation	FY'16 Recommendation
114	Moderator	450	450	450
123	Selectmen/Manager	432,571	451,549	467,269
	Personnel Expenses	388,878	252,254	244,875
131	Finance Committee	3,400	3,400	3,400
135	Accounting	204,731	217,367	226,810
141	Assessing	364,148	373,800	384,818
145	Treasurer	184,461	190,328	205,882
146	Tax Collector	254,595	193,336	201,800
147	Tax Title	20,000	25,000	35,000
151	Legal	275,000	275,000	300,000
152	Human Resources	156,551	161,271	170,163
161	Town Clerk	151,400	158,168	165,677
162	Elect. & Registration	42,750	77,250	60,750
171	Natural Resources	238,627	245,608	270,676
175	Planning & Development	150,334	202,623	222,299
190	Facilities Management	496,100	502,862	522,455
195	Town Reports	11,000	11,000	11,000
196	Bind Records	6,000	6,000	6,000
197	Info. Technology	393,379	492,219	529,329
	Total 100s	3,774,375	3,839,485	4,028,653
210	Police Department	3,326,005	3,479,919	4,098,264
220	Fire Department	3,096,128	3,264,912	3,211,210
241	Inspections	247,616	257,631	265,317
244	Sealer of Weights & Measures	200	200	200
291	Emergency Management	7,750	11,500	11,500
294	Forest Warden	1,500	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	2,000	2,000	2,000
	Total 200s	6,685,199	7,021,662	7,593,991
300	School Department	30,324,286	31,358,436	30,915,593
313	UCCRVTS	1,998,563	1,828,435	2,049,172
	Total 300s	32,322,849	33,186,871	32,964,765
410	DPW - Engineering	146,059	184,212	188,745
420	DPW	1,362,853	1,449,207	1,467,558
421	Snow & Ice	250,012	250,013	250,014
424	Streetlights	30,000	30,000	30,000
	Total 400s	1,788,924	1,913,432	1,936,317

No.	Department	FY'14 Appropriation	FY'15 Appropriation	FY'16 Recommendation
510	Health Department	169,748	177,515	187,330
522	Nursing Department	125,873	132,121	145,742
540	Social Services	21,200	21,200	35,000
541	COA	191,191	198,448	217,769
543	Veterans	43,383	44,006	45,500
	Total 500s	551,395	573,290	631,341
610	Library	939,639	985,336	944,017
630	Recreation	93,746	108,320	155,787
650	DPW - Parks	13,850	13,850	20,850
671	Hoxie / Grist Mill	0	0	20,000
693	Memorial Day	1,200	1,200	1,200
694	Historic District	12,750	13,000	13,000
	Total 600s	1,061,185	1,121,706	1,154,854
Operating Budget Subtotal:		46,183,927	47,656,446	48,309,921
135	Sanitation, Marina & SHGC Indirect Costs Transfers			45,000
171	Waterways Fund Transfer			12,500
220	Ambulance Fund Transfer			1,000,000
630	Beach & Recreation Account Transfers (incl. Sandy Neck)			200,304
632	Marina Debt			210,000
645	Community Preservation Act Debt			1,252,561
650	Cemetery Trust Fund Transfer			25,000
671	Hoxie House / Grist Mill Transfer			33,000
Inter-Fund Transfers Subtotal:				2,778,365
132	Reserve Fund			500,000
710	Short Term Debt			50,000
750	Debt			2,758,586
910	Group Health Insurance			9,275,000
912	Medicare			600,000
940	Property & Liability Insurance			840,000
941	Unemployment Account			100,000
950	Retirement Assessment			3,147,347
	OPEB Trust Fund			100,000
Other Budget Accounts Subtotal:				17,370,933
FY'16 BUDGET TOTAL:		68,459,219		

VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$64,953,989; transfer and appropriate \$626,865 from Free Cash; transfer and appropriate \$1,000,000 from the ambulance receipts reserved for appropriation account; transfer and appropriate \$100,000 from overlay surplus; transfer and appropriate \$1,244,834 from the Community Preservation Fund Fiscal Year 2016 estimated annual revenues; transfer and appropriate \$7,727 from the Community Preservation Fund undesignated fund balance; transfer and appropriate \$225,000 from Sandwich Marina funds; transfer and appropriate \$15,000 from the Sandwich Hollows Golf Club enterprise fund; transfer and appropriate \$15,000 from the DPW – Sanitation Division enterprise fund; transfer and appropriate \$200,304 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$33,000 from the Hoxie House / Grist Mill receipts reserved for appropriation account; transfer and appropriate \$12,500 from the Waterways Fund; transfer and appropriate \$25,000 from cemetery trust funds; and transfer and appropriate \$100,000 to the OPEB Trust Fund; to defray Town expenses for the Fiscal Year 2016 as itemized in the third column entitled FY'16 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	450
Chairman Board of Selectmen	3,000
Selectmen – 4 each	2,500
Chairman Board of Assessors	2,000
Assessors – 2 each	1,500
Town Clerk	74,860

This was a voice vote and declared carried 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'16 enterprise fund budget for the Department of Public Works Sanitation Division, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$775,000 from DPW – Sanitation Division receipts and transfer and appropriate \$260,611 from the DPW – Sanitation Division retained earnings, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2016 Enterprise Fund operating budget for the DPW – Sanitation Division. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 4

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'16 enterprise fund budget for Sandwich Hollows Golf Club, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$858,958 from Golf Course Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2016 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 5

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53E1/2 to authorize revolving funds for the following Town departments for FY'16, to be expended under the direction of the Board of Selectmen, in accordance with the following list:

Revolving	Revenue	Allowed	Expenditure	Year-End
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Account	Source	Expenses	Limit	Balance
Sandwich Marina	Marina revenues, fees & charges	Marina operations & capital	\$2,000,000	Available for following year
Recreation Programs	Program fees & charges	Recreation programs	\$250,000	Available for following year
Solar Energy / Town Utilities	Green energy payments	Town utility expenses	\$200,000	Available for following year
Town Hall Meeting Room	Function fees & charges	Town Hall & monitor expenses	\$5,000	Available for following year

or take any action relative thereto.

VOTED: That the Town authorize Town Department revolving funds for Fiscal Year 2016, to be expended under the direction of the Board of Selectmen, 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 hear the report of the Capital Improvement Planning Committee, and further, to raise and appropriate or transfer from available funds the sum of \$1,164,575.00, 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, with any unexpended balance for each item identified below to be placed in the Building Repairs / Capital Purchases account to be expended under the direction of the Board of Selectmen:

Assessing – Replace Vehicle	23,150
Natural Resources – Replace Tractor	39,000
Natural Resources – Replace Trailer & Equipment	10,000
Facilities Department – Town Building Repairs/Improvements	125,000
Facilities Department – (30) Automatic Defibrillators	44,000
Facilities Department – Town Neck Restroom/Concession Design	25,000
IT Department – Replace Police & Fire Phone System	50,000
Emergency Management – Communication Back-up System	20,000
Police Department – Replace (4) Mobile Radios	20,000
Fire Department – (4) Automatic Chest Compression Systems	60,000
Fire Department – (4) Stretcher Lift Systems	100,000
Inspections Department – Replace Vehicle	32,500
Engineering Department – Boardwalk & Beach Access Repairs	60,000
DPW – Highway Department – Replace Dump Truck w/Plow	150,000
DPW – Highway Department – Replace Chipper	50,000
Health Department – Replace Vehicle	23,150
Library – Elevator Repairs & Improvements	85,000
Library – Fire Alarm System Improvements	11,875
Recreation Department – Replace Van	30,000
Recreation Department – Replace Rescue Boat, Motor, Trailer	10,000
DPW – Parks Department – Replace (2) Dump Trucks w/Plows	140,000
Natural Resources – Replace Buoys	3,000
Natural Resources – Conservation Land Improvements	8,500
Natural Resources – Mobile Radio & System Upgrades	9,900
Police Department – Replace Radio Batteries	8,000
Police Department – Replace All Terrain Vehicle	6,000
Recreation Department – Oak Crest Cove Court Maintenance	8,800

Recreation Department – Oak Crest Cove Retaining Wall Repairs	6,700
Recreation Department – Kayak Purchases	5,000

Capital List Total 1,164,575

AND FURTHER,

To offset the cost of the capital projects listed in Article 6, to see if the Town will vote to transfer and appropriate the sum of \$160,000.00, or any other amount, from the Ambulance Fund, and transfer and appropriate the sum of \$90,000.00, or any other amount, from an unexpended balance from the Library HVAC project as voted at the May 7, 2012 Annual Town Meeting under Article 6, to be expended under the direction of the Board of Selectmen, for a net FY'16 capital appropriation of \$914,575.00, or any other amount,

or take any action relative thereto.

VOTED: That the Town hear the report of the Capital Improvement Planning Committee and transfer and appropriate \$914,575 from Free Cash, transfer and appropriate \$160,000 from the Ambulance Fund receipts reserved for appropriation account, transfer and appropriate \$90,000 from the unexpended balance of the Library HVAC capital project, to be expended under the direction of the Board of Selectmen, for the purpose of repairing equipment, vehicles and buildings, and providing related services as printed in Article 6 of the Warrant, with any unexpended funds to be placed in the Building Repairs / Capital Purchases account to be expended under the direction of the Board of Selectmen. This was a voice vote and declared carried by the Moderator.

ARTICLE 7

To see if the Town will vote to transfer and appropriate the sum of \$88,642.84, or any other amount, to be expended under the direction of the School Committee, from the Sandwich High School cellular tower lease receipt reserved for appropriation account, for the purpose of the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$88,642.84 from the Sandwich High School cellular tower lease receipts reserved for appropriation account, for the maintenance and improvement of exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 8

To see if the Town will vote in accordance with M.G.L. c.40, §5B to raise and appropriate or transfer from available funds a sum of \$200,000.00, or any other amount, to be transferred into the Stabilization Fund, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$200,000 from Free Cash to the Stabilization Fund. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 9

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money, said funds to be expended under the direction of the Board of Selectmen, for the purpose of reducing a projected FY'15 deficit in the Snow and Ice Account, or take any action relative thereto.

VOTED: That the Town raise and appropriate \$400,000 for funding the Fiscal Year 2015 Snow & Ice deficit. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 10

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$25,079.83, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'16 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$25,079.83 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2016 Sandwich Promotions Fund as established under Chapter 227 of the Acts of 1997. This was a voice vote and declared carried by the Moderator.

ARTICLE 11

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'16, or take any action relative thereto.

VOTED: That the Town appropriate amounts to be received from Chapter 90 State Aid to Highways Program for highway construction and/or maintenance on any State approved road during Fiscal Year 2016. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 12

To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. c.59, §5, Clause 41A, the so-called Property Tax Deferral for Seniors program, from 8.0% to 5.0%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2015, or take any action relative thereto.

VOTED: That the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under M.G.L. c.59, §5, Clause 41A, the so-called Property Tax Deferral for Seniors program, from 8.0% to 5.0%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2015. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 13

To see if the Town will vote to transfer and appropriate the sum of \$54,899.76, or any other amount, from the beach renourishment receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for the purpose of funding future public ocean beach and dune renourishment projects, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$54,899.76 from the beach renourishment receipts reserved for appropriation account, to be expended under the direction of the Board of Selectmen, for funding future public ocean beach and dune renourishment projects. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 14

To see if the Town will vote in accordance with M.G.L. c.40, §14 to accept by purchase, gift, eminent domain, or otherwise, from private property owners along the affected Town beaches, any and all permanent easements associated with the Army Corps of Engineers' proposed Town of Sandwich Dune and Beach Reconstruction Project for access and placement of sediment purposes, or take any action relative thereto.

VOTED: That the Town vote in accordance with M.G.L. c.40, §14 to accept by purchase or gift or take by eminent domain, from private property owners along the affected Town beaches, any and all permanent and temporary easements associated with the Army Corps of Engineers' proposed Town of Sandwich Dune and Beach Reconstruction Project for access and placement

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

ARTICLE 15

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'16 Community Preservation budget and to appropriate from the Community Preservation Fund FY'16 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'16; 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'16 Budgeted Reserve for general Community Preservation Act purposes; 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.

VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation budget and transfer and appropriate \$75,000 from the Community Preservation Fund Fiscal Year 2016 estimated annual revenues, to be expended under the direction of the Board of Selectmen, to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2016; and further reserve for future appropriation from the Fiscal Year 2016 Community Preservation Fund estimated annual revenues the following sums: \$188,545 for open space purposes; \$188,545 for historic resources purposes; and \$188,545 for community housing purposes. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 16

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$15,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting the Town's written history, Sandwich: A Cape Cod Town, by updating and publishing the document in both print and electronic forms; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$15,000 from the Community Preservation Act historic resources program reserve for the purpose of preserving, restoring, and protecting the Town's written history, Sandwich: A Cape Cod Town, by updating and publishing the document in both print and electronic forms. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 17

To see if the Town will vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from any payments made to the Town from purchasing the Town's written history, Sandwich: A Cape Cod Town, to be expended under the direction of the Board of Selectmen for the purpose of paying for any future publication of the Town's history, and to establish a limit on the total amount that may be expended from the fund in FY'15, or take any action relative thereto.

VOTED: That the Town vote in accordance with M.G.L. c.44, §53E1/2 to establish a revolving fund in which to place revenues collected from any payments made to the Town from purchasing the Town's written history, Sandwich: A Cape Cod Town, to be expended under the direction of the Board of Selectmen, for paying for any future publication of the Town's history, and to establish a limit of \$5,000 on the total amount that may be expended from the fund in FY'16. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 18

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$7,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of commemorating the Town's participation in the Civil War through the manufacture and display of a Civil War Memorial Plaque at Town Hall; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose; or take any other action relative thereto.

VOTED: That the Town transfer and appropriate \$7,000 from the Community Preservation Act historic resources program reserve for the purpose of commemorating the Town's participation in the Civil War through the manufacture and display of a Civil War Memorial Plaque at Town Hall. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 19

To see if the Town will vote to rescind the vote of the May 2, 2011 Annual Town Meeting under Article 19 appropriating \$450,000.00 from the Community Preservation Act affordable housing program for the purpose of supporting the Forestdale Village affordable housing project owned by Forestdale Village, LLC, or take any other action relative thereto.

VOTED: That the Town rescind the vote of the May 2, 2011 Annual Town Meeting under Article 19 appropriating \$450,000 from the Community Preservation Act affordable housing program for the purpose of supporting the Forestdale Village affordable housing project owned by Forestdale Village, LLC. This was a voice vote and declared carried by the Moderator.

ARTICLE 20

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2410, Abandonment, by deleting Section 2410 in its entirety and replacing it with the following, thereby increasing the allowed period of abandonment from two years to five years, or take any action relative thereto.

2410. Abandonment. A non-conforming use of a building or land, which has been abandoned for a period of five (5) years, shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when the premises has been vacant for five years, or when the characteristic equipment and/or furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment, whichever shall occur first.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Section 2410, Abandonment, by deleting Section 2410 in its entirety and replacing it as printed in the warrant under Article 20, thereby increasing the allowed period of abandonment from two years to five years. 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 IV, Special Regulations, by adding a new Section 4126, Exterior Storage, to read as follows, or take any action relative thereto.

4126. Exterior storage units may temporarily (no longer than six months) be positioned on a property only after notification to the Building Inspector of its date of delivery and its date of proposed removal.

COUNTED VOTE: That the Town amend the Sandwich Protective Zoning By-laws, Article IV, Special Regulations, by adding a new Section 4126, Exterior Storage, as printed in the Warrant under Article 21. This was a counted vote and declared not carried by the required two-thirds majority by the Moderator. 129 Yea and 112 Nay.

ARTICLE 22

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by inserting a new Article VIII, Medical Marijuana Overlay District (MMOD), to read as follows, or take any action relative thereto.

ARTICLE VIII – MEDICAL MARIJUANA OVERLAY DISTRICT (MMOD)

8000 Medical Marijuana Overlay District

8001 Purpose

The purpose of this Section is to provide for the placement of a Registered Marijuana Dispensary (RMD) in accordance with the Humanitarian Medical Use of Marijuana at GL c 94C, App. S1-1 et seq., in a location suitable for a lawful medical marijuana facility and to minimize adverse impacts of a RMD on adjacent properties, residential neighborhoods, and locations where minors congregate by regulating the siting, design, placement, security and removal of a RMD.

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. and the Department of Public Health (DPH) Regulations promulgated thereunder, 105CMR 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 (RMD) 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 the 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 RMD 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 this 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 RMD; or
- b. New application (change of applicant) for an existing RMD; or
- c. If the applicant demonstrates that a RMD would otherwise be effectively prohibited within the Town; or
- d. The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

8004 Eligibility

1. Only one RMD 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 from the Department of Public Health is eligible to apply for a Special Permit under this Section.

8005 Administration and Procedure

1. One RMD 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 RMD Special Permit. In addition to the RMD 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 RMD 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 RMD. 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 RMD 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 RMD 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 from the Massachusetts Department of Public Health (DPH);
- 2) A copy of any waivers of DPH regulations issued to the RMD;
- 3) A full description of all security measures including employee security policies approved by the DPH;
- 4) A copy of the emergency procedures approved by the DPH;
- 5) A copy of the policies and procedures for patient or personal caregiver home delivery approved by DPH;
- 6) A copy of the policies and procedures for the transfer, acquisition or sale of marijuana between RMDs as approved by the DPH; 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 RMD (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 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 patients and caretakers and areas where 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. In the case of a multi-use or multi-tenant site, the RMD 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) 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 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 RMD facility and must be plainly visible and not concealed;

5) All security alarm systems for the RMD 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 systems 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 RMD;
- 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) 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 or the Division of Administrative Law

Appeals as applicable regarding the RMD 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 this Section; as well as the criteria in Sections 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 RMD;

c. Special permits shall lapse upon the expiration or termination of an applicant's registration by DPH;

d. The holder of a special permit for an RMD facility shall notify the Building Inspector and the Zoning Board of Appeals in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH; 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.

8007 Prohibition Against Nuisances

No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in that area.

8008 Severability

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

VOTED: That the Town amend the Sandwich Protective Zoning By-laws by inserting a new Article VIII, Medical Marijuana Overlay District (MMOD), as printed in the warrant under Article 22. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator

ARTICLE 23

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Definitions, by deleting the current definitions of "Height" and "Yard" and replacing them with the following definitions, and by inserting a new definition of "Storage, Exterior", 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.

YARD – A required open space, unobstructed with structures other than fences or other customary yard accessories.

STORAGE, EXTERIOR – Temporary (no longer than six months) exterior storage units located outside a building including but not limited to “pods”, trailers, containers and the like which may house merchandise, furniture and more.

COUNTED VOTE: That the Town amend the Sandwich Protective Zoning By-laws, Definitions, by deleting the current definitions of “Height” and “Yard” and replacing them with the definitions printed in the warrant under Article 23, and by inserting a new definition of “Storage, Exterior” as printed in the warrant under Article 23. This was a counted vote and declared carried by the required two-thirds majority by the Moderator. 141 Yea and 68 Nay.

ARTICLE 24

To see if the Town will vote to amend Section 2.01 of the Town Bylaws, Capital Improvement Planning Committee, by deleting the language in Part 2 highlighted below with a strikethrough and adding the language highlighted with an underline, or take any action relative thereto.

Part 2: The Committee shall define and study all proposed capital projects and improvements involving major non-recurring tangible assets and projects. All officers, boards and committees, including the Selectmen and the School Committee, shall give to the Committee on forms prepared by it the information needed to prepare a Capital Budget for Town Meeting. The Committee shall consider the relative need, impact, timing, cost and funding methodology of these capital expenditures and the effect each will have on the financial position of the Town. ~~No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee’s report, or the Committee shall first have submitted~~ and may make a report to the Finance Committee and Board of Selectmen ~~explaining the omission.~~

VOTED: That the Town amend Section 2.01 of the Town Bylaws, Capital Improvement Planning Committee, by adopting the new language for Part 2 as printed in the warrant under Article 24. This was a voice vote and declared carried by the Moderator.

ARTICLE 25

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of restoring and repairing the Town Hall auditorium piano, or take any action relative thereto.

Carl Johansen of Oxford Road made a motion to indefinitely postpone Article 25. His motion was seconded from the floor.

VOTED: That Article 25 be indefinitely postponed. This was a voice vote and declared not carried by the Moderator.

COUNTED VOTE: That the Town raise and appropriate \$10,000, to be expended under the direction of the Board of Selectmen, for restoring and repairing the Town Hall auditorium piano. This was a voice vote and declared carried by the Moderator. 136 Yea and 74 Nay.

ARTICLE 26

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 Town Moderator for a term of three years;
Three Planning Board members for a term of three years;
One Sandwich Housing Authority member for a term of five years;
Three School Committee members for a term of three years;
One School Committee member for an unexpired term of one year;
Three Trustees of the Sandwich Public Library for a term of three years;
One Trustee of 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 7:00 a.m. and close at 8:00 p.m. on said

THURSDAY, THE SEVENTH DAY OF MAY, 2015.

VOTED: To adjourn to the Town Elections on May 7, 2015. This was a voice vote and declared carried by the Moderator.

The meeting was adjourned at 9:10 PM

I hereby certify that this is a true record of the Annual Town Meeting held on May 4, 2015.

Respectfully Submitted,

Taylor D. White
Town Clerk

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
August 31, 2015**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:34 P.M. The Moderator appointed Paul Houlihan as Assistant Moderator and he presided over the voters sent to the gymnasium when the auditorium had reached its capacity. The total number of eligible voters for this meeting was 15,066 and the clerks checked in a total of 811 voters, which is a 5.3% turnout.

The Moderator swore in the following Sandwich residents as tellers: Melinda Gallant, Daryl Crossman, David Merrell, Maryellen Anderson, Denise Dever, Tobin Wirt, Kathy Brown and Nancy Crossman. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Board of Selectmen Chairman, Frank Pannorfi, led Town Meeting in the Pledge of Allegiance.

The Moderator asked for a moment of silence for Dave Whearty, the Town's Harbormaster, who recently passed unexpectedly.

The Moderator called the meeting to order and asked for a vote to grant non-residents the privilege of speaking before Town Meeting.

VOTED: That non-residents be granted the privilege of speaking before Town Meeting. This was a voice vote and declared not carried by the Moderator and Assistant Moderator.

The Moderator asked for a vote to grant non-resident's attorneys the privilege of speaking before Town Meeting.

VOTED: That non-resident's attorneys be granted the privilege of speaking before Town Meeting. This was a voice vote and declared not carried by the Moderator and Assistant Moderator.

ARTICLE 1

To see if the Town will vote to appropriate under the Community Preservation Act – open space and recreation program, the sum of \$1,250,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of designing and constructing a beach renourishment, restoration and resiliency project on Town Neck Beach, including professional services, and any other costs incidental and related thereto; that to meet this appropriation the Town transfer from the Community Preservation Fund a sum of money for this purpose, and that the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow up to \$1,250,000.00 and issue bonds and notes therefor pursuant to M.G.L. c.44B, §11, or any other enabling authority; provided further that such borrowing authorization shall be reduced by any federal or state grants that may be received by the Town for the project; or take any other action relative thereto.

James Pierce of Foster Road made a motion to move the question; it was seconded from the floor. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator and Assistant Moderator.

VOTED: That the Town appropriate under the Community Preservation Act – open space and recreation program, the sum of \$1,250,000, to be expended under the direction of the Board of Selectmen, for the purpose of designing and constructing a beach renourishment, restoration and resiliency project on Town Neck Beach, including professional services, and any other costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow \$1,250,000 and issue bonds and notes therefor pursuant to M.G.L. c.44B, §11, or any other enabling authority; provided further that such borrowing authorization shall be reduced by any federal or state grants that may be received by the Town for the project. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

The meeting was adjourned at 8:27 PM.

I hereby certify that this is a true record of the Special Town Meeting held on August 31, 2015.

Respectfully Submitted,

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

Taylor D. White
Town Clerk

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
November 16, 2015**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:02 P.M. The total number of eligible voters for this meeting was 15,223 and the clerks checked in a total of 360 voters, which is a 2.3% turnout.

The Moderator swore in the following Sandwich residents as tellers: Bob King, Daryl Crossman, David Merrell, Phyllis Helfrich, Denise Dever, Tobin Wirt and Nancy Crossman. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers. Board of Selectmen Chairman, Frank Pannorfi, led Town Meeting in the Pledge of Allegiance.

The Moderator requested a moment of silence to honor those killed in the recent terrorist attacks in Paris, France.

ARTICLE 1

To see if the Town will vote to raise and appropriate, transfer from available funds including without limitation a transfer from the Community Preservation Fund – Open Space and Recreation Program, or borrow under General Laws Chapter 44 or 44B, or any other enabling authority, a sum of money to be expended under the direction of the Board of Selectmen, for the purpose of designing and constructing a beach renourishment, restoration and resiliency project on Town Neck Beach east of Wood Avenue Extension, including professional services, and any other costs incidental and related thereto; and further to amend the vote taken under Article 1 of the August 31, 2015 Special Town Meeting by deleting the following: “provided further that such borrowing authorization shall be reduced by any federal or state grants that may be received by the Town for the project”; or take any other action relative thereto.

VOTED: That the Town appropriate the sum of \$600,000, under the Community Preservation Act – Open Space and Recreation Program, to be expended under the direction of the Board of Selectmen, for the purpose of designing and constructing a beach renourishment, restoration and resiliency project on Town Neck Beach east of Wood Avenue Extension, including professional services, and any other costs incidental and related thereto; that to meet said appropriation, the Treasurer with the approval of the Board of Selectmen is hereby authorized to borrow said sum pursuant to General Laws Chapter 44B or any other enabling authority, and to issue bonds and notes of the Town therefor; and further that the vote taken under Article 1 of the August 31, 2015 Special Town Meeting be amended by deleting the following: “provided further that such borrowing authorization shall be reduced by any federal or state grants that may be received by the Town for the project”. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 2 of the May 4, 2015 Annual Town Meeting for the FY’16 School Department budget, account number 300, by raising and appropriating the additional sum of \$74,425.00, or any other amount, for such purposes, or take any action relative thereto.

VOTED: That the Town amend the vote taken under Article 2 of the May 4, 2015 Annual Town Meeting for the FY’16 School Department budget, account number 300, by raising and appropriating the additional sum of \$74,425. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 3

To see if the Town will vote to transfer and appropriate the sum of \$250,000.00, or any other amount, from the Ambulance Fund, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing an ambulance and related supplies and equipment for the Fire Department, or take any action relative thereto.

VOTED: That the Town transfer and appropriate the sum of \$250,000 from the Ambulance Fund, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing an ambulance and related supplies and equipment for the Fire Department. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 4

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of \$70,000.00, or any other amount, from the Golf Enterprise Fund to be expended under the direction of the Board of Selectmen, for the purpose of completing extraordinary repairs and improvements to the Sandwich Hollows Golf Club clubhouse and golf course and for replacing maintenance and capital equipment for Sandwich Hollows Golf Club operations, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$70,000 from the Golf Enterprise Fund in accordance with the provisions of M.G.L. c.44, §53F½, to be expended under the direction of the Board of Selectmen, for the purpose of completing extraordinary repairs and improvements to the Sandwich Hollows Golf Club clubhouse and golf course and for replacing maintenance and capital equipment for Sandwich Hollows Golf Club operations. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 5

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws to create a Ground Mounted Solar Overlay District, by amending Article II, Use and Intensity Regulations, Section 2100, Establishment of Districts by adding a new subsection p. to Section 2110 and the additional language to the end of Section 2110, as follows:

p. Ground Mounted Solar Overlay District. See Section 4180.

Ground Mounted Solar Overlay District, as described in Section 4180 is herein established as an overlay district, shall be considered to be superimposed over any other district established by this by-law. Land in the Ground Mounted Solar Overlay District shall be subject to the requirements of Section 4180.

AND FURTHER, To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 2210, Use Regulation Schedule, by adding Note 25 highlighted in bold, as follows:

Industrial/Utility Uses, Solar Photovoltaic Installation, Large-Scale Ground-Mounted (22)

<u>R-1</u>	<u>R-2</u>	<u>VIL</u> (2,3)	<u>BL-1</u>	<u>B-2</u> (2,3)	<u>FLEX</u>	<u>IND</u>	<u>MAR</u>	<u>RD</u> (2,3)	<u>S</u>	<u>GD</u>
N	S	N	N	N	Y	Y	N	S	N	S
			(25)							

25. Y - permitted by-right if in Ground Mounted Solar Overlay District.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 4180, Large Scale Ground Mounted Solar Photovoltaic Installations, by adding the language highlighted below in bold, as follows:

4180 LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

The Planning Board shall be the Special Permit Granting Authority for applications pertaining to sites outside the Industrial Limited District and the Ground Mounted Solar Overlay District.

The Ground Mounted Solar Overlay District is herein established as an overlay district and shall be superimposed over any other district established by this by-law. A plan entitled "Solar Overlay District" dated July 1, 2015 is on file in the Planning and Development Office delineating this district and is hereby made a part of this By-Law.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws Section 4182, Procedure, by adding the language below in bold, as follows:

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.

or take any action relative thereto.

VOTED: That that the Town amend the Sandwich Protective Zoning By-laws to create a Ground Mounted Solar Overlay District by amending Article II, Use and Intensity Regulations; Section 2100, Establishment of Districts; Section 2210, Use Regulation Schedule; Section 4180, Large Scale Ground Mounted Solar Photovoltaic Installations; and Section 4182, Procedure; all as printed in the warrant under Article 5. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 6

To see if the Town will vote to proclaim as follows:

At its meeting on April 23, 2014, the Sandwich Historic District Committee (the "Committee") considered an application ("Application") for a certificate of appropriateness ("COA") for an aerial adventure park (the "Project") at 0 Shawme Road and 0 Pocasset Road. Abutters to 0 Shawme Road were not notified of that meeting, nor were they previously notified of the Application. At that meeting the Committee voted to approve a "motion to accept the plans as presented" and issued a corresponding COA that Project proponents claim authorize the Project. Many or all of the aforementioned abutters had no knowledge of the COA until after the relevant appeal period had passed.

For these and other reasons, the construction and operation of the Project constitutes a violation of Chapter 470 of the Acts of 1973, as amended (the Old King's Highway Regional Historic District Act, or the "Act"). Under Section 12 of the Act, the Inspector of Buildings has the duty to enforce violations of the law. However, to date Inspector of Buildings Paul D. Spiro has refused to take enforcement action.

We hereby proclaim that the Project violates the Act, and that enforcement action should be taken with respect to such violation(s).

(Submitted by Petition)

Don Stainbrook of Faunce Mountain Road moved to approve Article 6 as printed in the Warrant. His motion was seconded from the floor.

VOTED: That the Town proclaim as follows:

At its meeting on April 23, 2014, the Sandwich Historic District Committee (the "Committee") considered an application ("Application") for a certificate of appropriateness ("COA") for an aerial adventure park (the "Project") at 0 Shawme Road and 0 Pocasset Road. Abutters to 0 Shawme Road were not notified of that meeting, nor were they previously notified of the Application. At that meeting the Committee voted to approve a "motion to accept the plans as presented" and issued a corresponding COA that Project proponents claim authorize the

Project. Many or all of the aforementioned abutters had no knowledge of the COA until after the relevant appeal period had passed.

For these and other reasons, the construction and operation of the Project constitutes a violation of Chapter 470 of the Acts of 1973, as amended (the Old King's Highway Regional Historic District Act, or the "Act"). Under Section 12 of the Act, the Inspector of Buildings has the duty to enforce violations of the law. However, to date Inspector of Buildings Paul D. Spiro has refused to take enforcement action.

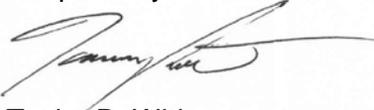
We hereby proclaim that the Project violates the Act, and that enforcement action should be taken with respect to such violation(s).

This was a counted vote and declared carried by the Moderator. 159 Yea and 102 Nay.

The meeting was adjourned at 8:14 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on November 16, 2015.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Taylor D. White', with a long horizontal flourish extending to the right.

Taylor D. White
Town Clerk