

**TOWN OF SANDWICH
2013 ANNUAL TOWN MEETING
MAY 6, 2013**

The Annual Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:08 P.M. The total number of eligible voters was 15,633 and the clerks checked in a total of 403 voters, which is a 2.5% turnout. The invocation was delivered Rabbi David Freelund and John Kennan, Chairman of the Board of Selectmen, led the Pledge of Allegiance. Alexandria Wright sang the Star Spangled Banner. The Moderator swore in the following Sandwich residents as tellers: Paula Johnson, Denise Dever, James Schneider, Tobin Wirt and Robert King. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers.

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.

John Kennan, Chair of the Board of Selectmen, read the report on the Long Range Plan on behalf of the Board.

UNANIMOUSLY VOTED: That the Town accept the Report of all Town Officers and Committees as printed in the 2012 Annual Town Reports and hear the report of the Board of Selectmen on the Long Range Plan. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 2

To see if the Town will vote to hear the report of the Finance Committee and to see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$65,189,254.00, or any other amount, to defray Town expenses for the Fiscal Year July 1, 2013 to June 30, 2014 as itemized below in the third column entitled FY'14 Recommendation, or take any action relative thereto.

Paul Silvia, Chair of the Finance Committee, read the budget message on behalf of the Committee.

FY'14 BUDGET TOTALS

No.	Department	FY'12 Appropriation	FY'13 Appropriation	FY'14 Recommendation
114	Moderator	1	450	450
123	Selectmen/Administrator	377,656	408,966	432,571
	Personnel Expenses	158,153	158,730	388,878
131	Finance Committee	2,700	3,400	3,400
135	Accounting	183,362	199,489	204,731
141	Assessing	341,087	363,186	364,148
145	Treasurer	174,755	185,888	184,461
146	Tax Collector	241,224	251,359	254,595
147	Tax Title	25,000	25,000	20,000
151	Legal	225,000	275,000	275,000
152	Human Resources	143,842	152,282	156,551
161	Town Clerk	156,990	146,722	151,400
162	Elections & Registrations	45,000	57,500	42,750
171	Natural Resources	236,898	233,872	238,627
175	Planning & Development	153,133	153,345	150,334
190	Facilities Management	474,604	491,176	496,100
195	Town Reports	11,000	11,000	11,000
196	Bind Town Records	1,000	1,000	6,000

197	Data Processing	331,456	390,482	393,379
	Total 100s	3,282,861	3,508,662	3,774,375
210	Police Department	3,148,270	3,330,197	3,326,005
220	Fire Department	3,790,423	3,932,680	3,946,126
241	Inspections	231,306	239,002	247,616
244	Weights & Measures	200	200	200
291	Emergency Management	5,250	7,750	7,750
294	Forest Warden	1,500	1,500	1,500
297	Bourne Shellfish	4,000	4,000	4,000
299	Greenhead Fly	1,500	1,500	2,000
	Total 200s	7,182,449	7,516,829	7,535,199
300	School Department	29,225,227	29,626,393	30,324,286
313	UCCRVTS	1,786,439	1,906,350	1,998,563
	Total 300s	31,011,666	31,532,743	32,322,849
410	DPW – Engineering	123,593	143,188	146,059
420	DPW – Highways	1,540,118	1,343,672	1,362,853
421	Snow & Ice	250,010	250,011	250,012
424	Streetlights	30,000	30,000	30,000
435	DPW – Sanitation	765,569	0	0
	Total 400s	2,709,290	1,766,871	1,788,924

No.	Department	FY'12 Appropriation	FY'13 Appropriation	FY'14 Recommendation
510	Health Department	167,616	174,752	169,748
522	Nursing Department	128,938	123,991	125,873
541	Council on Aging	152,115	187,540	191,191
543	Veterans Services	41,992	42,883	43,383
	Total 500s	490,661	529,166	530,195
610	Library	892,196	918,962	939,639
630	Recreation Department	71,149	88,086	93,746
650	DPW – Parks	13,850	13,850	13,850
671	Hoxie House / Grist Mill	10,000	0	0
693	Memorial Day	1,200	1,200	1,200
694	Historic District	12,000	12,000	12,750
	Total 600s	1,000,395	1,034,098	1,061,185
OPERATING SUBTOTAL:		45,677,322	45,838,369	47,012,727
135	Marina & SHGC Indirect Costs Transfers			30,000
171	Waterways Fund Transfer			17,500
220	Ambulance Fund Transfer			150,000
630	Beach and Recreation Account Transfer (incl. Sandy Neck)			207,295
645	Community Preservation Act Debt			1,205,469
650	Cemetery Trust Fund Transfer			22,000
671	Hoxie House / Grist Mill Income Transfer			29,000
INTER-FUND TRANSFERS SUBTOTAL:				1,661,264
132	Reserve Fund			500,000
540	Social Services Programs			21,200
710	Short Term Debt			50,000
750	Debt			2,732,263
910	Group Health Insurance			8,700,000
912	Medicare			555,160
940	Property & Liability Insurance			880,000
941	Unemployment Account			100,000
950	Retirement Assessment			2,976,640
OTHER ACCOUNTS SUBTOTAL:				16,465,263
FY'14 BUDGET TOTAL:				65,189,254

Steve Barr of Craft Road made a motion:

Move that the motion be amended by reducing the amount to be raised and appropriated to \$60,430,576 from \$61,174,006 and to achieve this reduction by reducing the Line Item 410 by one-half, to \$71,594 and also reducing Line Item 420 by one-half, to \$671,836 for the Fiscal Year 2014 as itemized in the third column entitled FY'14 Recommendation, as printed in the Warrant under Article 2.

Motion was seconded.

VOTED: That that the Town accept the amended motion. This was a voice vote and declared not carried by the Moderator.

UNANIMOUSLY VOTED: That the Town hear the report of the Finance Committee and raise and appropriate \$61,174.006; transfer and appropriate \$1,403,984 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 \$1,171,000 from the Community Preservation Fund Fiscal Year 2014 estimated annual revenues; transfer and appropriate \$34,469 from the Community Preservation Fund undesignated fund balance; transfer and appropriate \$15,000 from Sandwich Marina funds; transfer and appropriate \$15,000 from the Sandwich Hollow Golf Club enterprise fund; transfer and appropriate \$207,295 from the beach parking receipts reserved for appropriation account; transfer and appropriate \$29,000 from the Hoxie House / Grist Mill receipts reserved for appropriation account; transfer and appropriate \$17,500 from the Waterways Fund; transfer and appropriate \$22,000 from cemetery trust funds; to defray Town expenses for the Fiscal Year 2014 as itemized in the third column entitled FY'14 Recommendation, as printed in the Warrant under Article 2, and set the compensation of elected officials as follows:

Moderator	450
Chairman Board of Selectmen	2,000
Selectmen – 4 each	1,500
Chairman Board of Assessors	2,000
Assessors – 2 each	1,500
Town Clerk	70,186

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

ARTICLE 3

To see if the Town will vote in accordance with the provisions of M.G.L. c.44, §53F½ to raise and appropriate or transfer from available funds a sum of money, to be expended under the direction of the Board of Selectmen, for the purpose of establishing the FY'14 enterprise fund budget for the Department of Public Works Sanitation Division, or take any action relative thereto.

Steve Barr of Craft Road made a motion: Move that the word “raise and appropriate \$500,000 and” be stricken from the motion and amend the motion to read as follows: Move that the Town transfer and appropriate \$502,473 from DPW – Sanitation Division Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2014 Enterprise Fund operation budget for the DPW – Sanitation Division.

COUNTED VOTED: That that the Town accept the amended motion. This was a counted vote and declared not carried by the Moderator. The vote was 153 Yea and 205 Nay.

VOTED: That the Town raise and appropriate \$500,000 and transfer and appropriate \$502,473 from DPW – Sanitation Division Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year 2014 Enterprise Fund operating budget for the DPW – Sanitation Division.. This was a voice vote and declared carried 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'14 enterprise fund budget for Sandwich Hollows Golf Club, or take any action relative thereto.

VOTED: That the Town transfer and appropriate \$850,000 from Golf Course Receipts, to be expended under the direction of the Board of Selectmen, for establishing the Fiscal Year

2014 Enterprise Fund operating budget for Sandwich Hollows Golf Club. This was a voice vote and declared carried by the Moderator.

ARTICLE 5

To see if the Town will vote to hear the report of the Capital Improvement Planning Committee, and further, to raise and appropriate or transfer from available funds the sum of \$500,000.00, 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:

Selectmen – Canal Centennial & Town 375 th Expenses	75,000.00
Facilities Department – Town Building Repairs/Improvements	125,000.00
Library – HVAC System Improvement Project	150,000.00
School Department – School Building Improvements	150,000.00

or take any action relative thereto.

VOTED: That the Town hear the report of the Capital Improvement Planning Committee and raise and appropriate \$500,000, to be expended under the direction of the Board of Selectmen, for the purpose of purchasing and repairing equipment, vehicles, and buildings, and providing related services as listed in Article 5 of the warrant, with any unexpended balance for each item 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 6

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of \$16,963.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of funding the FY'14 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 \$16,963 from the Sandwich Promotions Fund, to be expended under the direction of the Board of Selectmen, for funding the Fiscal Year 2014 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 7

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'14, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town appropriate \$793,200 or any other amount 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 Fiscal Year 2014. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 8

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, 2013, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town 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, 2013. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 9

To see if the Town will vote to transfer and appropriate the sum of \$25,000.00, 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 completing repairs and improvements to the athletic fields at Sandwich High School, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$25,000, 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 completing repairs and improvements to the exterior athletic fields and facilities at Sandwich High School. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 10

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY'14 Community Preservation budget and to appropriate from the Community Preservation Fund FY'14 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'14; 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'14 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.

UNANIMOUSLY VOTED: That the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation budget and transfer and appropriate \$75,000 from the Community Preservation Fund Fiscal Year 2014 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 2014; and further reserve for future appropriation from the Fiscal Year 2014 Community Preservation Fund estimated annual revenues the following sums: \$178,000 for open space purposes; \$178,000 for historic resources purposes; and \$178,000 for community housing purposes. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 11

To see if the Town will vote to transfer and appropriate under the Community Preservation Act historic resources program the sum of \$45,000.00, or any other amount, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting burial stones in the Town of Sandwich Old Town Cemetery, Grove Street; 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.

UNANIMOUSLY VOTED: That the Town transfer and appropriate \$45,000 from the Community Preservation Fund historic resources reserve for historic resource purposes under the Community Preservation Act, to be expended under the direction of the Board of Selectmen, for the purpose of preserving, restoring, and protecting burial stones in the Town of Sandwich Old Town Cemetery, Grove Street. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 12

To see if the Town will vote to authorize the Board of Selectmen to enter into renewable energy power purchase and/or net metering credit purchase agreements, including agreements for power and credits generated by solar photovoltaic systems, for terms of up to thirty years on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and to authorize the Board of Selectmen

to take all actions necessary to implement and administer such agreements, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to enter into renewable energy power purchase and/or net metering credit purchase agreements, including agreements for power and credits generated by solar photovoltaic systems, for terms of up to thirty years on such terms and conditions as the Board of Selectmen deems in the best interests of the Town, and to authorize the Board of Selectmen to take all actions necessary to implement and administer such agreements. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 13

To see if the Town will vote to approve the Upper Cape Cod Regional Technical School District Committee's vote on January 10, 2013 to establish a Stabilization Fund, pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earning as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town approve the Upper Cape Cod Regional Technical School District Committee's vote on January 10, 2013 to establish a Stabilization Fund, pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earning as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 14

To see if the Town will vote to amend the Sandwich Town Charter, as printed below, by deleting those portions of the Town Charter highlighted with strikethrough formatting and inserting those portions of the Town Charter with underline formatting; and further, to authorize the Board of Selectmen to petition the General Court to the end that legislation be adopted precisely as follows in accordance with the special act charter process; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves 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; or take any action relative thereto:

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and ~~Nine~~ Thirteen

AN ACT PROVIDING FOR A CHARTER FOR THE TOWN OF SANDWICH

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

Section 1. ~~Chapter 137 of the Acts of 2002 is hereby repealed. S782, Chapter 106 of the Acts of 2009 is hereby repealed.~~

Section 2. The following shall be the Charter of the Town of Sandwich:-

Section 3. Any reference to gender in the wording of this Charter shall be construed as meaning any individual regardless of sex and is contained herein only in the interest of brevity.

CHARTER TOWN OF SANDWICH

PREAMBLE

Good government can only be defined as that which is wholly and justly participated in by the people who are under its jurisdiction. For that purpose the citizens of Sandwich, in exercising their rights of self-government, do ordain the provisions set forth in the ensuing Charter of this town.

ARTICLE I INCORPORATION, FORM OF GOVERNMENT

Section 1.1 INCORPORATION

The inhabitants of the Town of Sandwich, residing within its corporate boundaries as heretofore established, are hereby constituted and shall continue to be a body politic and corporate in perpetuity under the name of "The Town of Sandwich."

Section 1.2 FORM OF GOVERNMENT

a) The municipal form of government provided by this Charter shall consist of a Town Meeting open to all voters; a Board of Selectmen, elected by the people and accountable to the people; and a Town Manager, appointed by and accountable to the Board of Selectmen for proper administration of the affairs of the town.

b) The schools of the town shall be operated by a School Department and supervised by a Superintendent of Schools under the direction of a School Committee, elected by the people and accountable to the people for proper administration of the affairs of the schools.

ARTICLE II POWERS OF THE TOWN

Section 2.1 POWERS

a) The **T**own shall have all the powers granted to towns by the Constitution and General Laws together with all of the implied powers necessary to execute such granted powers.

b) The powers of the **T**own under the Charter shall be construed and interpreted liberally in favor of the **T**own, and the specific mention of any particular power is not intended to limit in any way the general powers.

c) The **T**own may enter into agreements with any other agency of municipal government, agency of the Commonwealth, other states, or the United States government to perform jointly, by contract, or otherwise, any of its powers or functions and may participate in the financing thereof.

ARTICLE III LEGISLATIVE BRANCH

Section 3.1 OPEN TOWN MEETING

The legislative powers of the **T**own shall be exercised by a Town Meeting open to all voters of the Town of Sandwich.

Section 3.2 PRESIDING OFFICER

All sessions of the Town Meeting shall be presided over by a Moderator, elected as provided in Section 4.4 of the Charter. The Moderator shall regulate the proceedings, decide questions of order, and make public declarations of all votes. The Moderator shall have all of the powers and duties given to Moderators under the Constitution and the General Laws, and such additional powers and duties as may be authorized by the Charter, by By-law or by other Town Meeting vote.

Section 3.3 ANNUAL TOWN MEETING

The Annual Town Meeting shall be held on such date or dates as may be fixed by the Board of Selectmen as provided in paragraph (e) of Section 4.2.5 of the Town Charter.

Section 3.4 SPECIAL TOWN MEETINGS

Special Town Meetings shall be held at the call of the Board of Selectmen at such times as it may deem appropriate and whenever a special meeting is requested by the voters in accordance with procedures made available by the General Laws.

Section 3.5 QUORUM

The quorum for both the Annual Town Meeting and any Special Town Meeting shall be set by By-law.

Section 3.6 CLERK OF THE MEETING

The Town Clerk shall serve as the clerk to the Town Meeting. In the event that the Town Clerk is absent, the Assistant Town Clerk shall serve.

Section 3.7 WARRANT ARTICLES

a) Except for procedural matters, all subjects to be acted on by Town Meeting shall be placed on warrants issued by the Board of Selectmen.

b) The Board of Selectmen shall receive all petitions addressed to it which require the submission of particular subject matter to the Town Meeting in accordance with the General Laws. Ten (10) signatures shall be required on a petition to have an article inserted in the warrant for an Annual Town Meeting, and one hundred (100) signatures shall be required on a petition to have an article inserted in a warrant for a Special Town Meeting.

c) Any warrant article that seeks to raise, transfer, appropriate or expend any funds shall show comparative figures including actual figures for the preceding year, appropriations for the current year, requests for the next fiscal year and amounts recommended by the Finance Committee.

d) Copies of main motions to be considered on articles in the warrant that were not originally included in the printed warrant, and/or on the script to be read by Selectmen at Town Meeting, shall be made available as draft versions in writing to all voters prior to Town Meeting and distributed at Town Meeting. Final adjustments, if necessary will be shown on the viewing screen. The Moderator may require other motions to be submitted in writing. Failure to comply with this provision shall not invalidate any vote taken by Town Meeting.

Section 3.8 PUBLICATION AND DISTRIBUTION OF THE WARRANT

In addition to any notice required by the General Laws, the Board of Selectmen shall cause the Annual Town Meeting warrant to be posted on the Town bulletin board and otherwise distributed as provided by paragraph (e) of Section 4.2.5 of the Charter. Additional copies shall be kept available for distribution by the Town Clerk. In addition, the Board of Selectmen shall cause the Town Meeting warrant to be posted on the Town's website for the convenience of the residents of the Town; provided, however, that failure to post the warrant on the website or to post it one or more weeks prior to the date of the Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.

ARTICLE IV ELECTED TOWN OFFICES

Section 4.1 ELECTED TOWN OFFICES, IN GENERAL

The offices to be filled by the voters shall be: a Board of Selectmen, consisting of five (5) members; a School Committee, consisting of seven (7) members; a Moderator; ~~a Town Clerk~~; a Board of Assessors,

consisting of three (3) members; a Board of Health, consisting of three (3) members; a Planning Board, consisting of seven (7) members; [Constables](#), Trustees of the Sandwich Library, consisting of nine (9) members; Trustees of the Weston Memorial Fund, consisting of three (3) members; Sandwich Historic District, consisting of five (5) members; Housing Authority, consisting of (5) members, (4) of whom shall be elected, and (1) of whom shall be appointed by the Governor; and such other regional authorities, districts, or committees as may be required by the General Laws or inter-local agreement. All elected or appointed multiple member boards shall be arranged so that as nearly an equal number of terms as possible shall expire each year. Notwithstanding any other provision of the Charter, all elected officials and officers shall have the powers and duties as prescribed by the General Laws.

Section 4.2 BOARD OF SELECTMEN

The Board of Selectmen shall be composed of five (5) members. Each member shall be elected from the town at-large to a three (3) year term.

Section 4.2.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each Selectman shall be a qualified voter of the town, and shall reside within the town while in office.

Section 4.2.2 COMPENSATION

Selectmen shall receive such compensation as may be specified in the annual budget, provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the Board of Selectmen.

Section 4.2.3 CHAIRMAN AND VICE CHAIRMAN

a) A chairman shall be elected by the Board of Selectmen at the first meeting following each regular Town Election. The chairman shall preside at all meetings of the Board. The chairman shall perform such other duties consistent with [Massachusetts General Laws and](#) this Charter, or as may be imposed on him by the Board.

b) A vice chairman shall be elected by the Board of Selectmen at the first meeting following each regular Town Election. The vice chairman shall act as chairman during the disability or absence of the chairman and in this capacity shall have the rights and duties conferred upon the chairman.

Section 4.2.4 VACANCIES

Vacancies in the office of Selectman shall be filled by special election if the vacancy occurs eight (8) months or more prior to the next annual election. If a vacancy occurs, the Board of Selectmen shall, within ten (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-five (65) days nor more than ninety (90) days after issuing the call. A vacancy which occurs less than eight (8) months prior to the next annual election shall be filled at the next annual election.

Section 4.2.5 GENERAL POWERS AND DUTIES

a) Except as otherwise provided by the General Laws or this Charter, all executive powers of the Town shall be vested in the Board of Selectmen. The Board of Selectmen shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

b) At least a majority of the Board of Selectmen shall sign all official documents, and approve the financial warrants.

c) The Board of Selectmen shall serve as the Board of Directors and policy-making body of the Town. They shall appoint a Town Manager to carry out the day-to-day operations of the Town within the policies set by the Board of Selectmen. The Board of Selectmen shall appoint members of committees.

d) No member of the Board of Selectmen may serve in any other elected and/or appointed Town office or committee during his ~~or her~~ term as Selectman, excluding ex-officio positions, except that Selectmen may serve on committees when authorized by State law or Town By-Law. Service as a representative from the Town to another body other than the Town shall not be prohibited by this provision.

e) The Board of Selectmen shall set guidelines for the preparation of the annual budget and present the budget to the Town Meeting. The Board of Selectmen shall set the date and warrant articles for the Town Meeting and any Special Town Meeting. The Board of Selectmen shall make available sufficient copies of the warrant for the Town Meeting for all registered voters. The Board of Selectmen shall either provide direct mailings to households, or publish notice of the availability of and make available said warrants at town facilities and other common locations throughout the town at least two (2) weeks prior to the Town Meeting; provided, however, that failure to post the warrant on the website or to post it one or more weeks prior to the date of the Town Meeting shall not invalidate or otherwise affect the legality or validity of the actions taken at the Town Meeting.

f) The Board of Selectmen shall be a licensing board for the Town and shall have the power to issue licenses as authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses, and to impose restrictions on any such license as it deems to be in the public interest, and to enforce all laws, rules, regulations, and restrictions relating to all such businesses for which it issues licenses.

g) The Board shall require bonds for all municipal officers and employees who receive or pay out any moneys of the town. The amount of such bonds shall be determined by the Board and the cost thereof shall be borne by the Town.

h) The Board of Selectmen shall be authorized to institute, prosecute, compromise or defend any claim, action, suit or other proceeding in the name of the Town and to settle any claim, action, suit or other proceeding brought by or on behalf or against the Town. In the event that a settlement requires the issuance of a permit or license or the transfer of property, and such matter is not within the Board of Selectmen's jurisdiction, the Town board or officer with legal jurisdiction over the matter shall retain sole authority to act on behalf of the Town.

i) The Board of Selectmen shall annually review a Long Range Plan, including capital planning, to project the future needs of the Town and report on this at Town Meeting.

j) The Board of Selectmen shall serve as custodians of all Town property except as otherwise provided by the General Laws or by vote of the Town.

k) The Board of Selectmen shall be authorized to formally investigate cases of any suspected serious misconduct or criminal wrongdoing by the Town Manager, or other officers or employees of the Town, provided that such investigation is approved by a vote of four out of five Selectmen.

l) The Board of Selectmen shall exercise any other responsibilities as set forth in the General Laws.

Section 4.2.6 MEETINGS OF THE BOARD

a) The Board of Selectmen shall hold at least two regular meetings each month. The Board shall fix, by resolution, the days, times and location of its regular meetings.

c) The Board of Selectmen may hold such special meetings as it deems necessary and appropriate, which may be called for by three members of the Board. In no event shall a regular or special meeting be held in any facility or at any locations which are not readily accessible to the public or handicap accessible.

Section 4.2.7 RULES OF PROCEDURE

- a) The Board of Selectmen shall by resolution, determine its own rules and order of business; provided however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.
- b) Voting except on procedural motions, shall be by roll call if requested by a Selectman, and the ayes and nays shall be recorded in the minutes.
- c) Three Selectmen shall constitute a quorum for the purposes of transaction of business.
- d) No action of the Board of Selectmen shall be valid or binding unless adopted by the affirmative vote of three or more members of the Board.

Section 4.2.8 PROHIBITIONS

- a) Except where authorized by law, no Selectman shall hold any other town office or town employment during his term as Selectman, nor any former Selectman shall hold any compensated appointed town office or town employment until one year after the expiration of his term as Selectman.
- b) The Selectmen shall not in any manner dictate the appointment or removal of any town administrative officers or employees whom the Town Manager or any of his subordinates are empowered to appoint. The Board of Selectmen may express its views and fully and freely discuss with the Town Manager anything pertaining to appointments and removal of such officers and employees.
- c) ~~Except for the purpose of inquiries and investigations,~~ The Board of Selectmen and its members shall deal with town officers and employees who are subject to the direction and supervision of the Town Manager, solely through the Town Manager, and neither the Board of Selectmen nor any of its members shall give orders to any such officer or employee, either publicly or privately.

Section 4.3 SCHOOL COMMITTEE

The School Committee shall be composed of seven (7) members. Each member shall be elected from the town at-large to a three (3) year term. The three (3) year terms of office for school committee shall be staggered.

4.3.1 QUALIFICATIONS

In addition to any other qualifications prescribed by law, each member of the School Committee shall be a qualified voter of the town, and shall reside within the town while in office.

4.3.2 COMPENSATION

School Committee members shall receive no compensation, provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official duties upon approval by the School Committee.

4.3.3 CHAIRMAN AND VICE CHAIRMAN

A chairman shall be elected by the School Committee at the first meeting following each regular Town Election. The chairman shall preside at all meetings of the Committee. The chairman shall perform such other duties consistent with Massachusetts General Laws and this Charter, or as may be imposed by the Committee.

A vice chairman shall be elected by the School Committee at the first meeting following each regular Town Election. The vice chairman shall act as chairman during the disability or absence of the chairman and in this capacity shall have the rights and duties conferred upon the chairman.

Section 4.3.4 VACANCIES

Vacancies in the School Committee shall be filled by special election if the vacancy occurs eight (8) months or more prior to the next annual election. In this case, the Board of Selectmen shall, within ten (10) days after the occurrence of a vacancy, call a special election that shall be held not less than sixty-five (65) days nor more than ninety (90) days after issuing the call. Any vacancy which occurs less than eight (8) months prior to the next annual election shall be filled at the next annual election.

Section 4.3.5 GENERAL POWERS AND DUTIES

a) The School Committee shall have all the powers and duties given to school committees by the General Laws. The School Committee shall have the power to select, oversee, and to terminate the Superintendent of Schools, establish educational goals and policies for the schools consistent with requirements of the General Laws and standards established by the Commonwealth.

b) The Superintendent of Schools shall be chosen upon the basis of the individual's executive and administrative training, education, experience and ability, and any other factors the School Committee deems appropriate. The Superintendent of Schools shall be bonded at town expense.

c) The Superintendent of Schools shall have the duties and responsibilities provided by the General Laws, this Charter, and vote of the School Committee.

Section 4.3.6 MEETINGS OF THE BOARD

The School Committee shall hold at least one regular meeting each month while school is in session. The Committee shall fix the days, times and location of its regular meetings.

The School Committee may hold such special meetings as it deems necessary and appropriate, which may be called by the Chair or four members of the Committee. In no event shall a regular or special meeting be held in any facility or at any locations which are not readily accessible to the public or handicap accessible.

Section 4.3.7 RULES OF PROCEDURE

The School Committee shall determine its own rules and order of business; provided however, the rules shall provide that citizens of the town shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

Voting except on procedural motions, shall be by roll call if requested by a School Committee member and the ayes and nays shall be recorded in the minutes.

Section 4.3.8 BUDGET HEARING

The School Committee shall prepare an annual line-item operating budget and hold a public hearing on its proposed annual budget pursuant to, Section 38N of Chapter 71 of General Laws by March 1.

Section 4.4 MODERATOR

A Moderator shall be elected by the voters for a term of three years. In the event of absence of the Moderator, the Town Meeting may elect a temporary Moderator, for the purpose of presiding over the Town Meeting.

Section 4.4.1 POWERS AND DUTIES

a) The Moderator shall have the powers and duties provided by the General Laws, by this Charter, by By-law or by any other Town Meeting vote.

b) The Moderator shall appoint members of the Finance Committee which shall consist of nine (9) members. If the Moderator fails to fill a vacancy on the Finance Committee within forty-five (45) days of having been notified in writing by the Town Clerk of said vacancy, a majority of the remaining members of the Finance Committee may nominate a person for each such vacancy. Should the Moderator fail to take action on said nomination within 21 days, the nominee shall become a member of the Finance Committee.

c) To assist in the application and appointment process and/or to better prepare potential committee members, the Moderator may at his discretion include participation by the Chairman of the Board of Selectmen, Chairman of the Finance Committee, or the Chairman of the School Committee or their designated representatives.

d) The Moderator shall appoint members to other committees as directed by Town Meeting.

Section 4.5 TOWN CLERK

~~A Town Clerk shall be elected by the voters at the annual town election, for a term of three years.~~

Section 4.6 BOARD OF LIBRARY TRUSTEES

The Board of Library Trustees shall be composed of nine (9) members. Each member shall be elected from the town at-large to a three (3) year term.

Section 4.6.1 QUALIFICATIONS

a) Each member of the Board of Library Trustees shall be a qualified registered voter of the town and shall reside within the Town while in office.

Section 4.6.2 GENERAL POWERS AND DUTIES

a) Notwithstanding any other provision of this Charter to the contrary, the Board of Library Trustees shall have all the powers and duties given to boards of library trustees by G.L. c.78 and any other applicable law, except as otherwise provided herein. The Board of Library Trustees shall, except in case of those employees subject to the provisions of G.L. c.150E, appoint the director of the library and all employees thereof, and may enter into a contract with said director, provided, however, that such contract shall meet minimum legal standards established by the Board of Selectmen and Town Manager. The Board of Library Trustees shall implement such human resources practices and standards as established by the Town Manager for all other Town employees, and employees of the library shall be subject to the personnel policies and procedures adopted by the Town and such other personnel policies and procedures agreed upon in writing by the Board of Library Trustees and Town Manager. The Town Manager shall be responsible for the procurement of all contracts on behalf of the library.

Section 4.6.3 VACANCIES

Vacancies shall be filled by election in accordance with the provisions of G.L. c41, §10, or by the Board of Selectmen and the remaining members of the Board of Library Trustees in accordance with the provisions of G.L. c41, §11.

Section 4.7 BOARDS, COMMITTEES AND OFFICERS

a) Each board or committee will be organized and charged with the powers and duties specified in the General Laws and Special Acts of the Commonwealth, Town By-law or elsewhere in this Charter. The Board of Selectmen may also, from time to time, establish boards or committees to address specific needs or issues. Each board or committee shall, at its annual organization meeting, elect a presiding officer and shall cause the Board of Selectmen and the Town Clerk to be notified of its selection. Such boards and committees shall make a written annual report of its activities to the Board of Selectmen.

b) Members of permanent committees shall be elected for a staggered term of three years unless otherwise provided for by the General Laws or this Charter. Appointees to temporary and special committees shall be appointed by the Board of Selectmen for the duration of the charge of the board or committee. Boards, committees or officers specifically provided for by the General Laws or this Charter may be continued or terminated only by the Board of Selectmen.

c) No resignation of any town officer, including members of a board or committee, shall be deemed effective unless and until such resignation is filed with the Town Clerk or such later time certain as may be specified in such resignation. In the event an appointed board or committee member misses three (3) consecutive meetings without the permission of the chair, the chair shall notify the Board of Selectmen, which board may, after opportunity for a hearing, deem such position to be vacant.

ARTICLE V ADMINISTRATIVE SERVICES

Section 5.1 TOWN MANAGER

Section 5.1.1 APPOINTMENT AND QUALIFICATIONS

The Board of Selectmen shall by majority vote of the entire Board appoint a Town Manager. The method of selection shall be left to the discretion of the Board of Selectmen so long as the method of selection insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The Town Manager shall be chosen solely upon the basis of the individual's executive and administrative training, education, experience and ability and need not, when appointed, be a resident of the Town of Sandwich; provided however, that the Town Manager shall establish such residence within six (6) months following the effective date of appointment, and provided further that the Board of Selectmen may, by a unanimous vote of all members of the Board of Selectmen then in office, extend to a time certain the time for establishing residence or waive this requirement in its entirety. The Town Manager shall be bonded at town expense.

Section 5.1.2 COMPENSATION

The Town Manager shall receive compensation as may be fixed by the Board of Selectmen according to his expertise, education and training. Any contract between the Board of Selectmen and the Town Manager shall be made pursuant to Section 108N of Chapter 41 of the General Laws.

Section 5.1.3 TERM AND REMOVAL

The Town Manager may be appointed for a definite term but may be removed at the discretion of the Board of Selectmen, by vote of the majority of the entire Board. The action of the Board of Selectmen in suspending or removing the Town Manager shall be final. It is the intention of this Charter to invest all authority and fix all responsibilities of such suspension or removal in the Board of Selectmen.

Section 5.1.4 POWERS AND DUTIES

The Town Manager shall be responsible to the Board of Selectmen for the proper administration of all the affairs of the Town consistent with the General Laws and this Charter, and shall:

- a) appoint, discipline, suspend, or remove Town employees, including Civil Service positions, except that the approval of the Board of Selectmen shall be required for appointment of Department Heads and the Assistant Town Manager;
- b) supervise and direct all appointed Department Heads and organize and structure all town departments accordingly;
- c) administer and enforce all provisions of General Laws or Special Acts of the Commonwealth, or Town By-laws, and all regulations established by the Board of Selectmen;
- d) coordinate activities of all town departments;

- e) attend all sessions of the Town Meeting and answer all questions addressed to the Town Manager which are related to the warrant articles and to matters under the general supervision of the Town Manager;
- f) keep the Board of Selectmen fully informed as to the needs of the town, and recommend to the Selectmen for adoption such measures requiring action by them or by the Town as the Town Manager deems necessary or expedient;
- g) ensure that complete and full records of the financial and administrative activity of the Town are maintained and render reports to the Board Selectmen as may be required;
- h) be responsible for the rental, use, maintenance, repair and the development of a comprehensive maintenance program for all Town facilities;
- i) serve as the chief procurement officer and be responsible for the purchase of all supplies, materials, and equipment, and approve the award of all contracts. Any contract over ~~\$500,000~~ \$1,000,000 will require approval by the Board of Selectmen;
- j) develop and maintain a formal and complete inventory of all Town-owned real and personal property and equipment;
- k) administer personnel policies, practices, rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the Town;
- l) fix the compensation of all Town employees and officers appointed by the Town Manager; within the limits established by appropriation and any applicable compensation plan and collective bargaining agreements;
- m) be responsible for the negotiation of all contracts with Town employees regarding wages, and other terms and conditions of employment, except employees of the School Department. The Town Manager may, subject to the approval of the Board of Selectmen, employ special counsel to assist in the performance of these duties. Collective bargaining agreements shall be subject to the approval of the Board of Selectmen, and to Chapter 150E of the General Laws;
- n) prepare and submit an annual operating budget and capital improvement program as provided in paragraph (b) of Section 7.1 of this Charter and be responsible for its administration after its adoption. The Town Manager may transfer funds between individual line items within a department account at any time during the fiscal year, and further, may transfer during the last two (2) months of any fiscal year or during the fifteen (15) days of the new fiscal year to apply to the previous fiscal year, any amount appropriated for the use of any department other than a municipal light department or the school department to the appropriation for any other department, but the amount transferred from one department to another may not exceed three per cent (3%) of the annual budget of the department from which the transfer is made, with the approval of the Selectmen and Finance Committee;
- o) keep the Board of Selectmen and the Finance Committee fully informed as to the financial condition of the town and make recommendations to the Board of Selectmen;
- p) prepare and submit to the Board of Selectmen at the end of the fiscal year a comprehensive report on the finances and the activities and operations of all departments, boards and committees of the town;
- q) investigate or inquire into the affairs of any Town department or office;
- r) have full authority to act on behalf of the town during emergencies, including direction of Town personnel, declaring states of emergency, opening the emergency operations center and shelters, and the emergency expenditure of funds;

s) delegate, authorize or direct any subordinate or employee in the town to exercise any power, duty, or responsibility which the office of Town Manager is authorized to exercise, provided, that all acts performed under such delegation shall be deemed the acts of the Town Manager; and

t) perform such other duties as necessary or as may be assigned by this Charter, Town Bylaw, Town Meeting vote, or vote of the Board of Selectmen.

Section 5.1.5 ACTING TOWN MANAGER

The Assistant Town Manager shall perform the duties of the Town Manager in the Town Manager's absence. In the event of long-term disability, resignation, termination, or vacancy of both the Town Manager and the Assistant Town Manager at the same time, the Board of Selectmen shall appoint an Acting Town Manager for the duration of any such disability, or until appointment of a permanent Town Manager or Assistant Town Manager. No member of the Board of Selectmen shall serve as Acting Town Manager.

Section 5.2 TOWN COUNSEL

The Board of Selectmen shall appoint a competent and duly qualified and licensed attorney practicing in the Commonwealth to be the counsel for the town. Town counsel shall receive such compensation for his services as may be fixed by the Board of Selectmen and shall hold office at the pleasure of the Board. The Town Counsel shall be the legal adviser of all of the offices and departments of the Town, and shall represent the Town in all litigation and legal proceedings; provided however, that the Board of Selectmen may retain special counsel at any time they deem appropriate and necessary. The Town Counsel shall review and concur or dissent upon all documents, contracts, and legal instruments in which the Town may have an interest. The Town Counsel shall perform other duties prescribed by this Charter, Town By-law, or as directed by the Board of Selectmen. No employee, committee or board, elected or appointed, other than the Board of Selectmen, shall contact or otherwise interact with the Town or Labor Counsel in a manner inconsistent with the policy relative to access to counsel established by the Town Manager. This provision shall not limit the School Committee from retaining its own legal counsel.

ARTICLE VI COMPLIANCE WITH LAW - PUBLIC RECORDS, OPEN MEETINGS, AND CONFLICT OF INTEREST

~~All boards, committees, and commissions shall comply with Sections 23A to 23C inclusive of Chapter 39 of the General Laws in the conduct of any town business.~~

All officers or employees of any agency, office, department, board, commission, bureau, division or authority of the Town shall comply with the provisions of clause twenty six (26) of Section 7 of Chapter 4 and Section 10 of Chapter 66, of the General Laws.

All employees of the Town, as that term is defined in Section 1 of Chapter 269A, shall comply with the requirements of Chapter 268A of the General Laws.

All boards, committees, and commissions shall comply with the requirements of Chapter 30A, Sections 18 through 25 of the General Laws, the so-called Open Meeting Law.

All board members, committee members and employees shall comply with the requirements of Chapter 268, Sections 1 through 29, the so-called Ethics Law.

ARTICLE VII FINANCIAL PROVISIONS AND ADMINISTRATION

Section 7.1 SUBMISSION OF BUDGET AND BUDGET MESSAGE

~~a) After the Massachusetts Department of Revenue certifies surplus revenue (a.k.a. free cash), but before October 1, the Town Manager shall meet with the School Superintendent to prepare a Projected Revenue and Expenses Report for the next fiscal year and submit it to the Board of Selectmen, School Committee, and Finance Committee.~~

a) The Town Manager and School Superintendent shall meet within ten (10) business days of state certification of surplus revenue or finalization of October 1st enrollment whichever comes last occurs later. Within ten (10) business days of that meeting, the Town Manager and School Superintendent shall submit a draft budget in a mutually agreed format to the Board of Selectmen, School Committee and Finance Committee.

b) Annually, before November 1, the Town Manager shall establish and issue a budget schedule which shall set forth the calendar dates for developing the annual budget for the next fiscal year.

c) On or before December 15, the Board of Selectmen shall meet in joint session with the School Committee. At this meeting the Board of Selectmen shall set guidelines for the preparation of the annual budget.

d) On or before February 1, the Town Manager and School Committee shall each submit to the Board of Selectmen and Finance Committee a proposed line item budget and accompanying message.

e) The Budget shall provide a complete financial plan of all Town funds and activities, including details on debt and debt service, anticipated income, and proposed expenditures. The Budget shall include proposals for capital improvements for the next five (5) years. The budget message shall begin with a clear general summary of its content, and explain in both fiscal terms and program objectives, proposed expenditures for each department, capital expenditures, and the projected tax rate.

f) The Board of Selectmen shall review the proposed Town Budget and refer it, including the School Department Budget and recommendations, to the Finance Committee, on or before March 1.

g) After the annual Town Meeting but before June 15, the Board of Selectmen shall meet in joint session with the Finance Committee to review the assumptions used to project budgets for the next two (2) fiscal years. If necessary, the Board of Selectmen shall vote to reset any of those assumptions.

Section 7.2 FINANCE COMMITTEE

a) There shall be a permanent committee known as the Finance Committee, composed of nine (9) registered voters of the town appointed by the Moderator. They shall serve for three (3) year terms which shall be staggered. Members shall serve without compensation and no member shall be an employee of the Town nor hold an elected or appointed town position during their term of office, excluding ex-officio positions.

b) The Finance Committee shall conduct a detailed line item review of the Town and School budgets and submit a written budget report to the Annual Town Meeting and a written report to the Annual Town Meeting and any Special Town Meeting with its advisory recommendations on all financial warrant articles, and the projected tax impact consistent with its recommendations.

c) The Finance Committee can require that the Town Manager, School Committee, any Town department, office, board, commission or committee furnish appropriate additional financial information, as needed. This request shall be made in writing and include a reasonable deadline for submission of the additional information.

d) The Finance Committee shall elect a Chairman and such other officers from among its members and form subcommittees as it deems necessary to accomplish its duties.

Section 7.3 PUBLIC NOTICE AND PUBLIC HEARING

a) The Finance Committee shall within sixty (60) days following the submission of the draft budget by the Town Manager, review the proposed budget, and return it to the Board of Selectmen with its recommendations.

b) The Board of Selectmen shall conduct at least ~~one~~ two public hearings. The first shall be held in February to consider budget matters generally and notice of the time, date and place therefor shall be posted in Town Hall and on the Town website and published in a daily newspaper of general circulation in the Town.

An additional public hearing shall be held prior to Town Meeting on the proposed budget, including the school budget, and Finance Committee recommendations, which hearing shall be posted and published as described above, with the following additional information included: the times and places where copies of the message and budget are available for inspection by the public.

~~c) Two public hearings shall be held, one at the beginning of the draft budget discussions and one for the final proposed budget, both publicized as follows in d(1) and d(2).~~

~~d) The Board of Selectmen shall post in the Town Hall and publish in a daily newspaper of general circulation and on the Town website, a summary of the proposed budget and notice stating:~~

~~1) the times and places where copies of the message and budget are available for inspection by the public, and~~

~~2) the date, time and place where the Board of Selectmen shall conduct the public hearing on the budget.~~

Section 7.4 BUDGET ADOPTION

Town Meeting shall adopt the annual operating budget, with or without amendments before the beginning of the fiscal year.

Section 7.5 ANNUAL AUDIT

At the close of each fiscal year, and at such times as it may be deemed necessary, the Board of Selectmen shall cause an independent audit to be made of all accounts of the Town by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly in the financial affairs of the Town or any of its offices. Upon completion of the audit, the results in a summary form shall be placed on file in the Town Clerk's office and on the Town website as a public record and in the Sandwich Public Library for public information.

Section 7.6 EMERGENCY APPROPRIATIONS, REDUCTIONS, and TRANSFERS

Any and all emergency appropriations, reductions, and transfers shall be made in accordance with the General Laws and the Town By-laws.

ARTICLE VIII RECALL

Section 8.1 RECALL

A holder of an elected office in the Town of Sandwich may be recalled there from by the qualified voters of the Town as provided in Chapter 408 of the Acts of 1987 for reasons which shall include but are not limited to the following: embezzlement; influence peddling; refusal to comply with clause Twenty-six of section 7 of chapter 4, section 10 of chapter 66, sections 23A to 23C, inclusive, chapter 39 of chapter 268A of the General Laws or any rules and regulations thereto, and the By-laws of the Town of Sandwich which pertains to same; destruction or alteration of public records; nepotism; conviction for a felony; failure to perform the duties of the elected office; or other willful acts of omission or commission which betray the public trust.

Section 8.2 RECALL PETITION

A recall petition shall be initiated by request of ten (10) qualified voters. The recall petition shall be signed by twenty-five percent (25%) of the qualified voters and returned within twenty (20) days in accordance with Chapter 408 of the Acts of 1987.

ARTICLE IX CHARTER

Section 9.1 SEVERABILITY

If any section, or part of a section of this Charter, shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter.

Section 9.2 CHARTER REVIEW COMMITTEE

At least every five (5) years, the Selectmen shall appoint a Charter Review Committee to be composed of seven (7) members for a period not longer than six (6) months, who shall submit their recommendations to the Board of Selectmen and shall file proceedings of their deliberations.

Section 9.3 AMENDMENT TO CHARTER

This Charter may be amended or revised by special act of the General Court, upon the recommendation of Town Meeting and/or pursuant to Chapter 43B of the General Laws.

Section 9.4 INTERPRETATION OF THE CHARTER

Any question related to the interpretation of the Charter shall be presented to the Board of Selectmen for such action as it deems appropriate.

Section 9.5 TIME OF TAKING EFFECT AND TRANSITIONAL PROVISIONS

The amendments to the Town Charter as approved by the May 6, 2013 Annual Town Meeting shall take effect immediately upon approval by the voters under G.L. c43B [or, if submitted as special legislation, upon the effective date of the legislation], except that the amendments to sections 4.1 and 4.5 of the Town Charter with respect to the manner of selection of the town clerk shall be implemented as follows.

The individual elected as town clerk at the 2013 Annual Town Election (the "incumbent") shall hold said office and perform the duties thereof until the expiration in 2016 of the elected term, or the incumbent's sooner resignation, recall or retirement. At the expiration of the incumbent's elected term in 2016, or said sooner resignation, recall or retirement, the position of elected town clerk shall be abolished.

Should said incumbent serve out the remainder of the elected term through the 2016 Annual Town Election, the incumbent shall be deemed to be the first appointed town clerk, and in that position shall be subject to the Town's Personnel Policies and Procedures as would any other department head. In the event that the incumbent resigns, retires or is recalled prior to the 2016 Annual Town Election, appointment of the first appointed town clerk shall be made in accordance with Section 5.1.4(a) of the Town Charter.

In order to implement the provisions of Section 4.6.2, the personnel policies and procedures agreed upon in writing by the Board of Library Trustees and the Town Manager and on file with the Town Clerk as of the effective date of this act shall be operative for all employees of the library until such time as the personnel policies and procedures applicable to library employees are amended in accordance with the provisions of said Section 4.6.2.

Carol Johansen of Oxford Road moved to amend Article 14.

Move that the Town amend Article 14 to keep the Town Clerk position elected by retaining the position of Town Clerk in the list of elected town offices in Section 4.1, retaining Section 4.5, and in Section 9.5 relating to the transitional process for an appointed Town Clerk, delete all text in the first paragraph following "G.L. c43B" and the second two paragraphs.

Motion to amend was seconded.

COUNTED VOTED: That that the Town accept the amendment. This was a counted vote and declared carried by the Moderator. The vote was 219 Yea and 88 Nay.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Town Charter, as printed in the Warrant under Article 14, by deleting those portions of the Town Charter highlighted with strikethrough formatting and inserting those portions of the Town Charter with underline formatting; and further, authorize the Board of Selectmen to petition the General Court to the end that legislation be adopted precisely as set forth in the Warrant in accordance with the special act charter process; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objectives of this petition. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 15

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Definitions, by deleting the entire Definitions section and replacing it with the following, as printed below, or take any action relative thereto:

DEFINITIONS

In this bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings. Words used in the present tense include the future, and plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." The word "person" includes a corporation as well as an individual.

ACCESSORY BUILDING OR USE - A building or use customarily incidental to and located on the same lot with the principal building or use, except that if more than thirty (30) percent of the lot area is occupied by such use, it shall no longer be considered accessory.

BY-RIGHT ACCESSORY APARTMENT - A unit no more than 800 square feet in size, specifically providing supplemental living space to the primary residence on a lot.

ACCESSORY DWELLING UNIT - A dwelling unit with the purpose of promoting affordable housing in the Town for year-round residents that is no larger than 1,000 square feet in size or thirty percent if the gross square footage of a principal dwelling, whichever is smaller.

ANIMAL RESCUE/ ADOPTION - A public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

APIARIES- Beehives and associated facilities in place recreationally or professionally for the purposes of producing honey, wax and any other associated product resulting from the practice of beekeeping.

AGRICULTURE - As defined by Massachusetts General Law Chapter 128, Section 1A. "Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying,

the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

AQUACULTURE- The sustainable farming or raising of shellfish, mollusks, crustaceans or fish in local town marine and fresh waters meant for distribution and consumption, as per Commonwealth of Massachusetts laws and regulations.

ARTERIAL STREET - Any state numbered highway, plus the following named streets: Beale Avenue, Chase Road, Farmersville Road, Great Hill Road, Mid-Cape Service Road, Newtown Road, Race Lane, Quaker Meetinghouse Road, Sandwich-Cotuit Road, Snake Pond Road.

ARTIST STUDIOS - Space explicitly for the purpose of the design and production of artwork including but not limited to; paintings, sculpture, glasswork, etc. and all accessory hardware, tools and structures to support such production hitherto.

BED & BREAKFAST – An owner-occupied dwelling for the rooming and boarding of guests. Food or beverage shall only be served to those who let a room in such a dwelling. A Bed & Breakfast shall not be considered a Home Occupation. A Bed & Breakfast shall require a special permit from the Zoning Board of Appeals. A Bed & Breakfast shall only be allowed in the following zoning districts: Residential-1, Residential-2, Business Limited-1, Business Limited-2, Ridge District and Shore District.

BEDROOM - Any habitable room in a dwelling, if such room exceeds sixty (60) square feet, other than a living room, dining room, kitchen, utility room, or bathroom. Any dwelling unit in which no such room exists shall be construed to contain one bedroom.

BOAT AND WATERCRAFT STORAGE BUILDING - A structure used for indoor storage of boat and watercraft. The storage of hazardous materials greater than those quantities normally associated with household use is prohibited in such structures.

BORDERING - As defined under the Wetlands Act (G.L. Chapter 131, Section 40) shall include any land within either of the following:

- a. 100 feet horizontally landward from the bank of any beach, dune, flat, marsh, meadow or swamp bordering the ocean, estuary, creek, river, stream, pond, lake, freshwater wetland or coastal wetland.
- b. 100 feet horizontally landward from the water elevation of the 100-year storm or whatever is the greater distance of (a) or (b).

BORDERING VEGETATED WETLAND (BVW) - A vegetation community where fifty (50) percent of the vegetation consists of wetland plant species, identified in the Wetlands Protection Act (MGL Chapter 131, Section 40), which borders a wetland resource area or watercourse defined by the Wetlands Protection Act (MGL Chapter 130, Section 140, 310 CMR~ 10.00), the Town of Sandwich Wetlands Bylaw and its regulations. The upland boundary of the BVW is established at the line, within which fifty (50) percent or more of the vegetation community consists of wetland plant species identified in the Act. **(Added STM94)**

BULK STORAGE - Exposed outside storage of sand, lumber, coal, or bulk materials, bulk storage of liquids in tanks except underground as an accessory use.

CAMPER - A portable dwelling, eligible to be registered and insured for highway use, designated to be used for travel, recreational and vacation uses, but not for permanent residence. Includes equipment commonly called travel trailers, pick-up coaches, or campers, motorized campers, and tent trailers, but not mobile homes.

CAMPGROUND - Premises used for travel trailers, campers, tenting or for temporary seasonal overnight facilities of any kind where a fee is charged.

CAMPING SUPERVISED - Facilities operated on a seasonal basis for continuing supervised recreational, health, educational, religious, and/or athletic programs, with persons enrolled for periods of not less than one week, and with a group dining if overnight accommodations are included.

CINEMA - An auditorium facility with one or more viewing rooms for the primary purpose of showing films to the public for a fee.

CHILDCARE FACILITY - A business falling under the classification of center and school based early education and care program by the Commonwealth of Massachusetts Executive Office of Education's regulations.

CLUSTER DEVELOPMENT - A development under the provisions of Section 4400.

COLLECTOR STREET - Any street, which meets or has met all of the design and construction standards for a Collector Street contained in the Subdivision Control Regulations of the Sandwich Planning Board.

COMMERCIAL MARINE FISHING EQUIPMENT STORAGE – Storage of a boat, boat trailer and/or equipment necessary to a commercial marine fishing business. If stored outdoors such items shall not be stored less than 25 feet from any front lot line and not less than 10 feet from any side or rear lot line. No stored boat shall be used for dwelling or sleeping purposes.

COMMERCIAL RADIO TOWER - deleted ATM 5/4/98

COMMON DRIVEWAY – An alternative means of access for no more than three single-family dwellings on no more than two separate lots as may be allowed by Special Permit Section 4140 of the by-law. Common driveways are not streets and do not provide lot frontage.

CONSTRUCTION TRAILER - A temporary and mobile commercial trailer with the sole purpose of housing office operations of a future or current construction project that is removed within six months of project completion.

CONTINUING CARE RETIREMENT COMMUNITY – A Continuing Care Retirement Community (“CCRC”) is a facility or group of facilities which offers several levels of assistance, including independent living, assisted living, congregate care, and/or skilled nursing care.

CONTRACTOR'S YARD - A lot with or without structures in the Industrial District used by an individual building contractor or subcontractor for storage of equipment, supplies, and sub-assemblies, or parking of wheeled equipment. (Amended 1/14/08)

CONVALESCENT HOME - An establishment providing housing and general care for the aged, or the convalescent. Convalescent Home as set forth in Chapter 111 Section 71 of the Massachusetts General Law is hereby incorporated by reference.

COTTAGE COLONY - Two or more detached seasonal dwellings located on the same lot, each designed for independent family living and including cooking facilities. (Amended May 1, 1995)

CREMATORIUM - A facility with the sole purpose of incinerating human remains or pet remains as per Commonwealth of Massachusetts regulations.

DISPOSAL AREA - Premises, whether licensed or not, where waste or scrap articles or materials are abandoned or stored, sorted, packed, bought or sold, except where such activities are carried on entirely within an enclosed building.

DUNE, PRIMARY - A hill or ridge of sand piled up by the wind with no other dune between it and the oceanfront.

DWELLING - A building or part of a building used exclusively as the living quarters for one or more families.

DWELLING, SINGLE-FAMILY - One dwelling unit on a single lot irrespective of structure type, ownership or tenure. **(Added STM 9/91)**

DWELLING, TWO-FAMILY - Two dwelling units on a single lot irrespective of structure type, ownership or tenure. **(Added STM 9/91)**

DWELLING, MULTI-FAMILY - Three or more dwelling units on a single lot irrespective of structure type, ownership or tenure.

DWELLING UNIT - Living quarters for a single family and not more than two (2) boarders or lodgers, with cooking, living, sanitary, and sleeping facilities, independent of any other unit.

ELEVATION - Height relative to Mean Sea Level.

EXTERIOR STORAGE, COMMERCIAL - Temporary 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 temporarily for no longer than six months.

FAMILY - One or more persons, including domestic employees, occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of six or more persons who are not within the second degree of kinship to each other, as defined by civil law, shall not be deemed to constitute a family.

FAMILY DAYCARE - Child and infant daycare operations classified as a Family Child Care operated within a residence as per Commonwealth of Massachusetts Executive office of Education regulations.

FARM - Premises, including necessary structures and equipment, containing at least five acres, which are used for gain in the raising of agricultural products, or livestock, except horses (see stables).

FARM STAND - A permanent or temporary structure meant for the sole purpose of selling produce and other related agricultural offerings of local harvest falling into conformance with Massachusetts General Law Chapter 40A, Section 3.

FLOOR AREA - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including the area of basements not more than fifty (50) percent below grade, roofed porches and roofed terraces, excluding areas with less than six feet floor to ceiling height. All dimensions shall be measured between exterior faces of walls.

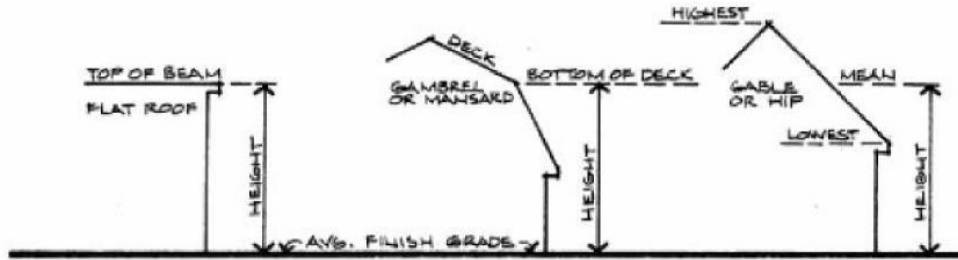
GAME ROOM - A commercial facility exclusively for playing of billiards, pool, darts and/or table games, but not including video games or pinball machines. **(Added STM 11/18/97).**

GARAGE - A building for the storing of motor vehicles.

GOLF COURSE, STANDARD OR PAR 3 - Course, including customary accessory buildings, where tee to hole distance averages not less than eighty (80) yards.

HEALTH CLUB - A facility with the purpose of offering physical exercise and sport activities with admission based on a fee structure. Accessory uses in addition, but not limited to exercise equipment, ball courts, swimming pools, steam rooms and locker or shower facilities may be included.

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. Not included are spires, cupolas, TV antennae and other parts of structures, which do not enclose potentially habitable floor space.



HOLIDAY OR SEASONAL ATTRACTION - A commercial venture with the purpose of attracting patrons to engage in or be entertained by attractions, spectacles, shows, or other similar activities specifically scheduled and suited to particular holidays or seasons of the year. Examples of such activities include, but are not limited to, haunted hayrides or haunted houses, corn, hay or other mazes, Christmas villages, Santa Claus workshops, etc. One-time events, festivals, carnivals and others similar shall be exempt.

HOME OCCUPATION - A business or profession engaged in within a dwelling by a resident thereof as an accessory use of the dwelling. **(Amended ATM 5/5/97).**

HOSPICE CARE FACILITY - A facility dedicated to the service and enactment of care for patients seeking end of life treatment where minor medical procedures or care, counseling and housing are provided.

HOSPITAL, NURSING HOME, CONVALESCENT HOME - Premises licensed as such by the Massachusetts Department of Public Health under Section 51 or 71 of Chapter 111, Massachusetts General Law.

HOTEL - A building or group of buildings, whether detached or connected, each containing three or more rooming units. Each individual unit shall have its own sanitary facilities. A hotel may include such accessory uses as function rooms, health club, restaurants, swimming pools, and/or tennis courts.

KENNEL, COMMERCIAL BOARDING OR TRAINING - An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of MGL chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

KENNEL, COMMERCIAL BREEDER - An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

KENNEL, PERSONAL - A pack or collection of more than 4 dogs, 3 months or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops, provided further, that a personal kennel shall not sell, trader, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.

LANDSCAPED OPEN SPACE - Space not covered by any structure, and not used for drives, parking, utilities, or storage; comprising landscaped areas and outdoor recreational facilities, including those on balconies and roofs over structures, if so developed. Area shall be measured horizontally and not include any land with slope over twenty (20) percent, or any land under water other than swimming pool.

LANE - Any street which meets, or has met, the design and construction standards of a lane, contained in the Subdivision Control Regulations of the Sandwich Planning Board and, by its locations and design, may not be reasonably expected to service non-residential property, or serve as a means of access to more than ten (10) homes.

LARGE SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION – A facility for the generation of electric power from sunlight where the collection systems are mounted on the ground and not on the roofs of structures. Ground mounted systems shall have a minimum rated capacity of 250kW individually.

LIVESTOCK OR FOWL - A fowl or other animal kept or propagated by the owner for food or as a means of livelihood, cow, bison, deer, elk, pig, boar, cottontail rabbit, northern hare, chicken, duck, goose, pheasant, quail, partridge and other birds and quadrupeds determined by the Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild and kept by or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that "livestock or fowl" shall not include dog, cat or other pet.

LODGING HOUSE - A dwelling used for the taking of more than six (6) boarders or the renting of rooms, without cooking facilities, to more than six (6) and fewer than ten (10) persons, but not including buildings of charitable, educational, or philanthropic institutions.

LOT AREA - The horizontal area of a lot exclusive of any area in a street or way open to public use. All of the lot area used for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, or considered as wetland resource area as defined in the Wetlands Protective Act, Chapter 131, Section 40 of MGL and subsequent regulations, 310 CMR 10.00, and no part of the lot area employed for zoning compliance shall be more distant from the street line than four (4) times the lot frontage.

LOT COVERAGE - Percentage of lot area that is covered by structures, paving, driveways, walkways and parking area.

LOT FRONTAGE - That portion of a lot fronting upon a street, measured continuously along the street sideline between side lot lines or, in the case of corner lots, between one side lot line and the midpoint of the corner radius. For lots on the outside of a curve whose radius is 120 feet or less, the lot frontage may be reduced at the street line to sixty (60) percent of the required lot frontage, provided that the full required frontage can be met at the front building line.

MAJOR COMMERCIAL COMPLEX - Facilities for retail trade or services containing more than 10,000 square feet gross floor area and more than one retail trade or service entity operating within the complex.

MARINE MEDICAL & REHABILITATION FACILITY - A facility that rescues, rehabilitates and then releases marine mammals and serves as an educational resource for studies in oceanic health and marine mammal care and medicine. **(Added ATM94)**

MEAN SEA LEVEL - The current Mean Sea Level Datum Plane established by the United States Geological Survey.

MEDICAL OFFICES - offices and clinics for medical or other health services for the examination and treatment of persons as outpatients, including laboratories that are part of such offices and clinics.

MINOR STREET - Any street, with the exception of those designated in these by-laws as Arterial or Collector Streets, which meets or has met all of the design and construction standards for a Minor Street contained in the Subdivision Control Regulations of the Sandwich Planning Board.

MOBILE HOME - A movable or portable dwelling built on a chassis, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living.

MOBILE HOME PARK - Premises which have been planned and improved for the placement of mobile

homes for year-round occupancy.

MOTEL - A building or a group of buildings, whether detached or connected, each containing three or more rooming units. Each rooming unit may include such accessory uses as swimming pools and tennis courts, and shall be no more than 480 square feet in size and no fewer than 225 square feet in size; and no structure shall be fewer than 20 feet from any other structures. The units shall be used, or designed to be used, as individual sleeping and dwelling units by transient travelers, tourists or vacationers. Each integral sleeping unit shall have its own attached sanitary facilities. A motel may include accessory uses such as a restaurant and other secondary facilities commonly associated with the operation of a motel.

MUSEUM - Premises of the procurement, care and display of inanimate objects of lasting interest and value.

NURSING HOME - A residence equipped and staffed to provide care for the infirm, chronically ill, or disabled. A Nursing Home is hereby incorporated as set forth in Chapter 111, Section 71 of the Massachusetts General Laws.

OFFICE – Office and meeting space for conducting professional services, clerical or administrative work for occupations including but not limited to business, healthcare, not-for-profit organization and trades or for conducting a home occupation.

OTHER RETAIL BUSINESS OR SERVICE- An establishment selling or renting goods and services to the general public for personal and household consumption, including but not limited to florist, grocery, or hair styling; stores that offer the following items, including but not limited to antiques, apparel, appliances, art, candy, consignment goods, convenience, crafts, drugs, electronics, liquor, photo supplies, shoes, stationery, video and variety stores. A convenience store that sells gasoline and auto supplies but does not repair, service, or store vehicles shall be considered a retail business.

OUTDOOR RECREATION FACILITY – Small-scale community recreation and sports fields or facilities allowed by special permit under Section 4150

PARKING SPACE - Space adequate to park an automobile, plus means of access. Where spaces are not marked, each space shall be assumed to require 350 square feet. Spaces to be not less than nine (9) feet wide or eighteen (18) feet long.

PHILANTHROPIC INSTITUTION - An endowed or charitably supported, nonprofit religious or non-sectarian activity maintained for public or semi-public use.

PLANNED UNIT DEVELOPMENT - deleted ATM 5/4/98

RECREATION FACILITY – Indoor or outdoor sports facilities or athletic clubs including but not limited to, playing fields, courts, pools or ice rinks, rock climbing walls, or other sports areas, spectator facilities and other structures accessory to general athletics and recreation.

REGIONAL SERVICE - Regional service generally denotes retail and professional/business service activities serving the resident population of Sandwich and the Upper Cape Region (Sandwich/Mashpee/Falmouth/Bourne).

REHABILITATION HOSPITAL – A hospital licensed pursuant to Massachusetts General Laws, Chapter 111, which provides hospital-level in-patient rehabilitation services, together with general and specialty out-patient rehabilitation services including but not limited to: aquatic therapy, cardiac rehabilitation, occupational therapy, physical therapy, speech and language pathology, women’s rehabilitative services, wellness, holistic medicine, sports medicine-adaptive sports, wound treatment, pain therapy, adult daycare, research and development related to rehabilitation, geriatric and elder care and day time veterinary rehabilitative services.

RESEARCH LABORATORY - Industrial or commercial experimentation, design, and production of prototypes, but exclusive of volume or continuous production.

RESIDENCE - The same as dwelling unit defined herein.

RESTAURANT – Any food service business serving the public on the premises and/or preparing food for takeout. (Added ATM 5/5/97)

RETAIL SALES/SERVICE, MAJOR - An establishment 2,500 square feet to 9,999 square feet selling or renting goods or providing services to the general public for personal and household consumption.

RETAIL SALES/SERVICE, MINOR - An establishment less than 2,500 square feet selling or renting goods or providing services to the general public for personal and household consumption.

RETAIL SALES/SERVICE, REGIONAL - An establishment 10,000 square feet or greater selling or renting goods or providing services to the general public for personal and household consumption.

ROOMING UNIT - A room or suite of rooms in a motel or lodging house suitable for separate rental.

SEASONAL/ SEASONAL USE - Prescribing to the traditional Cape Cod interpretation of Memorial Day until Labor Day as “height of season” with modern exception to include “Shoulder Seasons” in spring and autumn; thereby extending overall and official “Seasonal Use” or label of “Seasonal” from April 1st until October 31st.

SEASONAL DWELLING - A non-owner occupied dwelling that may not be occupied between October 31st and April 1st of a calendar year and where no lease or rent is permitted to last or extend for the full twelve months of the year, subscribing to the Town’s definition of “Seasonal Use”.

SHOOTING RANGE - An indoor facility or outdoor range(s) meeting the laws and regulations set forth by the Commonwealth of Massachusetts, Massachusetts Department of Public Safety and/ or Sandwich Police Department for the use of target practice, skeet shooting and other accessory activities with approved firearms including, but not limited to rifles, shotguns and handguns as well as bows and crossbows. No shooting range shall be less than 1,000 feet from a residence, commercial business, or other public gathering space.

SPA - A resort that provides services that enhance the health and well being of its guests. Typical spa facilities provide: instruction in exercise, nutrition, general health and fitness; opportunities to access a wide variety of exercise equipment, body work therapists, swimming facilities, outdoor hiking trails and small scale outdoor recreation such as tennis courts, croquet courts etc., The spa may consist of a building or group of buildings, a portion thereof designed for serving food in a dining room and containing 15 or more sleeping rooms for overnight guests together with both the indoor and outdoor recreational facilities. Spa facilities shall be for the exclusive use of the spa's registered, overnight guests. Spa facilities shall not be used for functions attended by any person who is not a registered, overnight guest of the spa.

SPORTSMEN'S CLUB - A public or private club with the purpose of promoting or engaging in the shared interests of hunting, fishing, trapping, shooting and general outdoorsmen activities where accessory uses such as meeting halls, dining or club rooms, private viewing rooms and interior or exterior shooting ranges may be located.

STABLES - Premises used for the shelter and feeding of horses.

STREET, PUBLIC - An accepted Town way, or way established by or maintained under County, State or Federal authority, or a way established by a subdivision plan approved in accordance with the Subdivision Control Law, or a way certified by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land and the buildings erected or to be erected thereon.

STREET, PRIVATE - A way other than a Public Street, having suitable width, grades and adequate construction to provide safe vehicular access by abutters and public safety vehicles and maintained

privately.

STRUCTURE - Anything constructed or erected, the use of which requires fixed location on the ground, or attachment to something on the ground, including all buildings, mobile homes, billboards, towers, swimming pools or tanks that have a capacity of 4,000 gallons or more, or the like, or part thereof; but not including paving, usual lawn accessories, fences or retaining walls six (6) feet in height or less.

SWIMMING POOL - Any constructed pool, located above or below ground, whether portable or fixed, used or capable of being used for swimming, wading, or bathing purposes. Pools having a depth of two feet or more and having a capacity of 4,000 gallons or more in volume shall be considered structures.

TATTOO ESTABLISHMENT/ BODY ART ESTABLISHMENT - A location, place, or business where the practices of body art are performed either for profit or not for profit and as further defined by the Sandwich Board of Health Regulations

TECHNOLOGY BUSINESS OR SERVICE - Such businesses or services include: communications; data warehousing of any media; sales, service, data collection, research, development, assembly and manufacture of communication products, information service products and other electronic technology based business or service.

THEATRE - A venue with the purpose of hosting staged theater productions, musical concerts, comedy shows, films or film festivals, speeches or debates and other events qualifying as entertainment, educational or informative that require seating for large audiences.

TOXIC OR HAZARDOUS MATERIALS - Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and include products such as pesticides, herbicides, solvents and thinners.

Waste generated by the following activities, without limitation, are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Appeals:

- Airplane, boat and motor vehicle service and repair.
- Chemical and bacteriological laboratory operation.
- Cabinet making.
- Dry cleaning.
- Electronic circuit assembly.
- Metal plating, finishing and polishing.
- Motor and machinery service and assembly.
- Painting, wood preserving and furniture stripping.
- Pesticide and herbicide storage.
- Photographic processing.
- Printing.

WASTEWATER TREATMENT FACILITY – A public or private facility constructed to treat wastewater, not including the disposal of treated effluent.

WASTEWATER EFFLUENT DISPOSAL – The disposal of treated effluent from a public or private wastewater treatment facility.

WHOLESALE AND RETAIL WAREHOUSE - one building on one lot occupied by one business for the sole purpose of selling goods or merchandise to both retail and wholesale customers. **(ST 92)**

YARD - A required open space, unobstructed with structures more than thirty (30) inches high, other than fences or other customary yard accessories.

YARD, FRONT - A yard extending between lot sidelines across the front of a lot adjacent to the street it abuts. A front yard shall be defined as the yard space bordering the adjoining street where the lot's address is derived from.

YARD, SIDE - A yard extending from the rear line of the required front yard to the rear lot line adjacent to the lot sideline.

YARD, REAR - A yard extending across the rear of the lot between the inner side yard lines.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Definitions, by deleting the entire Definitions section and replacing it with the new Definitions section, as printed in the Warrant under Article 15. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 16

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article VI, Growth Center Technology District, by deleting Article VI in its entirety, with the land area associated with the Growth Center Technology District becoming part of the Ridge District 2 (RD-2) zone, and to amend the Zoning Map accordingly, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article VI, Growth Center Technology District, by deleting Article VI in its entirety, with the land area associated with the Growth Center Technology District becoming part of the Ridge District 2 (RD-2) zone, and to amend the Zoning Map accordingly. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 17

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Use and Intensity Regulations, Section 2100 through Section 2140, Establishment of Districts, by deleting Section 2100 through Section 2140 in their entirety and replacing them with the following, as printed below:

2100. ESTABLISHMENT OF DISTRICTS

2110. For the purposes of this by-law, the Town is divided into the following Districts:

- | | | |
|----|---|--------------|
| a. | Residential Districts | R-1 and R-2 |
| b. | Ridge District | RD |
| c. | Shore District | S |
| d. | Business Districts | BL-1 and B-2 |
| e. | Marine District | MAR |
| f. | Flex District | FLEX |
| g. | Industrial District | IND |
| h. | Government District | GD |
| i. | Adult Entertainment Overlay District | |
| j. | Flood Plain Overlay District | |
| k. | Parking Overlay District | |
| l. | Surface Water Protection Overlay Districts | |
| m. | Three Ponds Overlay District | |
| n. | Water Resource Overlay Districts | |
| o. | Wireless Telecommunications Overlay Districts | |

The boundaries of these districts are defined and bounded on the map entitled "Zoning Map, Sandwich, Massachusetts," dated and revised April 24, 1978, as amended May 1 and 2, 1978 (Articles 12, 13, and 14), May 4, 1981 (Article 31), May 19, 1986 (Article 9), revised November, 14, 1988 (Article 33), revised May 24, 1989 (Article 26), revised May 1, 2000, (Article 31), revised

March 19, 2001(Article 2) and as amended and revised through May 7, 2001and as further amended and revised through May 6, 2002 (Article 31) and as further amended on March 21, May 2, 2005, October 2009 and May 2013 on file with the Town Clerk. The map and all explanatory matters thereon are hereby made part of this by-law. Overlay districts shall be superimposed on other districts established in this by-law.

Adult Entertainment Overlay District, as described in Section 3920, is herein established as an overlay district and shall be superimposed on other districts established in this bylaw.

Flood Plain District, as described in Section 4310, shall be considered to be superimposed over any other district established by this by-law. Land in a Flood Plain District shall be subject to the requirements of Section 4300.

Parking Overlay District, as described in Section 3111, shall be considered to be superimposed over any other district established by this by-law. Land in the Parking Overlay District shall be subject to the requirements of Section 3112.

Surface Water Protection District, which comprise the area within 300 feet of any surface water pond as described in Sections 3610 and 5120, shall be considered superimposed over any other district established by this bylaw. Land in a Surface Water Protection District shall be subject to the requirements of Section 5100. (Added STM 9/91).

Water Resource Overlay District, as described in Section 5010, shall be considered to be superimposed over any other district established by this by-law. Land in a Water Resource Overlay District shall be subject to the requirements of Section 5000.

Wireless Telecommunications Overlay District, as described in Section 3820 is herein established as an overlay district and shall be superimposed on other districts established in this Zoning By-law. New telecommunications facilities that are constructed exclusively for the purpose of transmitting and receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electromagnetic radiation must be located within the Wireless Telecommunications Overlay District.

2120. Except when labeled to the contrary, district boundary lines shown approximately following or terminating at street, railroad, or utility easement center of layout lines, boundary or lot lines, or the channel of a stream, shall be construed to be actually those lines; when shown approximately parallel, perpendicular, or radial to such lines, boundaries shall be construed to be actually parallel, perpendicular or radial thereto; when appearing to follow shoreline, boundaries shall coincide with the mean low-water line. When not locatable in any other way, boundaries shall be determined by scale from the map; and
2130. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than thirty feet into the more restricted portion of such lot, provided the lot has street frontage in the less restrictive district.

2140. DISTRICT PURPOSES ARE AS FOLLOWS:

1. Business Limited (BL-1)

To provide for moderately dense limited commercial mixed-use, village-style development with local and transient services; while preserving or enhancing ocean views from highways, protecting character of historic environs, preserving or enhancing landscaping, minimizing visibility of parked autos and avoiding creation of hazards or congestion.

2. Business (B-2)

To provide for mixed-use of moderately dense residential, business, technological, limited entertainment, athletic and commercial uses including formal streetscapes as well as civic uses and public open space in a village style atmosphere.

3. Flexible Growth District (FLEX)
To provide for uses that will be appropriate in scale and compatible with the Town's character while meeting the needs of the local and regional economy. Flexible use of land and space for light manufacturing and industrial, research and development, office and business, entertainment or athletic and regional commercial and retail space shall be permitted while enhancing landscaping and avoiding creation of hazards or congestion.
4. Industrial Limited (IND) - To preserve uniquely serviced areas for exclusive Industrial or commercial use, while providing a visually pleasing landscaped areas compatible with the Town's history.
5. Marine (MAR)
To encourage a mixture of marine, aquaculture, limited commercial, limited industrial and recreational uses that exist in concert with and respect the environs of the Cape Cod Canal, Cape Cod Bay and Sandwich Harbor.
6. Residence (R-1)
To provide moderate-density residential development and allow for a limited variety of accessory uses, while preserving current surrounding conditions and the environment of the community.
7. Residence (R-2)
To provide for lower-density residential development for those uses allowed in the R1 zone while protecting the quality of air, surface water and ground water of the area.
8. Ridge (RD)
To provide for flexible development of large-scale tracts allowing development for regional service and athletic recreation near expressway interchanges and to allow variety and choice in residential development; at the same time preserving or enhancing views of Cape Cod Bay from public ways; preserving or enhancing landscaping and tree cover; and minimizing visibility of parked autos, avoiding creation of hazards or congestion and assuring compatibility with low density residential development.
9. Shore (S)
To provide for moderately dense or clustered residential and hospitality development with accessory uses while preserving the character, views and ecology of oceanfront land.
10. Government District (GD)
Provide for necessary governmental functions, public recreation and conservation on publicly owned land.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2200, Use Regulations, by deleting Section 2200 in its entirety and replacing it with the following, as printed below:

2200 USE REGULATIONS

No lot shall be used and no building, structure or addition to a structure shall be erected except as set forth in the Use Regulation Schedule, or as exempted by G. L. c. 40A, §6 or by the granting of special permit or variance. Symbols employed shall mean the following:

2210 Y- Permitted by-right *;

S- Uses authorized under special permit as provided for in **Section 1320**

N- Excluded or prohibited;

SA- Uses authorized under special permit as provided for in **Section 1380**

Agricultural Uses										
	R-1	R-2	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Farm (1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Farm Stand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Aquaculture Operations	S	S	S	N	N	Y	Y	N	S	N
Brewery, Winery, Distilleries	N	S	Y	Y	Y	Y	Y	S	N	N

Commercial Uses										
	R-1	R-2	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Adult Entertainment	N	N	N	N	S (4)	N	N	N	N	N
Animal Kennel	N	N	N	N	Y	N	N	N	N	N
Artist Studios	N	N	Y	Y	Y	N	S	S	S	N
Automotive Repair	N	N	N	N	SA	SA	N	N	N	N
Bank	N	N	Y	Y	Y	N	S	N	N	N
Beauty Salon/ Barbershop	N	N	Y	Y	S	N	N	N	N	N
Bed and Breakfast (5)	S	S	S	S	N	N	N	S	S	N
Boat/Motor Vehicle Service/Repair	N	N	SA	SA	SA	SA	SA	N	N	N
Boat/ Watercraft Sales, Wholesale (8)	N	N	N	N	Y	Y	Y	N	N	N
Boat and Watercraft Storage Building	N	N	N	N	S	S	Y	N	N	N
Car Wash	N	N	SA	SA	SA	N	N	N	N	N
Childcare Facility	Y	Y	Y	Y	Y	N	Y	Y	Y	N
Commercial and Charter Fishing	N	N	N	N	N	S	Y	N	N	N
Commercial/Recreational Marine Equipment Storage (6)	N	N	N	N	Y	Y	Y	N	N	N
Convenience Store, Retail	N	N	Y	Y	Y	N	S	N	N	N
Crematorium	N	N	N	N	S	N	N	N	N	N
Dry Cleaning	N	N	SA	SA	SA	N	N	N	N	N
Fast Food, Takeout (2)	N	N	Y	Y	Y	N	N	N	N	N
Funeral Home	N	N	Y	S	N	N	N	N	N	N
Gasoline Station	N	N	SA	SA	SA	SA	SA	N	N	N
Holiday Seasonal Attraction	S	S	S	S	S	N	S	S	N	N
Hotel/Motel	N	N	S	S	S	N	S	S	N	N
Major Commercial Complex	N	N	N	S	S	N	N	N	N	N

Major Industrial Complex	N	N	N	N	S	S	N	N	N	N
Marine Medical and Rehab Facility	N	N	N	N	N	N	Y	N	N	N
Medical Offices (21) (No surgical procedures)	N	N	Y	Y	Y	N	N	S	N	N
Medical Offices (21) (Outpatient surgical procedures)	N	N	Y	Y	Y	N	N	S	N	N
Motor Vehicle Rental Establishment	N	N	S	N	S	N	N	N	N	N
Motor Vehicle Sales, Wholesale (8)	N	N	N	N	S	N	N	N	N	N
Office, Professional	N	N	Y	Y	Y	N	Y	N	N	N
Other retail business or service	N	N	S	S	S	N	S	N	N	N
Research Laboratory	N	N	N	N	Y	N	Y	SA	N	N

	R-1	R-2	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Restaurant	N	N	Y	Y	S	N	Y	N	S	N
Retail Sales/Service, Minor	N	N	Y	Y	Y	N	N	N	N	N
Retail Sales/Service, Major	N	N	Y	Y	Y	N	N	N	N	N
Retail Sales/Service, Regional	N	N	N	S	S	N	N	N	N	N
Supermarket	N	N	Y	Y	Y	N	N	N	N	N
Tattoo/Body Art Establishment	N	N	N	N	N	N	S	N	N	N
Technology Business or Service	N	N	Y	Y	Y	N	S	N	N	N
Terminal, Bus or Rail	N	N	N	S	S	N	S	N	N	N
Terminal, Ferry/ Waterbus	N	N	N	N	N	N	Y	N	N	N
Terminal, Trucking	N	N	N	N	S	S	N	N	N	N
Veterinary Office or Hospital	N	N	Y	Y	Y	N	N	N	N	N
Warehouse Sales, Wholesale and Retail	N	N	N	N	S (7)	N	N	N	N	N

Industrial/Utility Uses										
	R-1	R-2	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Bulk Storage/ Warehouse (9)	N	N	N	N	S	S	N	N	N	Y
Contractors Yard	N	N	N	N	Y	Y	N	S	N	Y
Disposal and Recycling Facility	N	N	N	N	SA (10,11)	N	N	N	N	SA (10)
Earth Removal	N	N	N	N	S	N	N	N	N	N
Hazardous Waste Facility	N	N	N	N	SA (11)	SA (11)	N	N	N	N
Heliport	N	N	N	N	S	N	S	N	N	Y

School- Public, Sectarian,
Denominational, Non-profit Educational
Corp.

Y Y Y Y Y Y Y Y Y Y

Recreational/Cultural Uses										
	R-1	R-2	BL-1	B-2	FLEX	IND	MAR	RD	S	GD
			(2,3)				(2,3)			
Amusement Park/ Water Park	N	N	N	N	N	N	N	N	N	N
Art Gallery	S	S	Y	Y	S	N	S	S	S	N
Bowling Alley	N	N	N	Y	Y	N	N	N	N	N
Campground	S	S	N	N	N	N	N	S	N	N
Cinema	N	N	N	Y	Y	N	N	N	N	N
Game Room	N	N	N	Y	N	N	N	N	N	N
Golf Course	N	S	N	N	N	N	N	S	N	N
Health Club	N	N	Y	Y	Y	N	S	S	N	N
Marina	N	N	N	N	N	N	Y	N	N	N
Mini-golf	N	N	S	Y	S	N	N	S	N	N
Recreation Facility, Indoor	N	N	N	Y	S	N	N	S	N	N
Recreation Facility, Outdoor	S	S	N	S	S	N	S	S	N	N
Riding School (18)	N	S	N	N	N	N	N	S	N	N
Social Club	N	S	Y	Y	Y	N	Y	S	N	N
Spa	S	S	Y	Y	N	N	N	S	S	N
Sportsmans' Club, Game Reserve, Rifle/ Gun Range	N	S	N	N	Y	N	N	S	N	N
Theatre	S	N	Y	Y	Y	N	N	S	N	N
Zoo/ Menagerie/ Aviary	N	N	N	N	N	N	N	N	N	N
Residential										
	R-1	R-2	BL-1	B-2	FLEX	IND	MAR	RD	S	GD
			(2,3)				(2,3)			
Cluster Development	S	S	N	S	N	N	N	S	S	N
Cottage Colony	S	S	S	N	N	N	S	S	S	N
Mobile Home Park	N	N	N	N	N	N	N	N	N	N
Multi-family	S	S	S	S	N	N	N	S	N	N
Single-family	Y	Y	Y	S	N	N	N	Y	Y	N
Two-family	S	S	S	S	N	N	N	S	S	N
Two Single-family Dwelling Units on One Lot (19)	S	S	S	N	N	N	N	S	S	N

Accessory Uses										
	R-1	R-2	BL-1	B-2	FLEX	IND	MAR	RD	S	GD
			(2,3)				(2,3)			
Accessory Apartment	Y	Y	Y	Y	N	N	N	Y	Y	N
Accessory Dwelling Unit	S	S	S	N	N	N	N	S	S	N
Animal Kennel, accessory to Veterinary Office	N	N	S	N	Y	N	N	S	N	N
Animal Kennel, accessory to residential use	S	S	S	N	N	N	S	S	N	N
Antenna, Amateur Radio accessory to residential use	Y	Y	Y	Y	N	N	N	Y	N	N
Antique shop, art gallery, gift shop accessory to cultural/ institutional use	S	S	Y	Y	N	N	Y	N	N	N
Automatic Teller Machines accessory to retail use	N	N	Y	Y	Y	N	Y	N	N	N
Camper Storage accessory to residential use	Y	Y	S	N	N	N	N	Y	N	N
Car wash accessory to gasoline station	N	N	SA	SA	SA	SA	N	N	N	N
Common Driveway	S	S	S	S	S	S	S	S	S	S
Construction trailer office, temporary accessory	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Convenience store accessory to gasoline station	N	N	S	Y	Y	Y	S	N	N	N
Drive-Up or Drive- Through accessory to retail use	N	N	N	N	N	N	N	N	N	N
	R-1	R-2	BL-1	B-2	FLEX	IND	MAR	RD	S	GD
			(2,3)				(2,3)			
Exterior										
Family Daycare (Accessory to dwelling)	Y	Y	Y	N	N	N	Y	Y	Y	N
Guest House accessory to residential use	Y	Y	Y	N	N	N	N	Y	Y	N
Heliport accessory to commercial/ institutional use	N	N	N	N	S	N	S	N	N	N

Personal Animal Kennel Accessory to Residential Use	S	S	N	N	N	N	N	S	N	N
Home Occupation accessory to residential use	Y	Y	Y	Y	Y	N	Y	Y	Y	N
Medical Office accessory to commercial use (20,21)	N	N	S	S	N	N	N	S	N	N
Motor Vehicle Sales, Wholesale, accessory to new car sales (8)	N	N	N	N	S	N	N	N	N	N
Office, professional accessory to commercial use	N	N	Y	Y	Y	N	S	S	N	N
Private Garage/ Boathouse	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Restaurant accessory to commercial use	N	N	Y	Y	S	N	Y	S	S	N
Sale of Products Manufactured On-Site accessory to retail use	N	N	Y	Y	Y	N	Y	S	N	N
Stables accessory to residential use (18)	Y	Y	N	N	N	N	N	Y	N	N
Swimming Pools accessory to residential use	Y	Y	Y	Y	N	N	N	Y	N	N
Tennis Court accessory to residential or commercial use	Y	Y	Y	Y	N	N	S	Y	N	N

	R-1	R-2	BL-1 (2,3)	B-2	FLEX	IND	MAR (2,3)	RD	S	GD
Terminal, Trucking accessory to commercial use (23)	N	N	N	N	S	S	N	N	N	S
Use of toxic materials accessory to commercial use	N	N	SA	SA	SA	SA	SA	SA	N	SA
Used Car Sales, accessory to motor vehicle sales, rental and retail	N	N	S (8)	N	S (8)	N	N	N	N	N
Wastewater Treatment Facility, Accessory (17)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Wastewater Effluent Disposal, Accessory (16)	SA	SA	SA	SA	SA	SA	SA	SA	N	SA
Wind Turbines accessory to residential use	S	S	S	S	N	N	N	S	N	N

USE REGULATION SCHEDULE NOTES

1. As defined by G. L. c. 40A.

2. Drive-up and drive-through facilities shall be prohibited.
3. Design guidelines of the Old King's Highway Historic District shall apply.
4. As required by Section 3900.
5. RESERVED.
6. Subject to open storage minimum set back: 25 feet front, 10 feet both side and rear. No stored boat shall be used for dwelling or sleeping purposes.
7. Products to be retailed must be directly related to the primary industrial activity.
8. Limit of twelve vehicles or watercraft on site at any one time.
9. Above-ground storage of household quantities of hazardous materials as defined by DEP regulations shall not require special permit.
10. Junkyards shall not be allowed.
11. See **Section 5030**, Prohibited Uses.
12. Limited to marine or scientific research laboratories devoted to research, design and/or experimentation and processing of fabrication incidental thereto.
13. See Hazardous Materials definition.
14. Allowed throughout the Industrial Area adjacent to the Cape Cod Canal.
15. If in Wireless Telecommunications Overlay District.
16. If outside Water Resource Protection District.
17. Subject to the requirements of Section 5000.
18. No more than one horse allowed on parcel less than one acre. On parcels greater than one acre but less than five acres, Board of Health regulations shall govern the number of horses allowable per nitrogen loading calculations. By special permit in Three Ponds District.
19. By special permit from Zoning Board of Appeals. Subject lot shall have at least twice the minimum lot area required for one principal single-family dwelling, at least the required frontage for one principal dwelling and both units satisfy requirements of **Section 2600**. This requirement shall not apply to lots created on plans recorded prior to January 1, 1985.
20. Only accessory to hospital or other medical facility.
21. Any use within the RD District that includes a medical office shall be located on a lot not less than five acres and shall be accessory to a principal use such as a hospital, continuing care retirement community, hospice care center or rehabilitation hospital.
22. As per **Section 4180**
23. To service fleet of trucks subordinate to principal use.
24. Discharge not allowed in Three Ponds, Surface Water Protection or Water Resource Overlay Districts if facility exceeds 10,000 gpd or more of discharge.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article II, Section 2600, Intensity of Use Schedule, by deleting Section 2600 in its entirety and replacing it with the following, as printed below:

2600 INTENSITY OF USE SCHEDULE

(See 4640 for Multi-family dwelling requirements)

	R-1	BL-1 (a) MAR S	B-2 (q)	FLEX IND	R-2 GD	RD (n,o)
Minimum lot size in square feet (b,h,i)	40,000	20,000	40,000	40,000	60,000	60,000
Minimum lot frontage in feet	150	125	150	150	200	200
Minimum front yard in feet (c)	30	30 (p)	30 (p)	30 (f)	50	40
Minimum side & rear yard in feet (c,d, e, i)	25	0	0	30 (m)	45	30
Maximum lot coverage %	25	None	None	None	25	25
Maximum building height (g) in feet (Amended STM 4/1/96)	35	35	35	45	35	35

	R-1	BL-1 (a)	B-2 (q)	FLEX	R-2	RD (n,o)
		MAR		IND	GD	
		S				
Maximum shape factor (k)	22	22	22	22	22	22

Intensity Of Use Schedule Notes:

- a.) Permitted residential uses must conform to the requirements at the nearest residential district.
- ~~b.) For hotels or motels, must meet this requirement and lot area must be increased by 3,000 square feet per guest unit for each guest unit after the first. RESERVED.~~
- c.) On special permit from the Board of Appeals, may be reduced to the lesser of thirty percent (30%) of lot depth or the average of the setbacks of the buildings on the lot next thereto on either side, a vacant lot or a lot occupied by a building set back more than the minimum requirement being counted as though occupied by a building set back by the minimum.
- d.) One-story accessory buildings may be located within a required yard, but not less than ten (10) feet from lot lines other than street lines; except an accessory building of one hundred (100) square feet or less may be located no closer than six (6) feet to the line.
- e.) No building or any part thereof, except steps, shall be built within twelve (12) feet of any other building.
- f.) If abutting an arterial street, sixty (60) feet front yard setback is required and to be maintained with vegetation
- g.) A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District. (Amended 1/14/08).A special permit may be granted by the Board of Appeals in accordance with Section 4160 for a height greater than the maximum building height for the District. (Amended 1/14/08)
- h.) For two family dwellings on lots shown on a plan recorded at the Barnstable County Registry of Deeds prior to March 1, 1982, increase the lot area by fifty (50) percent of present requirements; for all others increase lot area by one hundred (100) percent of present requirements, except as authorized under Section 4130.
- i.) Any business abutting a residential district, or an existing residence in a business district will, in the Business Limited-1, Shore, and Marine Districts be required to have a minimum side and rear yard setback of twenty (20) feet. In the Business Limited-2 District, the minimum side and rear setback will be thirty (30) feet. The minimum side and rear yard setback will only apply to those yards directly abutting a residence.
- j.) A special permit may be granted by the Board of Appeals to construct an addition to a structure with an existing nonconforming setback, provided, however, that this nonconformity is not increased.
- k.) The lot shape factor shall be obtained by dividing the square of the perimeter enclosing the lot area necessary for zoning compliance (P) by the minimum lot area required in the Zone (A) i.e.: $[P \text{ (squared)}] / A < 22$
- l.) Minimum lot area requirements for all principal uses in residential districts located within a Water Resource District, as described in Section 5000, shall be 87,120 square feet.
- m.) Any industrial use abutting any other district shall be required to have a minimum rear and side yard of 100 feet. (Added ATM 92)
- n.) Any use within the RD District which entails medical office or medical services and technology use(s) shall be located on a parcel or lot of no less than five (5) acres and shall be accessory to a principal use as a Hospital, Continuing Care Retirement Community (CCRC), Hospice Center or Rehabilitation Hospital
- o.) Within the RD District, multiple principle non-residential buildings may be authorized under special permit as provided in Section 1320. A special permit shall not be required for any Accessory Building or Use.
- p.) On special permit from the Board of Appeals, front yard setback may be reduced to as little as zero, notwithstanding any other provisions of the bylaw.
- q.) May be increased up to 40 feet by Mixed Use Cluster Development Special Permit.

AND FURTHER,

To see if the Town will vote to adopt a new Zoning Map entitled "Zoning Map, Town of Sandwich, Massachusetts, Draft Proposed" dated March 2013, and on file in the Town Clerk's Office.

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article II, Use and Intensity Regulations, Section 2100 through Section 2140, Establishment of Districts, by deleting Section 2100 through Section 2140 in their entirety and replacing them with the new Sections 2100 through Section 2140; and further, amend Article II, Section 2200, Use Regulations, by deleting Section 2200 in its entirety and replacing it with the new Section 2200; and further, amend Article II, Section 2600, Intensity of Use Schedule, by deleting Section 2600 in its entirety and replacing it with the new Section 2600; and further, adopt a new Zoning Map entitled "Zoning Map, Town of Sandwich, Massachusetts, Draft Proposed" dated March 2013, and on file in the Town Clerk's Office; all as printed in the Warrant under Article 17. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 18

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Article IV, Section 4115, By-Right Accessory Apartment, by deleting Section 4115 and replacing it with the following, as printed below, or take any action relative thereto:

- 4115. By-Right Accessory Apartment.** An accessory apartment is allowed as an accessory use to an owner occupied single-family dwelling in residential zoning districts in accordance with the following requirements. These requirements regulate the use and are not subject to relief through a variance.
- a. **The accessory apartment shall contain a maximum floor area of 800 square feet and shall not contain more than one bedroom. Common entries and open decks shall not be included in the 800 square feet calculation.**
 - b. Accessory apartments are permitted only on lots with an area 10,000 SF or more or on lots of any size created by a cluster special permit where the overall density of the cluster development is 10,000 SF or more per dwelling unit.
 - c. In consideration of the overall density of development, accessory apartments are not allowed in single-family dwellings subject to a Comprehensive Permit, an Affordable Housing Conditional Density Special Permit or an Accessory Dwelling Unit Special Permit.
 - d. A deed rider in a form acceptable to the Inspector of Buildings and Town Counsel limiting the accessory apartment to one-bedroom and as a non-rental unit in perpetuity shall be recorded at the Barnstable County Registry of Deeds and proof of such recording provided to the Building Inspector before the Building Permit or Occupancy Permit is issued.
 - e. **The accessory apartment may be located in an accessory structure no more than 80 feet from the primary dwelling or attached and within the single-family dwelling.**
 - f. Any structural addition made to the single-family dwelling to accommodate an accessory apartment must meet all applicable front, side and rear setbacks, height and lot coverage requirements.
 - g. A minimum of one additional off-street parking space shall be provided, however, a separate driveway is prohibited.
 - h. Only one accessory apartment shall be constructed in any single-family dwelling. Accessory apartments are prohibited on lots where there are more than one single-family, one or more two-family or one or more multi-family dwelling units.
 - i. The owner of the single-family dwelling must occupy the single-family dwelling or the accessory apartment, except for bona fide temporary absences.
 - j. **Accessory apartments are prohibited from any use as rental units on a yearly, monthly, weekly or daily basis.**

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Article IV, Section 4115, By-Right Accessory Apartment, by deleting Section 4115 and replacing it with a new Section 4115, as printed in the Warrant under Article 18. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 19

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws by adopting a new Article VIII, Temporary Moratorium on Medical Marijuana Treatment Centers, as printed below, or take any action relative thereto:

**ARTICLE VIII
TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS**

PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town. Any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

DEFINITION

"Medical Marijuana Treatment Center" shall mean a "not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers."

TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws by adopting a new Article VIII, Temporary Moratorium on Medical Marijuana Treatment Centers, as printed in the Warrant under Article 19. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 20

To see if the town will vote to accept the provisions of M.G.L. c.64. &2(a), which imposes a local meals excise of 0.75% to take effect on July 1, 2013. This petition asks Sandwich residents to support the establishment of a local options meal tax to generate revenue for Town use.

(Submitted By Petition)

David Darling of Old County Road moved to that the Town accept the provisions of M.G.L. c.64L, §2(a), which imposes a local meals excise of 0.75% to take effect on July 1, 2013.

Motion was seconded.

Carl moved the question. The motion was seconded. This was a voice vote and declared carried unanimously by the Moderator.

VOTED: That the Town accept the provisions of M.G.L. c.64L, §2(a), which imposes a local meals excise of 0.75% to take effect on July 1, 2013. This was a voice vote and declared carried by the Moderator.

ARTICLE 21

To see if the Town will vote to separate the Department of Public Works into four parts (Engineering, Highways/Parks, Tree work and Operation of the Transfer Station) and advertise each of these parts for sealed bids from qualified private contractors/entities and award the operation of each of the parts listed above to the lowest bidder.

(Submitted By Petition)

Steven Barr of Craft Road moved that the Town accept Article 21 the as written in the warrant.

VOTED: That the Town vote to separate the Department of Public Works into four parts (Engineering, Highways/Parks, Tree work and Operation of the Transfer Station) and advertise each of these parts for sealed bids from qualified private contractors/entities and award the operation of each of the parts listed above to the lowest bidder. This was a voice vote and declared not carried by the Moderator.

ARTICLE 22

To see if the Town will vote to allow the Harbormaster to charge an annual fee of \$25 (or such amount as determined by the Harbormaster and the Army Corps of Engineers) to each applicant currently on or requesting to be put on the waiting list for a slip in the marina and, if approved, to allow the funds so collected to be used to maintain the marina. (Non-Binding)

(Submitted By Petition)

Steven Barr of Craft Road moved that the Town accept Article 22 the as written in the warrant.

VOTED: That the Town vote to allow the Harbormaster to charge an annual fee of \$25 (or such amount as determined by the Harbormaster and the Army Corps of Engineers) to each applicant currently on or requesting to be put on the waiting list for a slip in the marina and, if approved, to allow the funds so collected to be used to maintain the marina. This was a voice vote and declared carried by the Moderator.

ARTICLE 23

To see if the Town will vote to set aside 20% of the fiscal year beach parking and sticker revenues from the appropriate receipts reserved for appropriation account for the purpose of funding future public ocean beach and dune renourishment projects, or take any action relative thereto.

(Submitted By Petition)

Irene Davis of White Cap Path moved that the Town establish a receipts reserved for appropriation account in accordance with M.G.L. c.40, §5F and set aside 20% of the fiscal year beach parking and sticker revenues to be appropriated for funding future public ocean beach and dune renourishment projects.

UNANIMOUSLY VOTED: That the Town vote to set aside 20% of the fiscal year beach parking and sticker revenues from the appropriate receipts reserved for appropriation account for the purpose of funding future public ocean beach and dune renourishment projects, or take any action relative thereto. This was a voice vote and declared carried unanimously by the Moderator.

The Moderator entertained a motion to introduce further articles beyond 11:00 PM. This was a voice vote and declared carried unanimously by the required two-thirds majority by the Moderator.

ARTICLE 24

WHEREAS, the United States Constitution and Bill of Rights provide certain inalienable rights to natural persons; and

WHEREAS, corporations are not mentioned in the United States Constitution and We The People have never granted constitutional rights to corporations; and

WHEREAS, corporations are legal entities created solely by state action, and their entitlement, if any, to certain rights should be more narrowly defined than the rights afforded natural persons under the United States Constitution; and

WHEREAS, the decision to regulate corporate financial contributions is one that historically Congress and the States have been constitutionally allowed to address; and

WHEREAS, the United States Supreme Court's 2010 decision, by a 5-4 vote, in the Citizens United vs. Federal Election Commission case, overturned longstanding precedent prohibiting corporations and unions from spending their general treasury funds in public elections. The Supreme Court held for the first time that corporations, both for-profit and not-for-profit, and unions, have the right to spend unlimited amounts from their treasuries to support or oppose candidates for elected office; and

WHEREAS, we believe this ruling created a serious and direct threat to our democracy and the conduct of free and fair elections, by permitting corporations to drown out the voices of, and take the power away from, ordinary persons; and

WHEREAS, we now see our political process is flooded with newly unleashed corporate money, resulting in historically unprecedented campaign expenditures, and

WHEREAS, the people of the United States have previously used the Constitutional Amendment process to correct decisions of the United States Supreme Court that invade or invalidate democratic institutions, including elections.

NOW THEREFORE, BE IT RESOLVED THAT WE, THE VOTERS OF THE TOWN OF SANDWICH AT OUR 2013 ANNUAL MEETING, CALL UPON THE UNITED STATES CONGRESS TO PASS AND SEND TO THE STATES FOR RATIFICATION, A CONSTITUTIONAL AMENDMENT TO REVERSE THE CITIZENS UNITED DECISION AND RESTORE THE FIRST AMENEDMENT AND FAIR ELECTIONS TO WE THE PEOPLE AND FURTHER, WE CALL UPON THE MASSACHUSETTS GENERAL COURT TO PASS ONE OR MORE RESOLUTIONS ASKING FOR THOSE ACTIONS.

FURTHER BE IT RESOLVED THAT THE SANDWICH TOWN CLERK BE INSTRUCTED TO SEND A COPY OF THIS RESOLUTION TO SENATOR ELIZABETH WARREN, SENATOR WILLIAM COWAN, CONGRESSMAN WILLIAM KEATING, SENATOR HARRY REID, REPRESENTATIVE JOHN

BOEHNER, PRESIDENT BARACK OBAMA, MASSACHUSETTS GOVERNOR DEVAL PATRICK, MASSACHUSETTS SENATE PRESIDENT THERESE MURRAY AND MASSACHUSETTS REPRESENTATIVE RANDY HUNT.

(Submitted By Petition)

Louis Cerrone of Popple Bottom Road moved that the Town support the resolution seeking a constitutional amendment to restrict the financing of campaigns and elections by corporations and unions, as printed in the Warrant under Article 24.

VOTED: To send a copy of the resolution as printed in Article 24 to Senator Elizabeth Warren, Senator William Cowan, Congressman William Keating, Senator Harry Reid, Representative John Boehner, President Barack Obama, Massachusetts Governor Deval Patrick, Massachusetts Senate President Therese Murray and Massachusetts Representative Randy Hunt. This was a voice vote and declared carried by the Moderator.

ARTICLE 25

Whereas, Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape residents and visitors are "in harm's way" in the event of a radiological accident at the Pilgrim Nuclear Power Station in Plymouth;

Whereas, MEMA has determined that Cape residents and visitors will not be evacuated but plans to relocate Cape citizens after exposure to dangerous radioactive materials released in an accident;

Whereas, citizens of the Town of Sandwich find this State response to Pilgrim's threat to our health and safety unacceptable and in violation of the public trust;

Therefore, be it resolved that we the people of Sandwich respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape and Islands residents and visitors, cannot be assured.

This petition will be sent to:
President Barack Obama
Governor Deval Patrick
Executive Office of Public Safety
Nuclear Regulatory Commission
Federal Emergency Management Agency
Massachusetts Emergency Management Agency
Barnstable County Commissioners
Senator John Kerry
Senator Elizabeth Warren
Representative William Keating

Representative Edward Markey
Senator Therese Murray
Senator Daniel Wolf
Rep. Sarah Peake
Rep. David Viera
Rep. Randy Hunt
Rep. Cleon Turner
Rep. Brian Mannal
Rep. Timothy Madden

(Submitted By Petition)

Sarah Cote of Route 130 moved that the Town support the resolution seeking to shut down the Entergy Pilgrim Nuclear Power Station in Plymouth, as printed in the Warrant under Article 25.

VOTED: To send a copy of the resolution as printed in Article 24 to President Barack Obama, Governor Deval Patrick, Executive Office of Public Safety, Nuclear Regulatory Commission, Federal Emergency Management Agency, Massachusetts Emergency Management Agency, Barnstable County Commissioners, Senator John Kerry, Senator Elizabeth Warren, Representative William Keating, Representative Edward Markey, Senator Therese Murray, Senator Daniel Wolf, Rep. Sarah Peake, Rep. David Viera, Rep. Randy Hunt, Rep. Cleon Turner, Rep. Brian Mannal, Rep. Timothy Madden. This was a voice vote and declared carried by the Moderator.

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

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

And to vote YES or NO on the following question:

BALLOT QUESTION #1

Shall the Town of Sandwich be allowed to exempt from the provisions of proposition two and-one-half, so called, the amounts required to pay for designing, constructing, and making extraordinary repairs to a public safety headquarters and substation, including design, site improvements, equipment, furnishings and costs incidental thereto?

YES: _____

NO: _____

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

THURSDAY, THE NINTH DAY OF MAY, 2013.

Voted: To adjourn to the Town Elections on May 9, 2013. This was a voice vote and declared carried by the Moderator.

The meeting was adjourned at 11:28 PM

I hereby certify that this is a true record of the Annual Town Meeting held on May 6, 2013.

Respectfully Submitted,

Taylor D. White
Town Clerk

**TOWN OF SANDWICH
SPECIAL TOWN MEETING
MAY 7, 2013**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:11 P.M. The total number of eligible voters was 15,633 and the clerks checked in a total of 469 voters, which is a 3% turnout. John Kennan, Chairman of the Board of Selectmen, led the Pledge of Allegiance. Sandwich Soul, sang the Star Spangled Banner. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers.

ARTICLE 1

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 designing, constructing, and making extraordinary repairs to a public safety headquarters and substation, 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; provided that said appropriation shall be contingent upon the passage of a so-called Proposition Two and One-half debt exclusion referendum in accordance with M.G.L. c.59, §21 C(k) on May 9, 2013, or take any action relative thereto.

Selectmen Ralph Vitacco made a motion to fix the method of voting on Article 1 to a secret ballot process. Motion was seconded.

VOTED: That the Town fix the method of voting on Article 1 be a secret ballot process. This was a voice vote and declared not carried by the Moderator.

Carl Johanson called the question. Motion seconded. This was a voice vote and declared carried by the Moderator.

VOTED: That the Town appropriate the sum of \$30,000,000 to pay costs of designing, constructing, and making extraordinary repairs to a public safety headquarters and substation, including design, site improvements, equipment, furnishings and costs incidental thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(3) or pursuant to any other enabling authority and to issue bonds or notes of the Town therefor; and further, that the Board of Selectmen is authorized to enter into any and all contracts necessary to carry out such projects; provided, however, that no amounts shall be borrowed or expended hereunder unless and until the Town shall have approved a so-called Proposition Two and One-half debt exclusion referendum with respect to this borrowing in accordance with M.G.L. c.59, §21 C(k) on May 9, 2013. This was a counted vote and declared not carried by the Moderator. The vote was 217 Yea and 216 Nay.

The meeting was adjourned at 9:28 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on May 7, 2013.

Respectfully Submitted,

Taylor D. White
Town Clerk

**TOWN OF SANDWICH
2013 SPECIAL TOWN MEETING
November 18, 2013**

The Special Town Meeting was called to order in the Sandwich High School auditorium by Moderator Garry Blank at 7:16 P.M. The total number of eligible voters was 15,814 and the clerks checked in a total of 611 voters, which is a 3.9% turnout. Ralph Vitacco, Vice Chairman of the Board of Selectmen, led the Pledge of Allegiance. James Pierce read the Gettysburg Address. Ryan Sheehan and Tom Walsh from the Sandwich High School Choral sang the Star Spangled Banner. The Moderator swore in the following Sandwich residents as tellers: Rosemary Rhoades, Gene Parini, David Merrell, Denise Dever, Tobin Wirt, Kathy Felt and James Schneider. Taylor White, Town Clerk, and Susan Lundquist, Assistant Town Clerk served as the timekeepers.

ARTICLE 1

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich High School A Wing and for capital improvements associated with moving all 7th and 8th grades to Sandwich High School located at 365 Quaker Meetinghouse Road, 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; provided that said appropriation shall be contingent upon the passage of a so-called proposition two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½), or take any action relative thereto.

VOTED: That the Town raise and appropriate \$650,000 for constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich High School A Wing and for capital improvements associated with moving all 7th and 8th grades to Sandwich High School located at 365 Quaker Meetinghouse Road, including design, site improvements, equipment, furnishings and costs incidental thereto, and authorize the School Committee to enter into any and all contracts necessary to carry out such project, provided that said appropriation shall be contingent upon the passage of a so-called proposition two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½). This was a counted vote and declared carried by the Moderator. The vote was 424 Yea and 134 Nay.

ARTICLE 2

To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich High School swimming pool and associated mechanical equipment located at 365 Quaker Meetinghouse Road, 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; provided that said appropriation shall be contingent upon the passage of a so-called proposition

two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½), or take any action relative thereto.

Ellen Scott of Easterly Drive made a motion to move the question. The motion was seconded and declared carried on a voice vote by the Moderator.

VOTED: That the Town raise and appropriate \$980,000 for constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich High School swimming pool and associated mechanical equipment located at 365 Quaker Meetinghouse Road, including design, site improvements, equipment, furnishings and costs incidental thereto, and authorize the School Committee to enter into any and all contracts necessary to carry out such project, provided that said appropriation shall be contingent upon the passage of a so-called proposition two and one-half capital expenditure exclusion referendum in accordance with M.G.L. c.59, §21C(i½). This was a counted vote and declared carried by the Moderator. The vote was 409 Yea and 103 Nay.

ARTICLE 3

To see if the Town will vote to accept the provisions of M.G.L. c.60A, §1 which authorizes a motor vehicle excise exemption for any motor vehicle owned and registered by a resident who is in active and full-time military service and has been deployed or stationed outside the territorial boundaries of the continental United States for a period of at least forty five (45) days in the calendar year of the exemption, or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town accept the provisions of M.G.L. c.60A, §1 authorizing a motor vehicle excise exemption for any active and full-time military service that meets the requirements of the law. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 4

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, substantially in the form set forth below, relating to the removal of all supervisory positions in the Sandwich Police Department, specifically those positions of the rank of Sergeant or above, from Civil Service law and rules; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves 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, or take any action relative thereto:

AN ACT PROVIDING THAT SUPERVISORY POSITIONS IN THE POLICE DEPARTMENT OF THE TOWN OF SANDWICH SHALL BE EXEMPT FROM CIVIL SERVICE LAW AND RULES

Section 1: All supervisory positions in the Police Department of the Town of Sandwich of the rank of Sergeant and above shall be exempt from the provisions of Chapter Thirty-One of the Massachusetts General Laws and all rules adopted thereunder; provided, however,

that the present incumbents of such positions who are subject to said Chapter Thirty-One shall continue to be subject to said chapter.

Section 2: This act shall take effect upon its passage.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to petition the General Court for special legislation relating to the removal of all supervisory positions in the Sandwich Police Department, specifically those positions of the rank of Sergeant or above, from Civil Service law and rules, and authorize the Board of Selectmen 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 unanimously by the Moderator.

ARTICLE 5

To see if the Town will vote to accept the provisions of M.G.L. c.32, §4(2)B½ which allows service as a permanent-intermittent or call firefighter to be credited as full-time service for retirement purposes provided eligible members buy back said service for the purpose of retirement eligibility and benefits, or take any action relative thereto.

VOTED: that the Town accept the provisions of M.G.L. c.32, §4(2)B½ which allows service as a permanent-intermittent or call firefighter to be credited as full-time service for retirement purposes provided eligible members buy back said service for the purpose of retirement eligibility and benefits. This was a voice vote and declared carried by the Moderator.

ARTICLE 6

To see if the Town will vote to authorize the Board of Selectmen to grant a non-exclusive perpetual easement for sewer purposes in, over, under, and along the portions of the public roadway layout of Quaker Meetinghouse Road, Cotuit Road, Falmouth Road and Jan Sebastian Drive and a portion of Kiah's Way and the Town-owned parcels of land shown on Assessor's Map 17 as Lots 137, 138, 201, and 222 shown as "Permanent 20' Wide Sewer Easement" shown on a plan of land entitled "South Sandwich Village, Quaker Meetinghouse Rd. & Cotuit Rd., Sandwich, Massachusetts, Proposed Easements, Town of Sandwich," dated October 7, 2013, prepared by Horsley Witten Group, a copy of which is on file with the Town Clerk, and a non-exclusive temporary 20'wide construction easement shown on said plan as "Temporary 20' Wide Construction Easement", and a proposed lift station easement as shown on said Plan over a portion of Town-owned land shown on Assessor's Map 17, as Lot 196, for the purposes of constructing and installing, inspecting, repairing, replacing removing, operating and maintaining a sewer line with any manholes, pipes, conduits and other appurtenances and related equipment, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto.

UNANIMOUSLY VOTED: That the Town authorize the Board of Selectmen to grant a non-exclusive perpetual easement for sewer purposes in, over, under, and along the portions of the public roadway layout of Quaker Meetinghouse Road, Cotuit Road, Falmouth Road and Jan Sebastian Drive and a portion of Kiah's Way and the Town-owned parcels of land shown on Assessor's Map 17 as Lots 137, 138, 201, and 222 shown as "Permanent 20' Wide Sewer Easement" shown on a plan of

land entitled “South Sandwich Village, Quaker Meetinghouse Rd. & Cotuit Rd., Sandwich, Massachusetts, Proposed Easements, Town of Sandwich,” dated October 7, 2013, prepared by Horsley Witten Group, a copy of which is on file with the Town Clerk, and a non-exclusive temporary 20’ wide construction easement shown on said plan as “Temporary 20’ Wide Construction Easement”, and a proposed lift station easement as shown on said Plan over a portion of Town-owned land shown on Assessor’s Map 17, as Lot 196, for the purposes of constructing and installing, inspecting, repairing, replacing removing, operating and maintaining a sewer line with any manholes, pipes, conduits and other appurtenances and related equipment, on such terms and conditions as the Board of Selectmen may determine, as printed in the warrant under Article 6. This was a voice vote and declared carried unanimously by the Moderator.

ARTICLE 7

To see if the Town will vote to transfer from the Community Preservation Fund Affordable Housing Reserve the sum of \$450,000 for the purpose of preservation and support of the Sandwich Housing Authority George Fernandes Way affordable housing development, and, in connection therewith, to authorize the Town Manager, upon such terms and conditions as he deems appropriate and with the approval of the Board of Selectmen, to enter into a grant agreement with said Housing Authority addressing the purposes for which such grant funds may be expended; and, further, to amend the vote taken under Article 18 of the May 4, 2009 Annual Town Meeting for the George Fernandes Way expansion project by reducing the amount appropriated therefor by the sum of \$450,000; or take any action relative thereto.

VOTED: that the Town transfer from the Community Preservation Fund Affordable Housing Reserve the sum of \$450,000 for the preservation and support of the Sandwich Housing Authority George Fernandes Way affordable housing development, and, authorize the Town Manager to enter into a grant agreement with said Housing Authority addressing the purposes for which such grant funds may be expended; and, further, amend the vote taken under Article 18 of the May 4, 2009 Annual Town Meeting for the George Fernandes Way expansion project by reducing the amount appropriated therefor by the sum of \$450,000; as printed in the warrant under Article 7. This was a voice vote and declared carried by the Moderator.

ARTICLE 8

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2110, Establishment of Districts, by adding a new zoning district to be named Village Business District (VB) and to add the language printed below for the new district under Section 2140, District Purposes Are As Follows:

Village Business District (VB)

To ensure the preservation or enhancement of historic villages or similar areas by regulating mixed land use to accommodate residential, cultural, commercial and hospitality uses.

AND FURTHER,

To see if the Town will vote to adopt a new Zoning Map entitled “Proposed, Zoning Map, Town of Sandwich, Massachusetts” dated October 2013, and on file in the Town Clerk’s Office.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2200, Use Regulations, by adding a new column for the new Village Business District under Section 2210, as printed below:

Agricultural Uses	
	VB (2,3)
Farm (1)	Y
Farm Stand	Y
Aquaculture Operations	S
Brewery, Winery, Distilleries	S
Commercial Uses	
	VB (2,3)
Adult Entertainment	N
Animal Kennel	N
Artist Studios	S
Automotive Repair	N
Bank	S
Beauty Salon/ Barbershop	S
Bed and Breakfast (5)	S
Boat/Motor Vehicle Service/Repair	N
Boat/ Watercraft Sales, Wholesale (8)	N
Boat and Watercraft Storage Building	N
Car Wash	N
Childcare Facility	S
Commercial and Charter Fishing	S
Commercial/Recreational Marine Equipment Storage (6)	N
Convenience Store, Retail	S
Crematorium	N
Dry Cleaning	N
Fast Food, Takeout (2)	N
Funeral Home	S
Gasoline Station	N
Holiday Seasonal Attraction	S
Hotel/Motel	S
Major Commercial Complex	N
Major Industrial Complex	N
Marine Medical and Rehab Facility	N
Medical Offices (21) (No surgical procedures)	S

Medical Offices (21) (Outpatient surgical procedures)	S
Motor Vehicle Rental Establishment	N
Motor Vehicle Sales, Wholesale (8)	N
Office, Professional	S
Other retail business or service	S
Research Laboratory	N

VB (2,3)

Restaurant	S
Retail Sales/Service, Minor	S
Retail Sales/Service, Major	N
Retail Sales/Service, Regional	N
Supermarket	N
Tattoo/Body Art Establishment	N
Technology Business or Service	S
Terminal, Bus or Rail	N
Terminal, Ferry/ Waterbus	N
Terminal, Trucking	N
Veterinary Office or Hospital	S
Warehouse Sales, Wholesale and Retail	N

Industrial/Utility Uses

VB (2,3)

Bulk Storage/ Warehouse (9)	N
Contractors Yard	N
Disposal and Recycling Facility	N
Earth Removal	N
Hazardous Waste Facility	N
Heliport	N
Manufacturing, Light	N
Metal Plating (13)	N
Power Generation, Electrical	N
Research laboratory, Chemical, bacteriological lab	N
Sanitary Landfill	N
Sale, Storage or Distribution of Fuel Oil or Gasoline	N
Seafood/ Fish Processing Facility	N
Solar Photovoltaic Installation, Large-Scale Ground Mounted (22)	N
Telecommunications Facility, Wireless (15)	N

Use of toxic or hazardous materials in quantities greater than associated with normal household or agricultural use (13)	N
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Wastewater Treatment Facility (17)	N
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Wastewater Effluent Disposal (16)	N
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Institutional	VB (2,3)
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Assisted Living Facility	S
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Animal Rescue/ Adoption	N
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Cemetery	N
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Continuing Care Retirement Community	S
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Hospice Care Facility	S
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Hospital	N
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Municipal Uses	Y
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Museum	Y
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Philanthropic Institutions	Y
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Rehabilitation Hospital	N
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Religious Use	Y
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School- Public, Sectarian, Denominational, Non-profit Educational Corp.	Y
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Recreational/Cultural Uses	VB (2,3)
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Amusement Park/ Water Park	N
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Art Gallery	S
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Bowling Alley	N
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Campground	N
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Cinema	N
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Game Room	N
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Golf Course	N
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Health Club	N
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Marina	N
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Mini-golf	N
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Recreation Facility, Indoor	N
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Recreation Facility, Outdoor	N
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Riding School (18)	N
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Social Club	S
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Spa	S
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Sportsman's Club, Game Reserve, Rifle/ Gun Range	N
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Theatre	S
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Zoo/ Menagerie/ Aviary	N
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Residential	
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	VB (2,3)
Cluster Development	S
Cottage Colony	N
Mobile Home Park	N
Multi-family	S
Single-family	S
Two-family	S
Two Single-family Dwelling Units on One Lot (19)	S

Accessory Uses	
	VB (2,3)
Accessory Apartment	Y
Accessory Dwelling Unit	S
Animal Kennel, accessory to Veterinary Office	N
Animal Kennel, accessory to residential use	N
Antenna, Amateur Radio accessory to residential use (3)	N
Antique shop, art gallery, gift shop accessory to cultural/ institutional use	S
Automatic Teller Machines accessory to retail use	S
Camper Storage accessory to residential use (3)	N
Car wash accessory to gasoline station	N
Common Driveway	S
Construction trailer office, temporary accessory	S
Convenience store accessory to gasoline station	N
Drive-Up or Drive- Through accessory to retail use	N

	VB (2,3)
Family Daycare (Accessory to dwelling)	S
Guest House accessory to residential use	S
Heliport accessory to commercial/ institutional use	N
Personal Animal Kennel Accessory to Residential Use	S
Home Occupation accessory to residential use	Y
Medical Office accessory to commercial use (20,21)	S
Motor Vehicle Sales, Wholesale, accessory to new car sales (8)	N
Office, professional accessory to commercial use	S

Private Garage/ Boathouse	S
Restaurant accessory to commercial use	S
Sale of Products Manufactured On-Site accessory to retail use	S
Stables accessory to residential use (18)	S
Swimming Pools accessory to residential use	S
Tennis Court accessory to residential or commercial use	S
	VB (2,3)
Terminal, Trucking accessory to commercial use (23)	N
Use of toxic materials accessory to commercial use	N
Used Car Sales, accessory to motor vehicle sales, rental and retail	N
Wastewater Treatment Facility, Accessory (17)	N
Wastewater Effluent Disposal, Accessory (16)	N
Wind Turbines accessory to residential use	N

or take any action relative thereto.

UNANIMOUSLY VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Section 2110, Establishment of Districts, by adding a new zoning district to be named Village Business District (VB); by adopting a new Zoning Map entitled “Proposed, Zoning Map, Town of Sandwich, Massachusetts” dated October 2013; and by amending Section 2200, Use Regulations, by adding a new column for the new Village Business District under Section 2210, as printed in the warrant under Article 8. 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 amend the Sandwich Protective Zoning By-laws, Section 2110, Establishment of Districts, by adding a new zoning district to be named Route 6A Village Business District (6A) and to add the language printed below for the new district under Section 2140, District Purposes Are As Follows:

Route 6A Village Business District (6A)

To regulate the limited mixed use or expansion of appropriate residential uses or commercial, service and professional business; while preserving the historic and residential character of the Route 6A Old King’s Highway Corridor.

AND FURTHER,

To see if the Town will vote to adopt a new Zoning Map entitled “Proposed, Zoning Map, Town of Sandwich, Massachusetts” dated October 2013, and on file in the Town Clerk’s Office.

AND FURTHER,

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 2200, Use Regulations, by adding a new column for the new Route 6A Village Business District under Section 2210, as printed below:

Agricultural Uses	
	6A (2,3)
Farm (1)	Y
Farm Stand	Y
Aquaculture Operations	S
Brewery, Winery, Distilleries	S
Commercial Uses	
	6A (2,3)
Adult Entertainment	N
Animal Kennel	N
Artist Studios	S
Automotive Repair	N
Bank	S
Beauty Salon/ Barbershop	S
Bed and Breakfast (5)	S
Boat/Motor Vehicle Service/Repair	N
Boat/ Watercraft Sales, Wholesale (8)	N
Boat and Watercraft Storage Building	N
Car Wash	N
Childcare Facility	S
Commercial and Charter Fishing	S
Commercial/Recreational Marine Equipment Storage (6)	N
Convenience Store, Retail	S
Crematorium	N
Dry Cleaning	N
Fast Food, Takeout (2)	N
Funeral Home	S
Gasoline Station	N
Holiday Seasonal Attraction	S
Hotel/Motel	S
Major Commercial Complex	N
Major Industrial Complex	N
Marine Medical and Rehab Facility	N
Medical Offices (21) (No surgical procedures)	S
Medical Offices (21) (Outpatient surgical procedures)	S

Motor Vehicle Rental Establishment	N
Motor Vehicle Sales, Wholesale (8)	N
Office, Professional	S
Other retail business or service	S
Research Laboratory	N
	6A (2,3)
Restaurant	S
Retail Sales/Service, Minor	S
Retail Sales/Service, Major	N
Retail Sales/Service, Regional	N
Supermarket	N
Tattoo/Body Art Establishment	N
Technology Business or Service	S
Terminal, Bus or Rail	N
Terminal, Ferry/ Waterbus	N
Terminal, Trucking	N
Veterinary Office or Hospital	S
Warehouse Sales, Wholesale and Retail	N
	6A (2,3)
Industrial/Utility Uses	
	6A (2,3)
Bulk Storage/ Warehouse (9)	N
Contractors Yard	N
Disposal and Recycling Facility	N
Earth Removal	N
Hazardous Waste Facility	N
Heliport	N
Manufacturing, Light	N
Metal Plating (13)	N
Power Generation, Electrical	N
Research laboratory, Chemical, bacteriological lab	N
Sanitary Landfill	N
Sale, Storage or Distribution of Fuel Oil or Gasoline	N
Seafood/ Fish Processing Facility	N
Solar Photovoltaic Installation, Large-Scale Ground Mounted (22)	N
Telecommunications Facility, Wireless (15)	N
Use of toxic or hazardous materials in quantities greater than associated with normal household or agricultural use (13)	N
Wastewater Treatment Facility (17)	N

Wastewater Effluent Disposal (16) N

Institutional

6A (2,3)

Assisted Living Facility	S
Animal Rescue/ Adoption	N
Cemetery	N
Continuing Care Retirement Community	S
Hospice Care Facility	S
Hospital	N
Municipal Uses	Y
Museum	Y
Philanthropic Institutions	Y
Rehabilitation Hospital	N
Religious Use	Y
School- Public, Sectarian, Denominational, Non-profit Educational Corp.	Y

Recreational/Cultural Uses

6A (2,3)

Amusement Park/ Water Park	N
Art Gallery	S
Bowling Alley	N
Campground	N
Cinema	N
Game Room	N
Golf Course	N
Health Club	N
Marina	N
Mini-golf	N
Recreation Facility, Indoor	N
Recreation Facility, Outdoor	N
Riding School (18)	N
Social Club	S
Spa	S
Sportsman's Club, Game Reserve, Rifle/ Gun Range	N
Theatre	S
Zoo/ Menagerie/ Aviary	N

Residential

6A (2,3)

Cluster Development	S
Cottage Colony	N
Mobile Home Park	N

Multi-family	S
Single-family	S
Two-family	S
Two Single-family Dwelling Units on One Lot (19)	S

Accessory Uses

6A (2,3)

Accessory Apartment	Y
Accessory Dwelling Unit	S
Animal Kennel, accessory to Veterinary Office	N
Animal Kennel, accessory to residential use	N
Antenna, Amateur Radio accessory to residential use (3)	N
Antique shop, art gallery, gift shop accessory to cultural/ institutional use	S
Automatic Teller Machines accessory to retail use	S
Camper Storage accessory to residential use (3)	N
Car wash accessory to gasoline station	N
Common Driveway	S
Construction trailer office, temporary accessory	S
Convenience store accessory to gasoline station	N
Drive-Up or Drive- Through accessory to retail use	N

6A (2,3)

Family Daycare (Accessory to dwelling)	S
Guest House accessory to residential use	S
Heliport accessory to commercial/ institutional use	N
Personal Animal Kennel Accessory to Residential Use	S
Home Occupation accessory to residential use	Y
Medical Office accessory to commercial use (20,21)	S
Motor Vehicle Sales, Wholesale, accessory to new car sales (8)	N
Office, professional accessory to commercial use	S
Private Garage/ Boathouse	S
Restaurant accessory to commercial use	S
Sale of Products Manufactured On-Site accessory to retail use	S

Stables accessory to residential use (18)	S
Swimming Pools accessory to residential use	S
Tennis Court accessory to residential or commercial use	S
	6A (2,3)
Terminal, Trucking accessory to commercial use (23)	N
Use of toxic materials accessory to commercial use	N
Used Car Sales, accessory to motor vehicle sales, rental and retail	N
Wastewater Treatment Facility, Accessory (17)	N
Wastewater Effluent Disposal, Accessory (16)	N
Wind Turbines accessory to residential use	N

or take any action relative thereto.

Carl Johansen of Oxford Road made a motion to move the question. The motion was seconded and declared not carried on a voice vote by the Moderator.

VOTED: That the Town amend the Sandwich Protective Zoning By-laws, Section 2110, Establishment of Districts, by adding a new zoning district to be named Route 6A Village Business District (6A); by adopting a new Zoning Map entitled “Proposed, Zoning Map, Town of Sandwich, Massachusetts” dated October 2013; and by amending Section 2200, Use Regulations, by adding a new column for the new Route 6A Village Business District under Section 2210, as printed in the warrant under Article 9. This was a voice vote and declared not carried by the required two-thirds majority by the Moderator.

ARTICLE 10

To see if the Town will vote to amend the Sandwich Protective Zoning By-laws, Section 4700, Conversion of Seasonal or Intermittent-Use Structures, by deleting Section 4710 and Section 4740 in their entirety and replacing them with the following:

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

4740. Procedures. The Planning Board shall act upon conversion of any existing cottage colony into a residential or mixed-use condominium, cooperative or time sharing condominium application as an application for special permit as set forth in **Section**

1300 through 1360 and, where applicable, **Section 2400**. The **conversion of any existing cottage colony** into a residential or mixed-use condominium, cooperative or time sharing condominium shall comply with the following additional requirements:

1. The establishment of a condominium association or homeowner's association with documents and covenants reviewed and approved by the Planning Board as part of the Special Permit; the Planning Board may require that said documents and covenants be reviewed by its legal counsel at the applicant's expense.
2. A full operations and management plan for the property reviewed and approved by the Planning Board as part of the Special Permit; the Planning Board may require that said plan be reviewed by its consulting engineer or other appropriate consultant(s) at the applicant's expense.
3. The review and approval from the Sandwich Board of Health to ensure compliance with all on-site wastewater treatment requirements prior to Special Permit approval.
4. Review and approval from the Sandwich Engineering Department for any new or enhanced driveways or curb cuts, as well as on-site parking mitigation prior to Special Permit approval.
5. Review and approval by the Sandwich Historic Committee (if applicable) for compliance with Old King's Highway Historic District requirements prior to Special Permit approval.
6. Completion of a full inspection and building code compliance checklist to be conducted by the Town Building Inspector prior to Special Permit approval and issuance of final occupancy certificates.
7. Review and approval by the Planning Board of a site plan prepared by a registered landscape architect for any clearing of pre-existing on site trees in order to protect the vegetative integrity of the lot.

or take any action relative thereto.

VOTED: that the Town amend the Sandwich Protective Zoning By-laws, Section 4700, Conversion of Seasonal or Intermittent-Use Structures, by deleting Section 4710 and Section 4740 in their entirety and replacing them with the language printed in the warrant under Article 10. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 11

To see if the Town will vote to amend the Town Bylaws, Chapter 9, Boat Operations and Use of Waterways, by deleting the existing Chapter 9 and replace it with the language printed below, with all proposed changes highlighted in bold and underlined text, or take any action relative thereto.

CHAPTER 9 – BOAT OPERATIONS AND USE OF WATERWAYS

Section 9.01 Purpose

The purpose and intent of this Bylaw is to protect the health, safety and wellbeing of the citizens and visitors using the Town of Sandwich's waterways and to protect the quality and viability of the Town's natural resources by the reasonable regulation of the operation of motorboats and other vessels **on freshwater ponds and other navigable waterways of the Town.**

Section 9.02 Definitions

Bylaw shall mean Chapter 9, Boat Operations and Use of Waterways, of the Town of Sandwich Bylaws.

Enforcing Agent shall mean those persons enforcing the provisions of this Bylaw pursuant to Sections 9.12 and 9.13.

Director shall mean the Director of the Sandwich Department of Natural Resources.

Floats: A floating platform designed to be anchored in position by pilings, chain, or other tackle.

Great Pond shall mean a natural pond the area which is twenty (20) acres or more.

Harbormaster's Office shall mean the building at 25 Ed Moffit Drive, Sandwich, Massachusetts.

Headway Speed shall mean the minimum speed at which a vessel may be operated and maintain steerage way, **but not to exceed five (5) miles per hour.**

Headway Speed – Personal Watercraft shall mean the minimum speed at which a personal watercraft may be operated and maintain steerage way. To be considered operating at headway speed under this bylaw the operator shall be either kneeling or sitting.

Horsepower shall mean the aggregate rated horsepower of all propellant machinery at maximum operating revolutions per minute.

Licensed Docks and Piers shall mean docks and piers that have a valid Order of Conditions from the Sandwich Conservation Commission and a valid license from the Massachusetts Department of Environmental Protection, to install and maintain the dock or pier.

Limited Operation Zone shall mean the area of the waterway as measured three hundred (300) feet from a shoreline being used as a public or private swimming beach, towards the center of the particular waterway.

Mooring(s) shall mean Lines, cables, chains, mushroom anchors and other anchors shackles; hardware associated therewith that hold a boat, a raft or float in place on the water.

Motorboat shall mean any vessel propelled by machinery whether or not such machinery

is the principal source of propulsion.

Negligent Operation shall mean operation of any vessel in a reckless or negligent manner as to endanger the life, safety or property of any other person or the Town.

Nighttime shall mean the period from sunset to sunrise

Operate shall mean to navigate or otherwise use a vessel.

Operator shall mean a person who operates or who has charge of the navigation or use of a vessel.

Other Unsafe Condition shall mean (a) the vessel is not displaying the navigation lights between sunset and sunrise; (b) the motorboat or vessel has fuel leakage from either the fuel system or engine; (c) the motorboat or vessel has an accumulation of fuel in the bilges or in a compartment other than a fuel tank; (d) the motorboat or vessel does not meet the ventilation requirements for tanks and engine spaces; or (e) the motorboat or vessel does not meet the requirements for backfire flame control.

Overloaded shall mean that the number of persons aboard or cargo being carried, exceeds the manufacturer's recommended limit for such vessel or is excessive given wind, water and weather conditions.

Owner shall mean the person to whom the vessel is registered, or to whom the vessel mooring is registered. In the case of an unregistered vessel, the last registered owner/purchaser shall be considered the owner.

Person shall mean a natural person, corporation, association, partnership or other legal entity or other legal agency or political subdivision.

Personal Watercraft shall mean a vessel, by whatever name, propelled by a water jet pump or other machinery as its principal source of motor propulsion which is designed to travel over water and to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel, including but not limited to, jet skis, surf jets, and wet bikes.

Shoreline Safety Zone shall mean that portion of a waterway, as measured, one hundred fifty (150) feet from any shoreline, **edge of bank or vegetation**, public or private swimming area or that portion of the waterway as measured, seventy-five (75) feet from the waterside boundary of a public or private swimming area, if designated by markers, floats, or otherwise, towards the center of the particular waterway.

Similar Device when used in connection with the words "water skis", "surfboard" **or "tube"** shall mean any object used in the towing of a person or persons by a motorboat whether the person or persons ride on the device or hold onto it.

Sunrise – Sunset shall be determined by the chart set forth in the current year's issue of Eldridge's Tide and Pilot Book, **Sun's Rising and Setting at Boston.**

Town shall mean the Town of Sandwich, Massachusetts.

Town Hall shall mean the building at 130 Main Street, Sandwich, Massachusetts.

Town Hall Annex shall mean the building at 145 Main Street, Sandwich, Massachusetts.

Town Office Building shall mean the building at 16 Jan Sebastian Drive, Sandwich, Massachusetts

Vessel is a watercraft of every description used or capable of being used as a means of transportation on water, including motorboats and personal watercrafts, except a seaplane on the water.

Wake – Wash shall mean the discharge from the stern portion of a motorboat or personal watercraft or other vessel which causes rocking to other vessels, rafts, or floats.

Water Skiing shall mean the towing of a person or person(s) on water skis, or manipulation of a person or person(s) on water skis, or on a surf board, tube(s), rafts or other similar device behind a vessel.

Waterway shall include all navigable water bodies to include the freshwater ponds, estuaries, bays, creeks and other navigable water bodies within the boundaries of the Town of Sandwich.

Section 9.03 Vessel Speed

- (1) Vessel speed shall not exceed headway speed and no wake - wash shall be created on any freshwater pond not a Great Pond.
- (2) Vessel speed shall not exceed headway speed and no wake – wash shall be created on the following Great Ponds: Lower Shawme Pond and Upper Shawme Pond, or other Great Pond of less than seventy-five (75) acres in size. **Vessels operating on Peters Pond shall not exceed thirty-five (35) miles per hour.**
- (3) **Vessel speed shall not exceed headway speed and no wake - wash shall be created in areas posted by the Town, within marked channels, nor within one hundred fifty (150) feet of individual bathers, divers, small vessels propelled by means other than machinery (e.g. rowboats, sailboats), mooring areas, public and private boat launch areas, floats, marinas, licensed docks and piers, vessels not underway, nor within a limited operation zone. To clearly designate the areas for boaters, swimmers, and law enforcement personnel, marker buoys are placed annually in appropriate locations around the perimeter of Peters Pond designating the shoreline safety zone or the limited operation zone. The area shoreward of these markers is designated as a “No Wake” zone.**
- (4) No vessel shall be operated at any time on any pond, **or waterway in the Town in a negligent manner**, or at a speed greater than is reasonable and proper having regard for the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards.
- (5) **Speed shall not exceed five (5) miles per hour, and no wake - wash shall be created in any portion of the Old Harbor estuary including Mill Creek, any portion of Scorton Creek, nor any area marked as a no wake zone.**

Section 9.04 Horsepower

- (1) Horsepower of internal combustion engines shall not exceed five (5) horsepower on any pond not a Great Pond; however, no internal combustion engines shall be operated on the Upper and Lower Shawme Ponds except for emergency watercraft or town-authorized maintenance vessels. An electric motor, commonly known as an electric trolling motor, may be used for propulsion on the Upper and Lower Shawme Ponds.
- (2) Horsepower of internal combustion engines shall not exceed ten (10) horsepower on Pimlico Pond.
- (3) Horsepower of internal combustion engines shall not exceed fifteen (15) horsepower on the following Great Ponds: Lawrence Pond; Triangle Pond; Spectacle Pond; Snake Pond.
- (4) **Horsepower of internal combustion engines shall not exceed one hundred fifty (150) horsepower or, in the case of personal watercraft, one thousand (1,000) cubic centimeters (CC) on Peters Pond.**
- (5) **Notwithstanding the other provisions of Chapter 9, the Board of Selectmen or their designee shall permit persons operating larger engines on Peters Pond, prior to January 2013, to continue to operate larger engines on Peters Pond, on vessels registered or principally moored in the Town of Sandwich for a period of three (3) years from the date of the approval of this bylaw revision by the Director of the Division of Law Enforcement and the Attorney General of Chapter 9, but no later than December 31, 2017, provided such persons shall provide proof of such use to the Natural Resources Department, and provided that such persons meet the guidelines promulgated by the Board of Selectmen concerning the requirements for continuation of the use of larger horsepower engines on Peters Pond. These guidelines shall be promulgated by the Board of Selectmen within one hundred twenty (120) days of the receipt of the approval of the Director of the Division of Law Enforcement and the Attorney General of the revisions to Chapter 9. This section shall expire December 31, 2017.**
- (6) Notwithstanding the other provisions of Chapter 9 and recognizing that some long standing non-profit organizations have utilized various water bodies for instructional purposes, the Board of Selectmen may permit these non-profit organizations continued use of larger horsepower engines for transport or safety vessels, not to exceed fifty (50) horsepower, within set guidelines. These guidelines shall be promulgated by the Board of Selectmen within one hundred twenty (120) days of the receipt of the approval of the Director of the Division of Law Enforcement and the Attorney General of Chapter 9 and any revisions. The non-profit organization shall submit an application which is available at the Conservation Department. Following a public hearing on the application, the Board of Selectmen may issue a permit to allow the continued use of larger horsepower engines. Any permit issued shall remain in effect until revoked.. Violations of the permit conditions may be cause for revocation.
- (7) Section 9.04 (5) shall not be enforced until the guidelines referenced in 9.04 (5) are promulgated by the Board of Selectmen.

Section 9.05 Operation

- (1) Vessels shall not be operated on **any freshwater pond or estuary, creek or river** within the Town at greater than headway speed and create no wake - wash, between the hours of sunset to sunrise.
- (2) No vessel shall be operated at any time on any pond **or waterway** in an overloaded condition.
- (3) Motorboats and Personal Watercraft shall not be operated within a shoreline safety zone except for the purpose of launching or retrieving such vessel provided they remain outside of the designated swimming area(s), and operate at headway speed only within the shoreline safety zone.
- (4) Personal Watercraft operation **and water skiing** is prohibited on Peters Pond, **before 10:00 AM, daily and** after the hour of 7:00 PM or after sunset, whichever occurs first.
- (5) **Operation of personal watercraft, vessels engaged in water skiing, or vessels operating at greater than headway speed, within one hundred fifty (150) feet of bathers, divers, piers, docks, wharves, floats, sailboats, kayaks, canoes, rowboats, vessels not underway or any shore is prohibited.**
- (6) Personal Watercraft operation, at greater than headway speed, **vessel operation at greater than headway speed and water skiing** are prohibited on Peters Pond, when vision is unduly restricted by weather.
- (7) **No person shall operate a personal watercraft if such person is:**
 - a. **Under the age of sixteen (16) or**
 - b. **Sixteen (16) or Seventeen (17) year of age without first having received a safety certificate evidencing satisfactory completion of a training course in safe operation conducted by the MA Environmental Police or other entity approved by the Director of the MA Environmental Police.**
 - c. **Towing a water skier, other device, a boat or a personal watercraft.**
 - d. **Operating a personal watercraft in a negligent manner. Examples of negligent operation include, but are not limited to, the following:**
 1. **Unreasonable jumping, or attempting to jump the wake of another vessel**
 2. **Following or crossing within one hundred fifty (150) feet of another vessel. water skier, float or tube.**
 3. **Weaving through or against congested vessel traffic or speeding in restricted areas.**

4. **Operating a personal watercraft in such a manner that endangers the life, limb or property of any person or the Town.**
- (8) **Vessels shall be limited to towing only one (1) water skier, raft, tube or other device at a time on any Pond within the Town.**
- (9) **Any vessel engaged in water skiing or towing shall be occupied by at least two (2) persons, one (1) who shall give their full attention to the operation of the boat and the other of whom shall give their full attention to the person or persons being towed.**
- (10) **All vessels on Peters Pond shall circulate around the Pond in a counterclockwise pattern at all times.**
- (11) **Vessel operators are responsible for their wake at all times.**
- (12) **Vessels shall not be moored to aids to navigation or regulatory buoy at any time. No person or persons shall willfully destroy, move, injure, deface, or remove any aid to navigation or regulatory buoy established or placed by the Town or other governmental entity.**
- (13) **No vessel shall operate on the waterways of the Town if the vessel is unregistered, if the vessel's registration has expired or if the vessel fails to have functioning safety equipment on board, all as required under M.G.L. Ch. 90B and 323 CMR 1, 2 & 4.**
- (14) **Pursuant to M.G.L. Ch. 90B, Sec. 8, no person or persons shall operate any vessel while such person is under the influence of intoxicating liquor or marijuana, narcotic drugs, depressant or stimulant substances as defined in M.G.L. Ch. 94C, or the vapors of glue.**
- (15) **Any swimmer more than 150 feet from the shoreline of Peters Pond shall be attended by a vessel.**
- (16) **Personal Watercraft powered by two (2) stroke engines are prohibited from operating on all ponds within the Town.**

Section 9.06 Scuba Diving

- (1) Any person SCUBA diving or group of SCUBA divers while swimming on or under the surface of the waters of Sandwich shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material, at least twelve (12) inches by fifteen (15) inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three (3) feet from the surface of the water. Divers shall remain in an area within one hundred (100) feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred (100) feet of such flag shall proceed at a speed not to exceed headway speed.

Section 9.07 Removal of Hazards to Navigation.

- (1) **No vessel, mooring or other object shall be abandoned, sunk or placed where it may constitute a hazard to navigation.**
- (2) **Any vessel, mooring or object constituting a hazard to navigation, and any vessel or object improperly secured, swamped, sunk, washed ashore or found in a restricted area, may be removed or relocated at the direction of the Director, or his assistants, Harbormaster or Assistant Harbormaster if corrective action is not taken after seventy two (72) hours' notice to the owner, or if the owner is unknown, after notice has been posted for the same period at the Town Clerk's Office or on or near such vessel, mooring or object. The expense of such removal or relocation and liability incurred therefore shall be the responsibility of the owner.**
- (3) **Nothing in the above subsections shall restrict earlier action by the Director, Natural Resources Officer, Assistant Natural Resources Officer, Harbormaster, or Assistant Harbormaster with or without notifying the owner if, in his judgment, such action is necessary to protect life or property.**

Section 9.08 Pollution

- (1) The discharge or disposal of oil, sewage, dead fish, fish parts, garbage, waste, rubbish or debris from vessels on or into the waters or onto the shores of the Town of Sandwich, is prohibited.

Section 9.09 Fueling of Vessels

- (1) **With the exception of transferring approved portable fuel tanks to open boats, all persons fueling vessels shall comply with the Board of Fire Prevention Regulations 527 CMR 15.00**

Section 9.10 Floats and Moorings

- (1) **Mooring or floats may not be placed on any waterway without first receiving approval of the Harbormaster or Assistant Harbormaster.**

Section 9.11 Regulations

- (1) **The Board of Selectmen is authorized to prescribe rules and regulations to carry out the intent of this Bylaw. Failure by the Board of Selectmen to promulgate such rules or regulations shall not act to suspend or invalidate the effect of this Bylaw. Before promulgating any rules and regulations pursuant to this Bylaw, the Board of Selectmen shall hold a public hearing on the proposed regulations. Such rules**

and regulations may define key terms and establish procedures for the specifications and placement of moorings, creation of speed zones and other activities that may occur on or adjacent to any of the navigable waters within the boundaries of the Town, which shall include all harbors, rivers, bays or ponds, and may establish restrictions, together with reasonable penalties for infractions thereof, for specified waters and boating appurtenances thereto. Such rules and regulations shall be consistent with both state and federal laws or regulations pertaining to the use and operation of boats and vessels upon or in such waters.

Section 9.12 Enforcement

- (1) The provisions of this Bylaw shall be enforced by **the Director, Assistant Director, Natural Resources Officer, Assistant Natural Resources Officers**, the Harbormaster, Assistant Harbormasters, **a Police Officer of the Town of Sandwich assigned to patrol Town waterways or a Sandwich Police Officer.**
- (2) All persons shall stop immediately when directed to do so by an officer empowered to enforce this Bylaw pursuant to this section.
- (3) **Any officer authorized to enforce the provisions of this bylaw who observes a vessel being used without personal flotation devices or other safety equipment required under this bylaw or which is in an overloaded or other unsafe condition and which, in their judgment, presents a substantial risk of injury or loss of life by the use of said motorboat or vessel, may terminate such use and direct the operator to take whatever immediate and corrective steps which are necessary for the safety of the persons aboard such motorboat or vessel, including, but not limited to, directing the operator to proceed to a mooring, dock, ramp, or be removed from the water and to remain there until such motorboat or vessel is deemed to be safe.**

Section 9.13 Penalties

- (1) Whoever violates any of the provisions of this Bylaw and refuses or neglects to obey the lawful and reasonable order of those empowered to enforce the same, or resists them in the discharge of their duties, shall be fined not more than three hundred (\$300) dollars or in the case of non-criminal enforcement, fifty (\$50) dollars for the first offense and two hundred (\$200) dollars for every violation, thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and each provision of the Bylaw violated shall constitute a separate offense.
- (2) As an alternative to criminal prosecution, the Enforcing Agent may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Chapter 40, Section 21D, as adopted by the Town of Sandwich.

Section 9.14 Jurisdiction

- (1) Nothing contained herein shall be held or construed to supersede or conflict with or interfere with or limit jurisdiction of the United States Government with respect to the enforcement of the navigation, shipping, anchorage and associated laws of the United States, or any lawful regulation of the Massachusetts Division of Waterways, or the Division of Law Enforcement, or to conflict with any laws or regulations of the Commonwealth of Massachusetts. Vessels operated by public safety agencies of the Town, State or the United States Government are exempt from complying with the provisions of this Bylaw.

Section 9.15 Severability

- (1) The invalidity of any provision of this Bylaw or of any regulations promulgated thereunder shall not invalidate any other provision thereof.

Edwin Maclean of John Ewer Road made a motion to indefinitely postpone Article 11. The motion was seconded.

Unanimously Voted: To indefinitely postpone Article 11. This was a voice vote and declared carried unanimously by the Moderator

ARTICLE 12

To see if the Town will vote to rescind the vote of the May 6, 2013 Annual Town Meeting under Article 23 to set aside twenty percent (20%) of the fiscal year beach parking and sticker revenues from the appropriate receipts reserved for appropriation account for the purpose of funding future public ocean beach and dune renourishment projects, or take any action relative thereto.

VOTED: That the Town rescind the vote of the May 6, 2013 Annual Town Meeting under Article 23 to set aside twenty percent (20%) of the fiscal year beach parking and sticker revenues in a special receipts reserved for appropriation account limited for the purpose of funding future public ocean beach and dune renourishment projects. This was a voice vote and declared not carried by the Moderator.

At 11:23 P.M. the Moderator asked for a vote to continue the meeting per the Town By-Laws. This was a voice vote and declared carried by the required two-thirds majority by the Moderator.

ARTICLE 13

To see if the Town will vote to set aside from the general fund an amount equal to 50% of the revenue collected each fiscal year by virtue of the Town's adoption of the provisions of M.G.L. c. 64, s. 2(a), which imposes a local meals tax excise of 0.75%, for the purpose of funding the account for future public ocean and dune renourishment projects, which account was created by favorable vote of the 2013 Annual Town Meeting on Article 23, or take any action relative thereto.

(Submitted by Petition)

VOTED: That the Town set aside from the general fund an amount equal to 50% of the revenue collected each fiscal year by virtue of the Town's adoption of the provisions of M.G.L. c. 64, s. 2(a), which imposes a local meals tax excise of

0.75%, for the purpose of funding the account for future public ocean and dune renourishment projects, which account was created by favorable vote of the 2013 Annual Town Meeting on Article 23. This was a voice vote and declared carried by the Moderator.

ARTICLE 14

To see if the Residents of Sandwich MA will express its desire to the Board of Selectmen that the Town should have a Coastal Resource Manager and to encourage the Board of Selectmen to create such a position and hire an appropriate person to staff such a positions as soon as reasonably possible.

(Submitted by Petition)

VOTED: That the Town express its desire to the Board of Selectmen to create a Coastal Resource Manager position as soon as reasonably possible. This was a voice vote and declared carried by the Moderator.

ARTICLE 15

BALLOT QUESTION #1

Shall the Town of Sandwich be allowed to assess an additional \$650,000 in real estate and personal property taxes for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich High School A Wing and for capital improvements associated with moving all 7th and 8th grades to Sandwich High School for the fiscal year beginning July first, two thousand thirteen?

YES: _____

NO: _____

BALLOT QUESTION #2

Shall the Town of Sandwich be allowed to assess an additional \$980,000 in real estate and personal property taxes for the purpose of constructing improvements and remodeling, constructing, reconstructing and making extraordinary repairs to the Sandwich High School swimming pool and associated mechanical equipment for the fiscal year beginning July first, two thousand thirteen?

YES: _____

NO: _____

The polls for the election will be open at 7:00 a.m. and close at 8:00 p.m. on said THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER, 2013.

The meeting was adjourned at 11:40 P.M.

I hereby certify that this is a true record of the Special Town Meeting held on November 21, 2013.

Respectfully Submitted,

Taylor D. White

Town Clerk