

**Town of Brewster**  
**2198 Main Street**

**Bylaw Amendments**

Posted  
March 20, 2019 –  
Please do not remove  
until April 4<sup>th</sup>, 2019

**NOTICE**

Massachusetts General Laws, Chapter 40, Section 32 as amended requires that the foregoing posting include the following information:

The amendments to the General Bylaws adopted under Articles 8, 9, and 10, and the Zoning Bylaws adopted under Articles 10 and 11 of the Special Town Meeting held, December 3<sup>rd</sup>, 2018 have been approved as follows by the Attorney General:

**TOWN CODE AMENDMENT/Wetlands Protection**

**ARTICLE NO. 8:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 172, Wetlands Protection, Section 7 , as follows, with text to be deleted shown in ~~strikethrough~~ and text to be inserted shown in **bold underline**:

172-7. Action by Commission; permits.

B. Permits

(1) Permits shall expire three years from the date of issuance. Any permit may be renewed for **up to** additional ~~one~~ **three**-year periods, provided that a request for an extension is received, in writing, by the Commission 30 days prior to expiration of the permit.

Or to take any other action relative thereto.

(Board of Selectmen)

(Majority Vote Required)

**Select Board Member John Dickson:** I move to approve article no. 8 as printed in the warrant with the following amendment:

Under 172-7 B 1 line 2, the phrase “up to additional three-year periods” be replaced with “additional periods of up to three years”  
So the second sentence of this section will read:

**“Any permit may be renewed for additional periods of up to three years, provided that an extension is received, in writing, by the Commission 30 days prior to expiration of the permit.”**

**Action on article no. 8:** Voice. Adopted.

**TOWN CODE AMENDMENT/Town Meetings**

**ARTICLE NO. 9:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 48, Article I, Section 1 and Chapter 48, Article VI, Section 8, as follows, with text to be deleted shown in ~~strikethrough~~ and text to be inserted shown in **bold underline**:

Article I. Annual Town Meeting

§ 48-1 Designation of time.

The Town will hold two regularly scheduled Town Meetings. The Spring Annual Town Meeting for the transaction of all business for the town, other than matters to be determined by ballot, shall be held on the first Monday in May at ~~7:00 p.m.~~ **6:00 p.m. or such later time as set forth in the warrant for the Annual Town Meeting.** The Annual Election for the election of officers and such matters as are by law determined by ballot shall be held on the third Tuesday in May. Whenever the Annual Election for the election of officers and such matters as are by law determined by ballot falls fewer than two weeks after the scheduled beginning of the Spring Annual Town Meeting then the Annual Election shall be held on the fourth Tuesday in May. The Special Town Meeting will be held ~~the third Monday in November to address the transactions of all business for the Town.~~ **between the first week of October and the first week of December.** ~~Whenever this schedule places it in the same week as Thanksgiving Day, the Special Town Meeting shall be held instead on the second Monday in November.~~

Article VI. Special Town Meetings.

§ 48-8. Designation of time.

~~The time for Special Town Meetings which do not fall within Annual or other Special Town Meetings shall begin at is changed to 7:00 p.m.~~ **6:00 p.m. or such later time as set forth in the warrant for the Special Town Meeting.** ~~to commence with the call of the next Special Town Meeting.~~

Or to take any other action relative thereto.

(Board of Selectmen)

(Majority Vote Required)

**Select Board Member John Dickson: I move to approve article no. 9 as printed in the warrant.**

**Action on article no. 9: Voice. Adopted.**

**TOWN CODE AMENDMENT/Dogs**

**ARTICLE NO. 10:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 86, Article II, Section 3, as follows, with text to be deleted shown in ~~striketrough~~ and text to be inserted shown in **bold underline**:

Article II. Licensing

§ 86-3. Animal Control.

LICENSE PERIOD

Between ~~April 1 and March 31~~ **January 1 and December 31**, both dates inclusive.

B. Licensing required.

(1) Effective January 1, 2003, any person residing in the Town of Brewster who, at the beginning of the license period (~~April 1 to March 31~~) **(January 1 to December 31)**, or who during the license period

becomes the owner or keeper of a dog six months old or over, shall cause the dog to be licensed within 30 days.

Or to take any other action relative thereto.

(Board of Selectmen)

(Majority Vote Required)

**Select Board Member Mary Chaffee: I move to approve article no. 10 as printed in the warrant.**

**Action on article no. 10: Voice. Adopted Unanimously.**

**ZONING BYLAW AMENDMENT/Licensed Special Event Venue**

**ARTICLE NO. 11:** To see if the Town will vote to amend Chapter 179-2, Definitions, and 179-11, Table of Use Regulations, of the Brewster Town Code, as follows, with text to be deleted shown in ~~strike through~~ and text to be inserted shown in **bold underline**:

Purpose: The purpose of this zoning bylaw amendment is to determine the frequency of events that may proceed on an annual basis upon receipt of a license from the Select Board, and to introduce a process for permitting more frequent events.

179-2, Definitions:

Licensed Special Event Venue **Use** - A property, not specifically designed or permitted to be used for infrequent events **occurring within a 24-hour period** such as, but not limited to, art or theatrical exhibitions, concerts, dinners, parties, and weddings, to be attended by the public, including properties not expressly permitted to be rented for such occasions. **Applications for 5 or fewer events per year must receive a license from the Select Board. Applications for greater than 5 events per year must receive a Special Permit from the Board of Appeals.** provided, however, that such venue has first received a license from the Select Board for such event. **Special Permits for Special Event Venue Uses shall be renewed annually.**

179-11 Table of Use Regulations:

|   | RR       | RL       | RM       | CH       | VB       | I        | MRD      | PWS-CF   |
|---|----------|----------|----------|----------|----------|----------|----------|----------|
| Licensed Special Event Venue <b><u>Use (5 or less per year)</u></b>   | P        | P        | P        | P        | P        | P        | P        | P        |
| Licensed <b><u>Special Event Venue Use (more than 5 per year)</u></b> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> |

Or to take any other action relative thereto.

(Board of Selectmen)

(Two Thirds Vote Required)

**Planning Board Chair Kari Hoffmann: I move to approve article no. 11 as printed in the warrant.**

**Action on article no. 11: Voice. Adopted Unanimously.**

**•Citizen Ned Chatelain: I move to take article no. 12 out of order.**

**•Action on taking article no. 12 out of order: Voice. Adopted.**

**ZONING BYLAW AMENDMENT/Accessory Dwelling Unit**

**ARTICLE NO. 12:** To see if the Town will vote to amend Chapter 179 of the Brewster Town Code, as follows, with text to be deleted shown in ~~strikethrough~~ and text to be inserted shown in **bold underline**:

§ 179-2, Definitions:

**ACCESSORY COMMERCIAL DWELLING UNIT (ACDU)**

**A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is located within a structure containing a commercial, wholesale or industrial use, or in a separate structure on the same lot as a commercial, wholesale or industrial use.**

**An ACDU shall have no more than two bedrooms and shall have a maximum habitable area of 900 sq. ft. or 40% of the habitable area of the commercial, wholesale or industrial unit, whichever is less. Unenclosed additions constructed to serve an ACDU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ACDU.**

**ACCESSORY SINGLE FAMILY DWELLING UNIT (ADU)**

**A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is accessory and clearly subordinate to a principal dwelling. An ADU may be located within a single family house containing a principal dwelling, or in a building accessory to a single family house.**

**An ADU shall have no more than two bedrooms and shall have a maximum habitable area of 900 sq. ft. or 40% of the habitable area of the principal dwelling, whichever is less. Unenclosed additions constructed to serve an ADU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ADU.**

**§ 179-42.2. Accessory Single Family Dwelling Units (ADUs)**

**Accessory single family dwelling units shall be permitted subject to the following standards:**

- (1) An ADU may be located within or adjacent to a single family house, or in a building accessory to a single family house, subject to the Definitions of Section 179-2; the requirements of Table 1 Use Regulations and Table 2 Area Regulations/Minimum Required Lots; and all standards of this Bylaw.**
- (2) An ADU may be located within a Zone II (Zone of Contribution to a Public Drinking Water Well), in the watershed of the Herring River, or the watershed to Pleasant Bay, subject to approval of a Special Permit by the Zoning Board of Appeals. All ADU's within these areas shall be required to install advanced nitrogen treatment septic systems, if deemed necessary.**
- (3) All construction in connection with an ADU attached to a principal dwelling shall conform to building setbacks for a single family house in the Zoning District where it is located.**
- (4) Either the principal dwelling or the ADU must be occupied by the owner of the property, as defined in Section 179-2 and the remaining dwelling unit shall be leased for periods of not less than 12 months.**

The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that either the principal dwelling or the accessory single family dwelling unit will be, and/or has been, used as the principal residence of the owner for the next 12 month period and that the remaining dwelling will be leased for a period of not less than 12 months.

- (5) No more than twenty (20) building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.
- (6) There shall be no renting of rooms or boarding of lodgers in an ADU.
- (7) An ADU shall conform to all applicable State and local laws regulating new construction or new residential use including the State Building Code, and applicable plumbing, electrical, fire, health and conservation regulations and bylaws. A Certificate of Occupancy shall be required for any ADU.
- (8) There shall be no more than two residential units in total on a lot containing an ADU.
- (9) A minimum of one parking space per bedroom of the ADU shall be provided.
- (10) An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained.

#### § 179-42.3. Accessory Commercial Dwelling Units (ACDUs)

Accessory single family dwelling units shall be permitted subject to the following standards:

- (1) An ACDU may be located within or adjacent to a commercial building, or in a building on the same lot as a commercial use, subject to the Definitions of Section 179-2; the requirements of Table 1 Use Regulations and Table 2 Area Regulations/Minimum Required Lots; and all standards of this Bylaw.
- (2) An ACDU may be located in a Commercial High Density or Village Business District.
- (3) An ACDU may be located within a Zone II (Zone of Contribution to a Public Drinking Water Well), in the watershed of the Herring River, or the watershed to Pleasant Bay, subject to approval of a Special Permit by the Zoning Board of Appeals. All ADU's within these areas shall be required to install advanced nitrogen treatment septic systems, if deemed necessary.
- (4) All construction in connection with an ACDU shall conform to building setbacks for a commercial building in the Zoning District where it is located.
- (5) The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that the ACDU will be, and/or has been, leased for a period of not less than 12 months.
- (6) No more than twenty (20) building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.
- (7) There shall be no renting of rooms or boarding of lodgers in an ACDU.

(8) An ACDU shall conform to all applicable State and local laws regulating new construction or new residential use including the State Building Code and applicable plumbing, electrical, fire, health and conservation regulations and bylaws. A Certificate of Occupancy shall be required for any ACDU.

§ 179-11, Use Regulations:

|   | RR       | RL       | RM       | CH       | VB       | I | MRD | PWS-CF |
|---|----------|----------|----------|----------|----------|---|-----|--------|
| 1. <u>Accessory commercial dwelling unit "ACDU"</u>   | -        | -        | -        | <u>S</u> | <u>S</u> | - | -   | -      |
| 2. <u>Accessory single family dwelling unit "ADU" on a lot of 30,000 square feet or more.</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>S</u> | <u>S</u> | - | -   | -      |
| 3. <u>Accessory single family dwelling unit "ADU" on a lot less than 30,000 square feet.</u>  | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | - | -   | -      |

§ 179-16, Area Regulations:

1: In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial development, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, public utilities, accessory single-family dwelling units (ADUs), and accessory commercial dwelling units (ACDUs) that comply with all provisions of Sections 179-42.2 and 179-42.3, respectively. ADU's may be permitted by right in the R-L, R-M and R-R zoning districts on lots of 30,000 square feet or greater, by Special Permit in these districts on lots less than 30,000 square feet, and by Special Permit in the C-H, V-B and I zoning districts. Also, residential lots may contain two single-family units if the lot is twice that required by the Table of Area Regulations for single-family residences in that district and if each unit is provided proper street access.

And (b.) by amending Note 13, as follows:

13. An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor living area not exceeding 600 square feet, and including not more than one bedroom, a kitchen, living room and bath, shall be allowed by a special permit granted by the Board of Appeals. Such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences during which the unit is not rented. ~~The apartment shall be restricted to use by the property owner's immediate family, including in-laws (mother, father, brother, sister), and/or a health care professional providing a service to the above family and is defined as a "dwelling, one family, with accessory apartment".~~

§ 179 Article 2, Definitions

Delete the following definitions, which will be superceded by definitions for Accessory Dwelling Units and Accessory Commercial Dwelling Units. (note: The existing zoning bylaw definition for Affordable Housing is unchanged.)

AFFORDABLE ACCESSORY COMMERCIAL DWELLING UNIT (AACDU)

~~Affordable housing as an accessory use in a commercial district. It shall have a maximum of one bedroom and a maximum of 600 square feet of area.~~

{Added 11-5-2007 FYTM, Art. 20}

AFFORDABLE ACCESSORY SINGLE-FAMILY DWELLING UNIT (AADU)

~~Affordable housing, either attached or detached, as an accessory use to a single-family dwelling. It shall have a maximum of two bedrooms and a maximum of 900 square feet of area.~~

~~{Added 11-5-2007 FYTM, Art. 20}~~

§ 179-42.1 Affordable Housing

Remove section 179-42.1 Paragraph B, by deleting general condition 4; and to amend 179-42.1 Paragraph C, Standards by deleting Subparagraph (1), and Subparagraph (2).

§ 179-11, Table of Use Regulations

Amend Chapter 179, Attachment 1 (Table 1 Use Regulations), by deleting Affordable Accessory Commercial Dwelling Unit (AACDU) and Affordable Accessory Single Family Dwelling Unit (AADU) and all designations for where these uses are allowed.

Or to take any other action relative thereto.

(Planning Board)

(Two Thirds Vote Required)

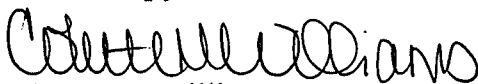
**Planning Board Chair Kari Hoffmann: I move to approve article no. 12 as printed in the warrant.**

**Citizen Tim Holmes: I move to amend Section 6 to allow commercial ACDU developers 10 and 10 for residential homeowners.**

**Action on Amendment: Voice. Adopted.**

**Action on article no. 12 amended main motion: Voice. Adopted by a declared 2/3 vote.**

A True Copy Attest:



Colette M. Williams  
CMC/CMMC  
Town Clerk  
Brewster, MA

The invalidity by reason of any defect in the procedure or adoption of the amendments may only be made within ninety days of such posting. Copies of amendments to the Bylaws may be examined and obtained at the Town Clerks Office, 2198 Main Street, Brewster, Massachusetts