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**Office of:
Planning Department**

Date: September 8, 2023
To: Planning Board
From: Jon Idman, Town Planner
Re: Proposed ADU Amendments, Brewster Zoning Bylaw
Sections 179-2 & 179.42.2; Table 1; Table 2

At its meeting on August 23, 2023, the Planning Board voted to submit the above-referenced draft amendments presented at the meeting to the Select Board to begin the formal zoning amendment process under MGL Ch. 40A, subject to the following further revisions:

1. Revised Note 13, Table 2.
 - a. Added a sentence to clarify that a lot can't have both an accessory apartment and an ADU.
 - b. Deleted final phrase re: owner bona fide absences.
2. Added reference to a separate physical entrance requirement for an ADU in Section 179-42.2(A).

The draft amendments have now been submitted to the Select Board by staff with the further revisions referenced above. The Select Board will act on the proposed amendments at its meeting on September 11, 2023. The Planning Board will hold a hearing on the proposed amendments at its meeting on September 13, 2023.

In addition to the drafting, technical and structural amendments, the following is a high-level summary of the proposed substantive amendments, as previously discussed and drafted by the Planning Board:

1. Removed the requirement to obtain a special permit for an ADU in the Pleasant Bay and Herring River Watersheds, and the Zone II;
2. Lowered the special permit minimum lot area requirement from 30,000 sq ft to 15,000 sq ft for an ADU;
3. Deleted percentage limitation on ADU size and increased the maximum allowable floor area size for an ADU from 900 sq ft to 1000 sq ft;
4. Added the VB district to where an ADU is allowed by right on lots 15,000 sq ft or greater (as is the case in all the residential "R" districts);
5. Added a purpose clause that emphasizes ADUs are for year-round dwelling purposes;
6. Reduced ADU parking requirements;
7. Created an opportunity for part time residents to create an ADU by special permit;
8. Clarified further that an ADU is a use accessory to a single-family dwelling and is not a commercial or accommodations-type use;
9. Clarified further that short term rental use is not allowed on a lot with an ADU;
10. Gave more discretion to the building commissioner to establish procedures for the administration and enforcement of ADUs.
11. Removed annual building permit caps for the creation of ADUs.