

Town of Brewster



SPECIAL TOWN MEETING

WARRANT

for

NOVEMBER 13, 2023

at

6:00 PM

**STONY BROOK ELEMENTARY SCHOOL
384 UNDERPASS ROAD**

Please bring this copy of the warrant to Town Meeting
Large print copies of the warrant are available at the Brewster Town Offices

**TOWN OF BREWSTER
SPECIAL TOWN MEETING WARRANT
NOVEMBER 13, 2023**

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Holding on to History: Brewster Park

In the 18th century, Lower Road, known then as Lobster Lane, was the site of early residential development. Houses were built exclusively on the north side of the road with many properties extending to the bay. Both sides of the road were used for agriculture and cranberry bogs. It was not until the early 20th century that infill residential development began. Today, the road still retains its rural character.

In 1906, Kenelm Winslow and Howard Hinkley bought a 30-acre parcel of land at the east end of the Lower Road Cemetery on the north side of Lower Road extending to the beach. Winslow's family lived in Brewster since the seventeenth century. Hinkley was a "progressive" and "popular" minister of the town's Baptist Church from 1899 to 1903.

Vision to Reality

In September 1906, Hinkley and Winslow recorded the first of at least five plans for this parcel, named Brewster Park. The first had "a hotel with adjacent cottages" on the land close to the shoreline. The rest of the property was divided into seventy-four house lots from Lower Road to the shore and two undivided public areas—a grove (later labeled Winslow Grove) and a central area where the developers sketched two tennis courts and a baseball diamond, the whole being called the "Base Ball Field." Five east-west roads were planned and one north-south road, Center Street, from Lower Road to the bay. The land was designed as a community of summer cottage owners and renters arranged around a series of amenities.

The hotel was never built and the land was eventually converted to individual parcels and sold for cottages.

The first cottages, built by local carpenters, were one-story wood frame, gable roof dwellings mounted on piers and surrounded by open porches. In the 1910s, summer cottage design began to reflect the influence of the Craftsman style, a trend that continued through the 1920s. Craftsman house plans became available to local builders and these one-story cottages featured low gable roofs with long slopes covering recessed porches.

Ernest F. Hodgson, owner of Hodgson Portable Homes, a manufacturer of prefabricated buildings in Dover, Massachusetts, became a prominent builder in the Park. His "Wigwam Portable Houses," one-story, wood frame gable-roof dwellings with exterior porches, were based on the simplicity and economy of existing cottages and were similar in appearance. Between 1917 and 1934, Hodgson's company acquired twelve lots in Brewster Park, two of them for Hodgson himself.

Throughout the 1920's, cottages continued to be built. In 1922, the Kirkbride and Drake families, who owned in Brewster Park, bought land adjacent to the park to the east and named their development "Saquatucket," or the Satucket Club. It was developed and occupied early on by New Jersey families and was often called the "Jersey side" of Brewster Park, though it was not technically part of the subdivision. However, residents paid the Park's association dues and were considered part of the Brewster Park community.

For a brief time, the Park was the site of Miriam's Tea Room which opened in 1926 at the corner of Center Street and Lower Road. The Tea Room served "home cooked meals" and sold candy and soft drinks. Unfortunately, a fire in 1931 destroyed the building, badly burning the owner.

By the 1930s, the core area of Brewster Park was largely built out, and all that remained for the cottages was a series of additions, renovations and replacements. Although there were ultimately 91 cottages, the overall ambiance of the place with the defining characteristics of its small, modest cottages with wood shingle siding and large porches, would remain, conveying a sense of its history as a resort community. Many of the descendants of the original owners are still owners today.

The Community

Brewster Park's design attracted families from the surrounding states who wanted to summer at the beach. With no through roads and a neighborhood that developed family by family, children could play and explore in safety. There were organized activities for the large number of children in the park all summer. The Park's young folk, however, did not just keep to themselves. In the 1930's, some of the teenage girls dated the camp counselors from Camp Monomoy and would go for moonlight sails on the bay and the Brewster Park baseball team played games against the camp's team.

As the community grew, the Brewster Park Neighborhood Club was founded in 1916 to look after the Park. Association dues paid by each homeowner were \$10 per year. A Community House was built in 1926 and, in 1927, the Club became the Brewster Park Club Incorporated "for the purpose of the improvement and beautification of (the) Brewster Park portion of the town of Brewster."

Brewster Park is over a century old and yet still feels like a summer cottage community though many of the cottages have been renovated and some have been rebuilt as year-round homes. This, in part, may be due to the lack of any commercial development inside the Park and the fact that it is bounded by the Lower Road Cemetery to the west and conservation land to the east which was given to the Brewster Conservation Trust by the Eddy sisters.

Brewster Park is significant as few summer colonies on the Cape pre-date it. Stepping into the Park feels almost like stepping back in time when life was quieter and simpler. We can hope that a century from now Brewster Park will still feel the same.

Patricia Hess is a member of the Brewster Historical Commission.

Many thanks to Kathryn Gover and Neil Larson for the Brewster Park Form A. Additional information can be found in Katharine Callanen's book Brewster Park: The Early Years 1906-1946. Both are in the reference section of the Brewster Ladies Library.

TOWN MODERATOR INFORMATION FOR BREWSTER VOTERS

Brewster Voters:

To prepare residents in advance, we are providing information here that will be helpful to everyone who plans to attend. In the interest of expediting introductory remarks, we appreciate your attention to the following procedures for the November 2023 Special Town Meeting:

1. **Attendance:** Please do not attend Town Meeting if you have recently tested positive for COVID, have any COVID symptoms, or have recently been in contact with a person diagnosed with COVID.
2. **Check-in:** Will start at 5:00 pm in the hallway above the library. If you have a mobility issue, please move to the beginning of the check-in line.
3. **Town Warrants:** Copies of the Town Warrant will be available; voters are invited to bring their own copy.
4. **Town Officials Participating in Town Meeting**
 - Select Board: Chair Ned Chatelain, Mary Chaffee, Kari Hoffmann, Cynthia Bingham, and David Whitney
 - Town Manager: Peter Lombardi
 - Assistant Town Manager: Donna Kalinick
 - Town Clerk: Colette Williams
 - Finance Committee: Chair Pete Dahl, Frank Bridges, William Meehan, Robert Young, Alex Hopper, Robert Tobias, Andrew Evans, William Henchy, and Patrick Buckley.
 - Finance Director: Mimi Bernardo
 - Town Counsel: Jonathan Murray of KP Law
 - Constable: Roland Bassett, Jr.
5. **Meeting Rules of Order**
 - Brewster uses “Town Meeting Time: A Handbook of Parliamentary Law” as well as local practice and tradition.
 - Please be respectful and courteous to others. All questions or comments should be directed only to the Moderator.
6. **Time Clock:** Under our bylaw, presenters may speak for up to 5 minutes, and residents may speak for or against an article for up to 3 minutes.

7. Voting

- All voting will be done by a show of hands using voter tickets. The Moderator will evaluate the show of hands and announce the result.
- Voters may challenge the Moderator's result; if more than 7 voters request a count, one will be done.

8. Microphones

- Stationary microphones will be set up at the front of each aisle in the voter seating area. Please state your name and address when you speak.

9. Motions

- Amendments:
 - If a minor amendment is proposed, the Moderator may accept it verbally.
 - If a longer amendment is offered, provide it in writing to the Town Clerk or her staff.
- If you are unclear at any time about an action, raise your voter ticket to be recognized and state, "Point of order."

10. Services

- If you need handicapped parking, special seating, or any other type of assistance, please contact the Town Manager's office (508-896-3701 ext. 1100) before Town Meeting. Handicapped parking will be available in the front of the school in the bus drop-off area.
- Space will be available for voters using wheelchairs. Those with impaired mobility can access the check-in line via the main entrance at the front of the building.
- Cape Cod YMCA provides free childcare services for children of all ages (12+ weeks old) during Town Meeting. If you would like to take advantage of this service, please call or email the YMCA before 4:00 pm on Wednesday, November 8th; at (508) 362-6500 ext. 1020 or dgraham-reardon@ymcacapecod.org.
- Nauset Youth Alliance also provides food and beverages for purchase from 5:30 pm – 8:00 pm during Town Meeting.
- The Council on Aging offers rides to and/or from Town Meeting. For information or to schedule a ride, please call the Council on Aging at 508-896-2737 by noon on Thursday, November 9th. Rides are available during the entirety of Town Meeting.

11. **Handouts/Flyers:** A designated area will be available for distribution of materials to voters.

12. **Thank you.** I appreciate your commitment to conducting the Town's business and participating in our local democracy in a respectful manner.

Charles Sumner, Town Moderator

TOWN OF BREWSTER SPECIAL TOWN MEETING NOVEMBER 13, 2023

Barnstable, ss

To: Roland W. Bassett, Jr. Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet at the Stony Brook Elementary School, 384 Underpass Road, on **Monday, November 13, 2023**, next, at 6:00 p.m. o'clock in the evening, then and there to act upon the following articles:

OUTSTANDING OBLIGATIONS

ARTICLE NO. 1: To see what sums the Town will vote to appropriate from available funds for the payment of unpaid obligations from previous fiscal years, including any bills now on overdraft:

| | <i>Department</i> | <i>Outstanding Obligations</i> | <i>Amount</i> |
|----|----------------------------|--|-------------------|
| a. | Golf Department | Denis L. Maher Well Drilling & Pump Services | \$7,585.00 |
| b. | Fire Department | Cape Cod Medical Center | \$265.00 |
| c. | Department of Public Works | Sylvester Consultants | \$325.00 |
| d. | Department of Public Works | Strategic Materials Inc. | \$300.96 |
| | | Total | \$8,475.96 |

Or to take any other action relative thereto.

(Select Board)

(Nine-tenths Vote Required)

COMMENT

This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

Select Board: Yes 4, No 0, Abs 0

Finance Committee: Yes 6, No 0, Abs 0

CAPITAL AND SPECIAL PROJECTS EXPENDITURES

ARTICLE NO. 2: To see what sums the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer to borrow under and pursuant to Massachusetts General Laws Chapter 44, Sections 7, 7(1), or 8, or any other enabling authority, for the capital outlay expenditures listed below, including, in each case, all incidental and related costs, to be expended by the Town Manager, except School expenditures to be made by the School Superintendent with the approval of the School Committee; authorize leases and lease purchase agreements for more than three but not more than five years for those items to be leased or lease purchased, and further that the Town Manager with the approval of the Select Board or School Superintendent with the approval of the School Committee for school items, be authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced, all as set forth below:

| <i>Department</i> | <i>Item</i> | <i>Funding Source(s) / Appropriation or Transfer</i> | <i>Amount</i> |
|--|--|--|------------------|
| 1 Select Board | | | |
| a. Ponds Management Plan & Pilot Pond Study | Professional services and costs for development of a Town-wide ponds management plan and related pond pilot studies | Free Cash & Water Quality Stabilization | \$100,000 |
| b. Herring River Watershed Permit | Professional services and costs for development of the Town's planned Herring River Watershed Permit, including analysis of future build-out potential | Water Quality Stabilization | \$50,000 |
| Sub-Total | | | \$150,000 |
| 2 Facilities | | | |
| a. Town-wide Building Maintenance & Security | Professional services and costs for building repairs, maintenance, and security for Town-owned buildings | Free Cash | \$30,000 |
| Sub-Total | | | \$30,000 |
| 3 Police | | | |
| a. Vehicle Replacement | Purchase and outfit (3) hybrid police vehicles | Free Cash | \$140,000 |
| b. Mobile Data Terminal Replacement | Purchase and installation of mobile data terminals | Cell Tower Lease Funds | \$45,000 |
| Sub-Total | | | \$185,000 |

| | <i>Department</i> | <i>Item</i> | <i>Funding Source(s) / Appropriation or Transfer</i> | <i>Amount</i> |
|-------------------------------------|--|---|--|------------------|
| 4 Fire | | | | |
| | a. Chest Compression Devices | Purchase of three (3) replacement devices | Ambulance Fund | \$65,000 |
| | b. Miscellaneous Fire Equipment | Purchase of replacement hoses, nozzles, hand tools, ropes, ladders, and other miscellaneous equipment | Free Cash | \$30,000 |
| | c. Additional Funding for Ambulance Leases | Funds to cover unexpected increases in ambulance lease payments | Ambulance Fund | \$15,000 |
| | d. Mobile Computer Equipment | Purchase of mobile and desktop computer equipment and updated operational software and any other related costs | Ambulance Fund | \$35,000 |
| Sub-Total | | | | \$145,000 |
| 5 Department of Public Works | | | | |
| | a. Drainage/Road Maintenance | Professional services for engineering, permitting, and construction associated with road maintenance and drainage | Free Cash | \$250,000 |
| | b. One Ton Dump Truck Replacement | Purchase and equip one (1) Dump Truck, including but not limited to emergency lights, plow package, material spreader, and radios | Free Cash | \$220,000 |
| | c. Mower Replacement | Purchase and equip one (1) mower | Free Cash | \$25,000 |
| | d. New Pick-up Truck | Purchase and outfit (1) 4x4 pick-up truck, including but not limited to plow package, emergency lighting, and radio | Free Cash | \$80,000 |
| | e. Mobile Digital Sign Board Replacement | Purchase of mobile digital sign board | Cable Special Revenue Fund | \$20,000 |
| | f. DPW Building Maintenance & Repairs | Professional services and costs for building repairs and maintenance of DPW facilities | Reappropriate Existing Funding | \$50,000 |
| | g. Electric Mower | Purchase (1) battery powered full electric mower | Free Cash | \$17,000 |
| Sub-Total | | | | \$662,000 |

| | <i>Department</i> | <i>Item</i> | <i>Funding Source(s) / Appropriation or Transfer</i> | <i>Amount</i> |
|--------------------------------------|--|--|--|-----------------|
| 6 Information Technology | | | | |
| | a. Technology Upgrades/ Replacement | Ongoing information system & equipment improvements, including but not limited to the purchase of computers, software, servers, and other hardware/ software | Free Cash | \$40,000 |
| Sub-Total | | | | \$40,000 |
| 7 Council on Aging | | | | |
| | a. Council on Aging 50 th Anniversary Celebration | Funding for Town-wide activities related to the COA's 50 th anniversary | Free Cash | \$15,000 |
| Sub-Total | | | | \$15,000 |
| 8 Assessors | | | | |
| | a. Valuation Services | Professional services for new growth and cyclical inspections as required by the Department of Revenue | Overlay | \$80,000 |
| Sub-Total | | | | \$80,000 |
| 9 Brewster Elementary Schools | | | | |
| | a. Stony Brook Generator Design | Professional design services for replacement of the Stony Brook Elementary School generator | Free Cash | \$75,000 |
| Sub-Total | | | | \$75,000 |
| 10 Water | | | | |
| | a. Red Top Road Water Main Installation | Professional services and costs for engineering and construction of new water main on Red Top Road | Water Retained Earnings | \$75,000 |
| Sub-Total | | | | \$75,000 |
| 11 Golf | | | | |
| | a. Golf Maintenance Building Design | Professional services associated with the design of a new maintenance building | Golf Retained Earnings | \$400,000 |
| | b. Irrigation Pump Reconditioning/ Replacement | Professional services and costs associated with the reconditioning of well #2 and pump replacement | Golf Retained Earnings | \$100,000 |
| | c. Equipment Replacement | Purchase and replace equipment necessary to maintain golf course | Golf Retained Earnings | \$350,000 |

| | <i>Department</i> | <i>Item</i> | <i>Funding Source(s) / Appropriation or Transfer</i> | <i>Amount</i> |
|--------------------------------|---|--|--|--------------------|
| | d. Tee Box Renovations | Purchase and install materials to upgrade and maintain tee boxes | Golf Retained Earnings | \$20,000 |
| | e. Restaurant Equipment, Furnishings, & Repairs | Purchase and install restaurant/kitchen equipment, furnishings, and any other related costs to maintain the restaurant | Golf Retained Earnings | \$15,000 |
| | f. Windows & Doors Replacement | Professional services and costs to replace windows and doors in the clubhouse and pavilion | Golf Retained Earnings & Golf Capital Stabilization Fund | \$700,000 |
| | g. Driving Range Improvements | Costs associated with upgrading the driving range | Golf Retained Earnings | \$15,000 |
| | h. Irrigation Water Source & Supply Study | Professional services and costs for irrigation water source & supply study | Golf Retained Earnings | \$100,000 |
| | | | Sub-Total | \$1,700,000 |
| 12 Recreation | | | | |
| | a. Town Hall Athletic Field Benches Replacement | Purchase and replace 6 benches at Town Hall ballfields | Free Cash | \$10,000 |
| | | | Sub-Total | \$10,000 |
| 13 Library | | | | |
| | a. Elevator Replacement | Purchase and install a new elevator including any other related costs | Free Cash | \$100,000 |
| | | | Sub-Total | \$100,000 |
| 14 Building/Inspections | | | | |
| | a. New Vehicle (hybrid) | Purchase of (1) hybrid vehicle for inspectional services | Free Cash | \$60,000 |
| | | | Sub-Total | \$60,000 |
| | | | GRAND TOTAL | \$3,327,000 |

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required, Except 2/3 Vote on Transfers from Stabilization Funds)

COMMENT

The Town certified \$5,130,085 in Fiscal Year 2023 Free Cash, which is now available for appropriation. If all funding requests included in Articles 1, 2, 3, and 9 are approved by this Town Meeting, a balance of \$1,780,397 in Free Cash will remain. These requests are consistent with the Town’s 5-Year Capital Improvement Plan and with the Select Board’s Strategic Plan. To ensure healthy financial reserves, the Town aims to maintain a year-end Free Cash balance of at least \$1M. While we anticipate additional capital requests at Annual Town Meeting in May 2024, we expect that our Free Cash balance will remain consistent with the Select Board’s financial reserves policy even after accounting for those supplemental appropriations.

1. Select Board & Town Administration

1a. Ponds Management Plan & Pilot Pond Study – These funds will be used to develop a Town-wide Pond Management Plan that sets forth principles and recommendations for continued protection and improvement of our freshwater ponds in keeping with the Town’s Integrated Water Resource Management Plan. The goals of the Pond Management Plan will be to ensure pond water quality standards are consistent with desired public uses of our ponds and are maintained through cost-effective management strategies that support healthy ecosystems and crucial habitat for biodiversity. These funds will also be used to conduct demonstration projects for the plan that target one or more specific ponds.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

1b. Herring River Watershed Permit – In July 2023, the Massachusetts Department of Environmental Protection issued new watershed regulations for certain nitrogen sensitive areas and updated Title V septic regulations. To comply with these new regulations, the Town plans to develop a new permit over the next 5 years for the Herring River watershed, which encompasses neighborhoods surrounding Long Pond, Sheep Pond, and Seymour Pond. The first step in this process is to identify future residential development potential within this watershed so we can better understand what our nitrogen mitigation requirements under this new permit might be. These funds will be used for consulting services related to these early planning efforts. This water resource planning is similar to Brewster’s work to improve water quality in the Pleasant Bay watershed over the past decade.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

2. Facilities Department

2a. Town-wide Building Maintenance & Security – These funds will be used for one-time improvements to certain Town buildings and security systems.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

3. Police Department

3a. Vehicle Replacement - These funds will be used to purchase, outfit, and equip three (3) new hybrid police cruisers. This purchase reflects the Town's commitment to transitioning our fleet to hybrid and/or electric vehicles whenever feasible. The Police Department relies on these cruisers for patrol and emergency response. Included in the cost is outfitting the vehicle with emergency lights/sirens, and equipping the vehicle with the tools necessary for responding to a variety of emergencies. The purchased vehicles will be replacing outgoing vehicles, which will be sold via auction. This standard article represents our annual commitment to replacing equipment that is past its useful life.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

3b. Mobile Data Terminal Replacement – These funds will be used to replace the mobile data terminals (MDTs) in all of our police cruisers. These computers are used to communicate between dispatch and the officers in the field. The computers are at the end of their useful life and need to be replaced to ensure officer safety.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

4. Fire Department

4a. Chest Compression Devices – These funds will be used to replace 3 chest compression devices. This life saving equipment is a critical component of the Fire Department's emergency medical response and comes with an extended warranty.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

4b. Miscellaneous Fire Equipment – These funds will be used to purchase or replace hose, nozzles, portable generators, lighting equipment, hand tools, ladders, rope, harnesses, and other miscellaneous equipment required to meet OSHA and NFPA standards and regulations.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

4c. Additional Funding for Ambulance Leases – These funds will be used to supplement funds previously approved by Town Meeting to cover the costs of our ambulance leases. This additional funding is needed based on recent increases in the costs of leasing these vehicles.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

4d. Mobile Computer Equipment – These funds will be used to replace mobile and desktop computer equipment that needs to be upgraded every 3-5 years and to purchase updated and/or new operational software programs.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5. Department of Public Works

5a. Drainage/Road Maintenance - These funds will be used for professional services, including but not limited to engineering, permitting, and construction costs, and in-house construction costs associated with road maintenance and drainage on various public roadways in Town. This standard article represents our annual commitment to maintaining public roads, consistent with our Pavement Management Plan.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5b. One Ton Dump Truck Replacement – These funds will be used to purchase and equip one (1) 4x4 pick-up truck, including a plow package, sander, emergency lighting, and radio. The vehicle is used for daily operations, snow and ice operations and emergency response. The current vehicle is past its useful life.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5c. Mower Replacement – These funds will be used to purchase and outfit one (1) mower. Public Works is responsible for maintaining all recreational fields and Town facilities. These mowers are essential pieces of equipment used in their weekly upkeep of Town properties.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5d. New Pick-up Truck – These funds will be used to purchase and outfit one (1) new 4x4 pick-up truck, including but not limited to a plow package, emergency lighting, and radio. This truck will be used for daily operations, snow and ice operations, and emergency response.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5e. Mobile Digital Sign Board Replacement – These funds will be used to replace our mobile digital sign board, which is used to communicate important and timely information to residents about Town services, events, and programs. The existing sign board is past its useful life and can no longer be repaired.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5f. DPW Building Maintenance & Repairs – These funds will be used to complete necessary repairs to the DPW building to ensure employee health and safety.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

5g. Electric Mower – These funds will be used to purchase a new electric mower. Public Works is responsible for maintaining all recreational fields and Town facilities. These mowers are essential pieces of equipment used in their weekly upkeep of Town properties. This purchase reflects the Town’s interest in transitioning to electric equipment whenever feasible.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

6. Information Technology

6a. Technology Upgrades/Replacement - These funds will be used to purchase upgraded desktop computers, servers, productivity and office software, backup systems, and other hardware and software for Town departments. Computers and servers are replaced on a 3-5 year rotating schedule, and older machines are issued to users with less intensive computer needs. This standard article represents our annual commitment to replacing equipment that is past its useful life.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

7. Council on Aging

7a. Council on Aging 50th Anniversary Celebration – The Brewster Council on Aging is celebrating its 50th anniversary in June 2024. These funds will be used to support a series of programs, activities, and events that the Council on Aging is planning to organize and host over the coming year in recognition of this important milestone.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

8. Assessors

8a. Valuation Services - These funds will be used to cover contractual obligations to a private firm for property valuation services required to annually set assessed value, collect new growth, and perform property inspections as required by the Department of Revenue for the annual assessment and allocation of the tax levy. The valuation services contractor performs all inspections, data collection, analysis, and updates, including new growth inspections and cyclical re-inspections.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

9. Brewster Elementary Schools

9a. Stony Brook Generator Design – These funds will be used for design services related to replacement of the generator at the Stony Brook Elementary School, which is no longer operational. Once design work is complete, further appropriation by Town Meeting will be needed to provide funds to replace the generator.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

10. Water Department

10a. Red Top Road Water Main Installation – These funds will be used for engineering and construction of new water main on Red Top Road to provide domestic water and fire protection to residents as well as enhance overall water system hydraulics. This funding will supplement funds previously approved by Town Meeting for this project based on increases in material costs.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11. Golf Department

11a. Golf Maintenance Building Design – These funds will be used to develop design plans for construction of a new maintenance facility which is in need of replacement based on the findings and recommendations of a recent building study report.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11b. Irrigation Pump Reconditioning/Replacement – These funds will be used to recondition or replace the main irrigation well at the Captains Golf Course. Irrigation wells need to be reconditioned after many years of use to remain operational and ensure continued high quality turf conditions.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11c. Equipment Replacement – These funds will be used to replace several key pieces of landscaping equipment needed to maintain superior playing conditions on the course. This standard article represents our annual commitment to replacing equipment that is past its useful life.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11d. Tee Box Renovations – These funds will be used to purchase materials to make improvements to our tee boxes. This work is primarily completed in-house by Golf Department staff.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11e. Kitchen Equipment Replacement – These funds will be used to replace kitchen equipment that is at the end of its useful life. The kitchen equipment is owned by the Town, and, in order to maintain a fully functioning restaurant at the golf course, it is necessary to regularly replace this equipment.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11f. Clubhouse Window and Door Replacement – These funds will be used to replace the windows and doors in the clubhouse, pro shop, restaurant, and pavilion which are over 20 years old and failing. Many of the windows have broken seals and many of the doors have do not open and close properly. This facility supports thousands of rounds each year by residents and visitors. This funding will supplement funds previously approved by Town Meeting for this project based on updated cost estimates.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11g. Driving Range Improvements – These funds will be used to repair and upgrade the driving range to enhance the golfing conditions and user experience.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

11h. Irrigation Water Source & Supply Study – The Town is planning to replace the irrigation system for all 36 holes at the golf course in the next several years. The main irrigation well has been impacted by severe rain events on multiple occasions over the past several years. These funds will be used to identify a long-term solution for the irrigation well so that we can then develop design plans for the entire irrigation system.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

12. Recreation Department

12a. Town Hall Athletic Field Benches Replacement – These funds will be used to replace the benches at the Town Hall fields. The existing benches are in poor condition and they are a safety concern for the kids and families that use these facilities.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

13. Brewster Ladies Library

13a. Elevator Replacement - These funds will be used to install a new elevator at the Ladies Library. This equipment has exceeded its useful life and requires frequent repairs, limiting resident access to the facility. This funding will supplement funds previously approved by Town Meeting for this project based on updated cost estimates.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

14. Building Department

14a. New Vehicle (hybrid) – These funds will be used to purchase a new hybrid vehicle to be used for inspectional services in the field by Building Department staff. This purchase reflects the Town’s commitment to transitioning our fleet to hybrid and/or electric vehicles whenever feasible.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

CAPITAL AND SPECIAL PROJECTS: MILLSTONE ROAD IMPROVEMENTS

ARTICLE NO. 3: To see if the Town will vote to raise and appropriate or transfer from available funds the total sum of **TWO MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$2,550,000)**, for the purpose of design and construction of improvements to Millstone Road, including all incidental and associated expenses, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

In 2015, Brewster voters approved a \$10M road bond to undertake several major road reconstruction and improvement projects. Millstone Road connects Routes 6A to the north with Route 137 to the south. One of the Town’s main thoroughfares, approximately 25% of Brewster residents live on or adjacent to this 2½ mile corridor, which conveys almost 4,000 vehicles a day on average.

Starting in Spring 2018, the Town hosted a series of well-attended community forums at each stage in the design process, which culminated in a final session in Winter 2022. Along the way, changes to the design elements were made in response to public feedback. Residents were also given other opportunities to provide their input outside of these forums, including a public comment period in Spring 2022.

After hearing from residents, the Select Board voted to move forward with the revised design at their meeting in April 2022, consistent with the following project goals: provide ADA compliant sidewalk for entire length of road; improve safety for all users; create consistent shoulder for bicycle safety; provide better interconnections with existing transportation network (Cape Cod Rail Trail, Nickerson Park, Route 6A, and beyond) and improve access to Town amenities (beaches, ponds, schools, businesses, Sea Camps, etc); improve drainage systems and stormwater treatment; eliminate need for permanent easements on private property; and, maintain character of scenic road.

Since that time, Town staff have worked with our design consultant to finalize the plan. This summer, the Town secured necessary state permitting approvals and we are currently seeking local approvals from the Conservation Commission and Planning Board for this work. The Town has also been coordinating with the utility companies regarding relocation of utility poles and associated infrastructure. This fall, the Town will begin working with residents on Millstone Road regarding temporary access to their properties during construction.

Based on the final design and costing from recent similar projects on Cape, the total cost of the Millstone Road improvements, including temporary easement expenses, utility relocation, and project oversight, is currently estimated at \$10.3M. In addition to \$5.75M in road bonds, the Town has an available balance of just under \$2M in Chapter 90 state aid for this purpose. To move forward with bidding the project, the Town is seeking Town Meeting approval to appropriate \$2.15M from Free Cash and \$250,000 from road betterments, and to reappropriate \$150,000 from previously approved funding from the Sea Camps Pool Parking Lot project. As outlined in the commentary for Article 3, the Town has sufficient Free Cash balances to account for all other FY24 capital needs, including this project, and expects to close out the fiscal year with a healthy reserves balance, consistent with our financial policies.

If this funding is approved, the Town expects to put the project out to bid in early 2024 and hopes to begin site work in Fall 2024. Based on that timeline, we anticipate the project will be completed by the end of Fall 2025.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

COMMUNITY PRESERVATION ACT FUNDING

ARTICLE NO. 4: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee to appropriate from Fund Balances Reserved for future expenditure the amounts shown below for the purposes of community housing, and, further to authorize the Town Manager to enter into appropriate contracts or grant agreements for the administration and implementation of the vote taken hereunder, as follows:

| | <i>Purpose</i> | <i>Item</i> | <i>Funding Source(s)</i> | <i>Amount</i> |
|--------------------|---|--|---------------------------|------------------|
| 1 | Community Housing | | | |
| | a. Brewster Affordable Housing Trust | Affordable Buydown Program | Undesignated Fund Balance | \$255,000 |
| | b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) | Development of affordable housing units at Spring Rock Village on Millstone Road | Undesignated Fund Balance | \$507,500 |
| Sub-total | | | | \$762,500 |
| Grand Total | | | | \$762,500 |

For Fiscal Year 2024 Community Preservation purposes, each item is considered a separate appropriation to be spent by the Community Preservation Committee; provided however, that the above expenditures may be conditional on the grant or acceptance of appropriate historic preservation restrictions for historic resources, open space restrictions for open space reserves, and housing restrictions for community housing, running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of G.L. c.184 and G.L. c.44B, Section 12, and to authorize the Board of Selectmen to convey or accept such restrictions;

And further, any revenues received in excess of the estimated receipts are transferred to their respective reserve fund balance(s) for future appropriation using the allocation formula of 10% Open Space and Recreation, 10% Housing, 10% Historical and 70% for Budgeted Reserve for CPA.

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

COMMENT

In May of 2005, Brewster voters approved a ballot question which allowed for the adoption of the modified Community Preservation Act (CPA). The act appropriates a 3% surcharge on the Town’s real estate tax revenues, which are reserved in a special fund in order to finance projects and programs for the purposes of preservation of open space, recreation, community housing, and historic preservation. Brewster is also eligible to receive up to 100% in matching funds from the State, although we anticipate a reduced reimbursement rate from the State for Fiscal Year 2024, which is projected at 25%.

In Fall 2022, Brewster adopted, through a local bylaw, a distribution schedule for the annual CPA funds beginning in FY24 as follows: 10% of the funds for open space and recreation, 10% for community housing, 10% for historic preservation, and the 70% undesignated reserve balance is available for any CPA eligible project. The 2022 bylaw also established a non-binding

2023-2027 Target Allocation Policy as follows: 30% for Open Space, 30% for community housing, 10% historic preservation, 10% recreation, and 20% for any CPA eligible project.

1. Community Housing:

a. Brewster Affordable Housing Trust – Brewster Affordable Buydown Program

Brewster Affordable Housing Trust's (BAHT) Affordable Buydown Program is a continuation of the Brewster Affordable Homebuyers Buy Down Program which began in 2007 and, over the past 16 years, expended \$360,000 to assist 12 households in purchasing affordable homes in Brewster. Funding is now exhausted. When the Buy Down program was first developed by the Community Preservation Committee (CPC), Brewster did not have a municipal housing trust. Going forward, the BAHT will manage the Buydown Program which may provide up to \$50,000 of grant assistance to first-time affordable homebuyers purchasing a home in Brewster. Eligible households may make up to 80% of the Area Median Income (AMI) and must agree to place a permanent deed restriction on the home. The grant funds reduce, or “buy down”, the purchase price of the home to make the home affordable and are provided as an interest-free loan, forgivable after 30 years. The program is targeted to preserve affordable homes already on the Town's Subsidized Housing Inventory (SHI) that are being sold. The BAHT requested \$250,000 in funding for buydown awards. The CPC increased the award by \$5,000 to include funds to offset legal and administrative expenses related to administering the program. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

Total Project Cost: \$255,000 CPC Request: \$255,000 CPC Vote: 9-0-0

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) – Development of affordable housing units at Spring Rock Village on Millstone Road

Spring Rock Village is the proposed development of 45 affordable housing units located on Millstone Road in Brewster. The community will provide apartments for a range of household types – with affordable rents that working Brewster households can support. The site design creates a sociable neighborhood that preserves over 70% of the existing 16-acre woodland habitat. The development prioritizes sustainability with its compact site layout and commitment to Passive House energy efficiency. The apartments will include 15 one-bedrooms, 25 two-bedroom, and 5 three-bedrooms scattered across 11 buildings featuring traditional Cape Cod architecture. The project is close to Nickerson State Park, the Cape Cod Rail Trail, and public transportation provided by Cape Cod Regional Transit Authority.

Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) were selected by the Brewster Affordable Housing Trust to develop this project through a Request for Proposals process. (RFP) The Town of Brewster, through the Affordable Housing Trust, Select Board and town staff crafted the vision for this project prior to releasing a Request for Proposals from developers. The project is scheduled for completion in June 2026. The initial

lease up for tenants will include a 55% local preference (24 units) and a 15% regional preference (7 units). \$500,000 of the award will be used for construction costs of the project. \$7,500 will be used to pay CPC legal and administrative expenses related to the award. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

Total Project Cost: \$27,128,227 CPC Request: \$507,500 CPC Vote: 8-0-0

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

ZONING BYLAW AMENDMENT: ACCESSORY DWELLING UNIT

ARTICLE NO. 5: To see if the Town will vote to amend the Brewster Zoning Bylaw by replacing the Accessory Dwelling Unit (ADU) provisions of the Zoning Bylaw, Section 179-2, Section 179-42.2, Section 179 Use Regulation Tables 1 and Section 179 Area Regulation Table 2, so that the section will read as follows*:

Please note that a redlined copy of this bylaw, with text to be deleted noted by ~~striketrough~~ and text to be inserted shown in **bold and underlined, is included as an addendum at the end of the warrant book for your reference.*

Section 179-2 Definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

A dwelling unit located on the same lot as the principal single-family dwelling to which it is accessory. An ADU shall be considered an accessory use.

DWELLING, ONE FAMILY DETACHED

A building containing a single, separate dwelling unit, designed for use and occupancy by one family, which shall be considered a principal use and principal structure under this Chapter. Also referred to herein as a “single-family dwelling” or “single-family residence.”

FLOOR AREA, NET

The sum of the living areas on all floors within the perimeter of a building or portion thereof measured from the outside faces of the exterior walls, or dividing walls as applicable, without deduction for interior partitions and the like. It does not include unenclosed decks, porches, entries, or unconditioned storage, cellar, mechanical, garage, or utility areas, or spaces similar to the foregoing, not designed, intended or capable of being used for human habitation or occupancy.

Section 179-42.2 Accessory single-family dwelling units (ADUs).

The purposes of this ADU Section are to promote the creation of year-round rental dwelling units in the Town; to increase housing choice and the diversity of housing types in the Town; and to preserve the community, especially by facilitating housing that allows seniors, working people and young adults to remain and live in Brewster; all while supporting the existing desirable character of Brewster's residential neighborhoods and districts.

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

- A. An ADU may be located within, connected to or adjoining a single-family dwelling, or in a detached, accessory residential building to a single-family dwelling, subject to all standards of this Section. An ADU shall maintain a separate entrance(s), either directly from the outside or through an entry or shared corridor sufficient to meet the requirements of the State Building Code for safe egress. Also see the Definitions section of this Chapter, § 179-2.
- B. There shall be no more than one ADU per lot.
- C. An ADU shall have no more than two bedrooms and no more than one thousand (1000) square feet of net floor area.
- D. A minimum of one parking space for the ADU shall be provided in addition to the parking spaces for the principal dwelling.
- E. A detached, accessory residential building in which an ADU is located shall not otherwise contain bedrooms not associated with the ADU.
- F. An ADU shall be subject to and comply with all other provisions of this Chapter, as applicable, including without limitation the building height, coverage and setback requirements for the underlying lot, either as set out in Table 2, Area Regulations, Table 3, Height and Bulk Regulations, or as otherwise may be permitted in Article VIII of this Chapter. To the extent there is conflict between the provisions in this Section and other provisions in this Chapter, the provisions in this Section shall control.
- G. There shall be no minimum lot size required to construct and maintain an ADU. However, a Special Permit, pursuant to the applicable standards in Section 179-51 herein, and Table 1, Use Regulations, shall be required from the Planning Board for an ADU on a lot less than 15,000 sq. ft.
- H. Either the principal dwelling or the ADU shall be occupied by the owner of the property on a year-round basis, except for bona fide temporary absences, and the other dwelling unit shall be used for year-round dwelling purposes, leased or occupied for continuous periods of not less than twelve (12) months at a time. Notwithstanding the foregoing, an owner who does not so occupy the property on a year-round basis may apply for a Special Permit from the

Planning Board, pursuant to the applicable standards in Section 179-51 herein, to authorize an ADU on the property and the use of whichever dwelling unit(s) said owner does not intend to occupy, either the principal dwelling, the ADU, or both, for year-round dwelling purposes, to be leased or occupied for continuous periods of not less than twelve (12) months at a time. Pursuant to its Special Permit authority under Section 179-51 of this Chapter, the Planning Board may consider and require, among other things, safeguards to ensure that privacy to abutting properties is reasonably maintained and that there are appropriate management and facilities in place to serve the dwelling units.

I. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. An ADU shall not be used as an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms, or boarding of lodgers in an ADU on a short-term basis, and no Short-Term Rental use shall be permitted on a lot containing an ADU.

J. An ADU shall be subject to all applicable State and local laws and regulations, including without limitation the State Building Code and related Certificate of Occupancy requirements; State plumbing, electrical, and fire codes; Title 5, 310 CMR 15.00, and the State Sanitary Code, 105 CMR 410.00, and corresponding local Board of Health regulations; and State and local Wetlands laws and regulations.

K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.

L. The owner of a property with an ADU shall be required to file a written affidavit with the Building Department certifying compliance with the standards of this Section, including the use and occupancy standards. The Building Department shall establish, administer, and maintain, and may amend from time to time, the affidavit process and forms referenced herein.

M. The Building Commissioner is authorized to establish an administrative permitting and/or registration process for ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational or zoning compliance purposes.

N. Without limiting other enforcement remedies or actions available under this Chapter, including fines, the Building Commissioner is authorized to order that the cooking facilities and supporting utilities and fixtures within an ADU be removed in order to abate a violation of this Section.

(Planning Board)

(2/3 Vote Required)

ZONING

179 Attachment 1

Table 1
Use Regulations
Town of Brewster

KEY:
P = Permitted Use
S = Special Permit Use
Use with a dash ("-") = Prohibited Use

Residential

| | R-R | R-L | R-M | District | | | MRD | PWS-CF |
|---|-----|-----|-----|----------|-----|---|-----|--------|
| | | | | C-H | V-B | I | | |
| 1. Accessory residential building | P | P | P | -.* | P | - | - | - |
| 2. Accessory commercial dwelling unit "ACDU" | - | - | - | S | S | - | - | - |
| 3. Accessory single-family dwelling unit "ADU" on a lot of 15,000 square feet or more | P | P | P | -.* | P | - | - | - |
| 4. Accessory single-family dwelling unit "ADU" on a lot less than 15,000 square feet | S | S | S | -.* | S | - | - | - |
| 5. Affordable multifamily dwelling units "AMFDU" | - | - | - | P | - | - | - | - |
| 6. Cluster residential development | S | S | S | - | - | - | - | - |
| 7. Construction trailer | P | P | P | P | P | P | - | - |
| 8. Major residential development | S | S | S | S | - | - | - | - |
| 9. Multifamily dwelling | - | - | - | S | - | - | - | - |
| 10. One-family detached dwelling | P | P | P | - | P | - | - | - |
| 11. One-family security dwelling | - | - | - | P | P | P | - | - |
| 12. Planned residential development | - | S | S | - | - | - | - | - |
| 13. Row or town houses | - | - | - | S | - | - | - | - |
| 14. Subsidized elderly housing | S | S | S | S | - | - | - | - |

*Except as may be permitted for pre-existing nonconforming single-family residential properties under Article VIII of this Chapter 179.

[BREWSTER CODE, ZONING, CH. 179, TABLE/ ATTACHMENT 2, AREA REGULATIONS]

| District | Use | Area (square feet) | Yards ^{3,4,5,6,7} | | | |
|----------|---|--|-------------------------------------|-----------------|----------------|----------------|
| | | | Lot Frontage ² (feet) | Front (feet) | Side (feet) | Rear (feet) |
| R-R | Any permitted structure or principal use | 100,000 plus 100,000 for the second principal dwelling | 200 | 40 | 25 | 25 |
| R-L | Any permitted structure or principal use | 60,000 plus 60,000 for the second principal dwelling | 150 | 40 | 25 | 25 |
| R-M | Any permitted structure or principal use | 60,000 plus 60,000 for the second principal dwelling | 150 | 40 | 25 | 25 |
| C-H | Row commercial | 40,000 | 150 | 30 | 20 | 20 |
| | Multifamily dwellings | 130,000 plus 10,000 per bedroom | 200 | 100 | 30 | 30 |
| | Hotel and motel | 130,000 plus 2,000 per unit | 200 | 100 | 30 | 30 |
| | Row house or townhouse | 130,000 plus 10,000 per bedroom | 200 | 100 | 30 | 30 |
| V-B | Any other permitted structure or principal use | 15,000 | 80 | 30 | 15 | 15 |
| | Any permitted structure or principal use ¹⁴ | 15,000 | 80 | 30 | 15 | 15 |
| | Any permitted structure or use, other than those listed above for the C-H District ⁹ | 20,000 | 100 | 30 | 15 | 40 |

NOTES:

- In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial developments, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, and public utilities. Also, residential lots may contain two principal single-family detached dwellings if the lot is twice that required by the Table of Area Regulations for single-family dwellings in that district and if each dwelling is provided proper street access.
- The width of the lot, measured at the front yard setback line, shall be at least 80% of the lot frontage.
- At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
- No building, except a boathouse or building used for agricultural purposes, shall be within 50 feet of any water body, watercourse or wetland area or, if subject to flooding, within 50 feet beyond its flood line to the higher elevation.
- Projections into required yards or other required open spaces are permitted subject to the following:
Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
Open terrace or steps or stoop, under four feet in height, up to 1/2 the required yard setback.
Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
- Accessory buildings and structures. Any permitted accessory building in any R District shall conform to the following provisions:
It shall not occupy more than 40% of the required rear yard. It shall be not less than 40 feet for R-R and R-L Districts and 30 feet for an R-M District from any street lot line and shall be not less than 25 feet in any R-R or R-L District or 20 feet in the R-M District from any lot line. It shall not exceed 30 feet in height.
A temporary stand for retail sale of agricultural or farm products, where permitted. May be six feet from the front lot line.
Any permitted barn shall be at least 50 feet from any street lot line or side or rear property line and at least 100 feet from any abutter's dwelling.
- The front, side and rear yard clearances shown in this table for multifamily dwellings are applicable to each structure containing dwelling units. These distances should be used as though each structure is set on a separate lot. For example, two structures sitting side by side would have side yard clearances each of 30 feet or a total of 60 feet between the structures.
- Intensity of use applications to nursing convalescent home. For purposes of interpreting the portion of this chapter, the term "unit" shall mean each bed designed for use by an individual receiving care at such facility. The first three units of a nursing/convalescent home shall require a minimum land area equal to the lot requirements for any

permitted structure or principal use in the district in which located, with the exception in the C-H District, where 20,000 square feet shall be required for the first three units of a nursing/convallescent home. In all districts where such use is allowed, including by special permit, each additional unit shall require a minimum of 4,000 square feet of land area. Front, side and rear yard requirements within the respective districts where special permits are required may be increased at the discretion of the Board of Appeals, if the size of the project, proximity to incompatible adjacent uses or other factors potentially having an adverse effect on the health, safety or welfare of the persons under care at such facility justifies a more extensive buffer from property lines. The Board of Appeals shall ensure that egress from such facility shall be on a street which should be safe and adequate.

⁹ No building, loading space, parking space or structure, other than a sign, shall be located within 200 feet of the Industrial District boundary line in an Industrial District.
¹⁰ Exception, panhandle lots. This exception shall only apply to a single parcel of land at least three times the area required for a single lot in that residential district, intended to be divided or subdivided into not more than two lots. Such a division or subdivision may be exempt from any or all of the requirements of the Town of Brewster Planning Board rules and regulations, upon the express written approval of the Planning Board. The regulations for lot frontage as set forth in this section may be waived by the Planning Board upon the following conditions:

There shall be no further subdivision of the lot(s).

The lot(s) shall be used for single-family residential purposes.

The area of the access to the lot as determined by the Planning Board shall not be used in determining lot size.

The access to the lot as determined by the Planning Board shall not be used to provide access to any other lots.

In no event shall the lot frontage and lot width be less than 30 feet.

¹¹ Multiple use of this section of this chapter shall not be used as a means of accomplishing the subdivision of land without the construction of ways.

Cottage colony conversion. An existing nonconforming cottage colony may not be converted to a single-family dwelling use under separate ownership, unless the lot upon which each building is located complies with the minimum requirements for single-family dwellings in the zoning district in which the land is located, and such nonconforming cottage colony may not be converted to a single-family use under condominium-type ownership, unless the lot meets the minimum zoning requirements in which the land is located.

¹² For subsidized elderly housing, see Section 179-42 rather than this Table 2.

¹³ An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor area not exceeding 600 square feet and not more than one bedroom, is allowed by a special permit granted by the Board of Appeals. Such building 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. A lot shall not contain both an ADU and an accessory apartment.

¹⁴ Except that single-family dwelling uses and structures in the V-B district shall be subject to the R-M district requirements set out in this Table 2.
Editor's Note: The C-L District was removed pursuant to Article 51, Annual Town Meeting, May 8, 1989.

COMMENT

Brewster first adopted zoning for accessory dwelling units (ADUs) in 2018. The proposed amendments to Zoning Bylaw Sections 179-2B & 179.42.2; Table 1; and Table 2 are the first time that ADU zoning will have been updated since that time. The purpose of the amendments is to encourage the creation of ADUs to help address year-round housing supply concerns in the town while at the same time preserving residential neighborhoods. Along these same lines, the proposed amendments also clarify that ADUs are not commercial or accommodations-type uses, and cannot be used for short term rentals. In several cases, requirements were removed or liberalized where other state or local laws rendered the existing requirements duplicative or unnecessary.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 7, No 1, Abs 0

TOWN BYLAW AMENDMENT/PRIVATE ROAD REPAIR AND BETTERMENT

ARTICLE NO. 6: To see if the Town will vote to amend the General Bylaws by deleting the text and title of Article VII, Private Road Repair (Sections 157-11 through 157-19) and further by revising the text of Article VII, Temporary Road Repair (Section 157-20), to read as follows:

Please note that a redlined copy of this bylaw, with text to be deleted noted by strikethrough and text to be inserted shown in **bold and underlined, is included as an addendum at the end of the warrant book for your reference.*

Section 157-20

A. In the event that a group of property owners each of whom own property abutting and having rights on a private road, which has been open for public use continuously for at least the last five years, wish the Town of Brewster to finance the repair of their private road, they shall engage a professional engineer licensed to practice in Massachusetts and experienced in road construction and repair who shall develop a proposal for the repair of the private road, including a certified survey plan of the private road to be repaired, or relevant portion thereof. Eligible repairs include, without limitation, any or all of the following: new or additional drainage and stormwater facilities; new berms; driveway aprons; striping; the filling of existing cracks; patching; road-bed repair; and the application of one or more layers of bituminous concrete. As used herein, a private road ‘open for public use’ includes a road open to public invitees whose access is not actively and openly restricted with gates, signage or the like. Further, a private road, which includes a private street or private way within its meaning, is a road that has not been laid out, dedicated, or adjudicated by a Massachusetts court as a public way but has either been laid out under the subdivision control law or is otherwise a matter of record with the Barnstable Registry of Deeds or the Town Clerk. The official record of public roads in the Town of Brewster is kept at the Town Clerk’s office, and shall be amended from time to time.

B. The proposal shall specify the projected useful life of the repaired private way, and in no event shall the projected useful life be less than the financing term, which may be allowed up to 15 years. All costs of preparing the plan, obtaining cost estimates and preparing the petition described below shall be the exclusive responsibility of the petitioners.

C. The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation. After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the properties subject to the petition by tax map and parcel number together with the owners' names of record from the most recent tax list with a space for each owner to place his or her signature. The petition must state that each signature represents an irrevocable agreement by each signatory to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which administrative costs shall not exceed 4% of the project. The petition shall not be presented to the Select Board, nor shall the Select Board recognize such a petition, unless a majority of the owners shall have agreed to the proposal and its financial commitment by having signed the petition.

D. The petition, accompanied by the proposal documents, including the cost estimates and survey plan, shall be submitted to the Select Board's Office. The Select Board shall refer every such petition to the Assessor's Office for verification that signatories are the owners of record of the subject properties, and confirmation that a majority of such owners have signed. The Select Board shall consider all submitted petitions that are passed by the Assessor's Office, and will hold a public hearing on the proposed project, inviting abutters on the private road. If the Select Board determines that the proposed repairs are in the public interest and are within the financial capability of the Town, the Select Board may place the petition on the Warrant for any special or annual Town Meeting. The Select Board shall thereafter send out proxies to the owners noting scope and cost changes, if any. The proxies must be returned at least 45 days prior to the Town Meeting at which they are to be considered. If the proxies are returned within such time, the Select Board may place the petition on the Town Meeting Warrant, provided that a majority of owners have signed said proxy.

E. Long-term financing may be issued for said project by the Town for up to a 15-year term. If the Town Meeting votes to authorize financing for the project, an engineer representing the owners, and preferably the engineer who prepared the original plan and proposal, shall be named "Project Manager." He shall prepare a new request for quotations with the bids to be directed to the Town Manager. The Project Manager and the Town Manager shall select the best bid to do the work. The Project Manager shall advise the Director of Public

Works 48 hours in advance of each phase of the project and certify, in writing, to the Director of Public Works that each phase of the work has been completed to the Project Manager's satisfaction. The Director of Public Works shall inspect the completed work and advise the Town Finance Director that the work has been completed according to the endorsed petition, including the survey plan therein, so that payment can be made. After completion of the project, residents can choose to apportion their assessment into equal portions to be paid yearly over a period of up to 15 years.

F. The petition procedure set out herein shall apply equally to a petition involving a group of private roads within a subdivision provided that where a lot has frontage on, and derives access from, more than one road, the owner of such lot shall be entitled to only one vote. Owners of lots that are assessed as unbuildable and lots that may not be built upon pursuant to a conservation restriction or the equivalent shall not be entitled to vote, and such lots shall not be subject to betterment assessments hereunder.

G. The Town of Brewster shall incur no liability for any damages of any nature whatsoever arising from the project by virtue of the Town's agreeing to carry out any repair of a private way. The owners who benefit from the repair and are assessed betterments shall be deemed to have indemnified and held the Town harmless against any and all claims. The Town makes no warranty or guarantee concerning the completed betterment project.

H. Any private way improved under the provisions of this Article need not be brought up to full Town road standards. Any private way improved under the provisions of this Article shall continue to remain a private way but nonetheless open for public use.

I. Except as otherwise provided in this Article, private road betterments shall be assessed and committed according to MGL Chapter 80 and Chapter 373 of the Acts of 2006. Betterments shall be recorded and serve as record liens against the subject properties.

J. Authorization of the private road betterment petition does not relieve the private owners from obtaining all necessary permits and approvals for the road work.

K. The repairs allowed hereunder shall be considered and are permissible within the meaning of GL c. 40, Section 6N.

L. The Director of Public Works may, at their discretion, direct Town employees to make minor or temporary repairs on private roads under the purview of maintenance activities or unusual circumstances. These repairs shall not include construction, reconstruction and/or resurfacing of the ways.

(Select Board)

(Majority Vote Required)

COMMENT

The Town proposes deleting the language currently in Article VII, Private Road Repair (Sections 157-11 through 157-19) and replacing it with an amended version of Article VIII, Temporary Road Repair (Section 157-20). Both articles pertain to private road betterments. Additionally, certain areas of Article VIII as currently written are inconsistent with current practice, contradictory, and/or duplicative. The proposed changes clarifies the definition of a private road, as well as the distinction between permanent and temporary repairs. The Planning Board has been removed from the review/approval process since their role is duplicative. The goal of these revisions is to simplify and improve the private road betterment program for residents.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

FIRE UNION CONTRACT

ARTICLE NO. 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to fund the cost items of the first fiscal year of the proposed Collective Bargaining Agreement between the Town of Brewster and International Association of Firefighters Local 3763, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

This article will fund the costs associated with the contract settlement expenses between the International Association of Firefighters Local 3763 and the Town. The current contract expired on June 30, 2023. Both parties have come to agreement on new terms and funding is included in the FY24 Town operating budget approved by Town Meeting in May 2023. The new contract is effective from July 1, 2023 through June 30, 2025. All other union contracts were approved by Town Meeting in May 2023.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

LOCAL COMPREHENSIVE PLAN

ARTICLE NO. 8: To see if the Town will vote to adopt an updated Master Plan for Brewster which has been developed by the Vision Planning Committee, a copy of which plan is on file at the Town Clerk's office and posted on the Town's website, and which plan if adopted by the Town Meeting would constitute Brewster's Local Comprehensive Plan as defined in Section 9 of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989). Or take any other action relative thereto.

(Select Board & Planning Board)

(Majority Vote Required)

COMMENT

After more than three years of public meetings and input from residents and stakeholders, the Vision Planning Committee (VPC) completed and released a revised Local Comprehensive Plan (LCP) in August 2023. This version reflects input from residents expressed at Town Meetings and other opportunities for public feedback this past year. Upon the recommendation of the VPC, the updated LCP was approved by the Select Board and Planning Board following a public hearing on September 27, 2023, and has been placed on the Fall 2023 Town Meeting Warrant to consider its adoption.

Brewster's LCP is intended to help guide land use decisions and policies in the Town for the next 10+ years. It describes how Brewster looks today and where it wants to go in the future. The Plan addresses many important issues like providing housing opportunities for our aging citizens and young families, protecting our drinking water supply, preserving our historic and small-town character, improving water quality in our ponds, and supporting our local small businesses.

The 2018 Brewster Vision Plan serves as a foundation for this LCP. Similar to the Vision Plan's structure, the LCP includes a Vision Statement and is organized by "Building Blocks": Community Character; Water Resources; Open Space; Housing; Coastal Management; Local Economy; Governance; Community Infrastructure; Solid Waste Management; and Climate Mitigation and Adaptation. The heart of the LCP is the Action Plan, which includes goals, purposes and an ambitious list of recommended actions associated with each Building Block.

The LCP also includes a summary of conditions for each building block and a Capital Facilities Plan which aligns capital projects recommended in the Action Plan with the Town's ongoing budgeting and planning processes. The LCP will be implemented, and its actions prioritized, primarily through the Select Board's annual strategic planning process. This process will also include monitoring and reporting to the community, which are crucial to the successful implementation of the LCP. Resident feedback on specific recommended projects and initiatives will continue to be critical as the Town considers and works through implementation details.

The LCP has been developed with general guidance from Cape Cod Commission (CCC) staff according to its regulations, adapted to Brewster's specific needs and circumstances. After its local adoption, the Town may elect to forward the LCP to the CCC for review to certify its consistency with the Cape Cod Regional Policy Plan. CCC certification entails some continuing obligations but also affords the Town certain planning and regulatory benefits.

The Town has developed an LCP project page on our website, <https://www.brewster-ma.gov/local-comprehensive-plan>, which includes the full plan and more information.

Select Board: Yes 5, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

OPIOID SETTLEMENT FUNDS APPROPRIATION

ARTICLE NO. 9: To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended in accordance with the Massachusetts State-Subdivision for Statewide Opioid Settlement Funds; funds to be used for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Addiction Bureau of the Commonwealth’s Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled “Abatement Strategies”, and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds, to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

Along with thousands of other municipalities nationwide, Brewster participated in several case action lawsuits related to the distribution of opioids. As a result, the Town will receive approximately \$500,000 in funds over the next 15 years according to the terms of recent settlement agreements. There are strict protocols on the expenditure of these funds, and they need to be segregated from the General Fund. The Town received \$56,797 in opioid settlement funds in FY23, which was included in our Free Cash total. This article seeks to transfer these funds into a separate account so that they can be used for the appropriate purposes. The Town will seek input from residents regarding the best use of these funds to help those individuals who have been most impacted by the opioid epidemic.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

SPECIAL REVENUE FUND: CABLE FRANCHISE FEE ACCOUNT

ARTICLE NO. 10: To see if the Town will vote to appropriate from the Cable Franchise Fee Special Revenue Fund the sum of **SEVENTY-FIVE THOUSAND DOLLARS (\$75,000)**, for the purpose of offsetting costs associated with providing local cable television related purposes, including, but not limited to the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; cable related personnel expenses; contracting with local cable programming services providers and/or any other appropriate cable related purposes, and including all incidental and related expenses, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

Each resident’s cable bill includes a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account and are used to enhance local cable programming for the Town’s public, education, and government channels. These funds will be used to continue these informational and educational services, and may include equipment purchases, contracted services, construction services, and labor expenses.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

COMMUNITY PRESERVATION ACT SURCHARGE EXEMPTION

ARTICLE NO. 11: To see if the Town will vote, in accordance General Laws Chapter 44B, Section 16(a), to amend its acceptance of the Community Preservation Act, General Laws Chapter 44B, Sections 3-7 inclusive, by accepting the optional exemption set forth in Section 3(e)(1) of said Act, for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town, said exemption to commence with taxes assessed for the fiscal year beginning on July 1, 2024; provided, however, that in order for said exemption to take effect, the exemption must also be accepted by the voters of the Town at the next regular municipal election, or take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

The Select Board has identified targeted local tax relief for residents as a goal in their recent Strategic Plans. Adoption of this local option will exempt certain qualifying low-income residents and low-to-moderate income seniors from the 3% surcharge on their property tax bills related to the Community Preservation Act (CPA). All seniors who currently qualify for the existing senior real estate tax exemption under Clause 41C will automatically qualify for the CPA exemption. In FY24, the CPA surcharge adds approximately \$150 to the average resident’s tax bill. To be adopted, residents must approve this new exemption at this Town Meeting and at the ballot in Spring 2024. If approved, it would take effect in FY25.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 8, No 0, Abs 0

GOLF COMMISSION BYLAW

ARTICLE NO. 12: To see if the Town will vote to amend Article V (“Golf Commission”) of Chapter 6 of the Town’s General Bylaws by inserting the **bold** language, and deleting the ~~strikethrough~~ language, as indicated below, or to take any other action relative thereto:

Section 6-5. Appointment; terms.

The Select Board shall appoint a Golf Commission of seven members to serve as the policy-making board of the Captains Golf Course. Each member shall be appointed for a staggered term of three years. Reappointment at the end of a term shall be determined by the ~~Selectmen~~ **Select Board**. All vacancies shall be filled by the Select Board. The Select Board may appoint a member to serve the unexpired term of a former member. **All appointments will be made in accordance with the Town Charter and relevant Select Board policies.**

Section 6-6. Purpose.

- A. In fulfilling its responsibility to the Town of Brewster, the Select Board, ~~and the Town Administrator~~ **Manager, and the Golf Commission** shall be guided by ~~two basic~~ **the following** principles; ~~as follows:~~
- (1) ~~The golf course shall be operated and maintained so as to pay its expenses and return a reasonable profit to the Town.~~ **The Captains Golf Course facility shall be operated as an Enterprise Fund in accordance with MGL Chapter 44, Section 53F1/2.**
 - (2) The golf course shall be operated and maintained as a **recreational** facility available to the residents of the Town **as well as to the general public.**
- B. The Golf Commission, **in coordination with the Town Manager, the Golf Operations Director, and the Course Superintendent,** shall be responsible for ~~the preparation of~~ **establishing** near and long-term plans, policies and strategies **for the golf course,** including, but not limited to, ~~eligibility for use, fees, hours of operation, block time approval and liaison with various golf associations and other golf course users.~~ Any changes in policies, regulations, procedures or operations that would alter these principles or change their stated priority shall be approved by the Select Board. **The Golf Commission may provide recommendations on financial matters to the Town Manager and Select Board as appropriate. The Select Board shall vote to approve any proposed changes to fees, limitations on membership, and/or allocation of tee times. The Town Manager may consult with the Golf Commission in the preparation and development of the Golf Department's budget and capital plan.**

Section 6-7. ~~Removal.~~ **(Reserved)**

~~Members of the Golf Commission may be removed by the Select Board for reasonable and good cause.~~

Section 6-8. ~~Required reports.~~ **(Reserved)**

~~The Golf Commission shall, within 30 days after the end of the fiscal year, make a report to the citizens of the Town.~~

Section 6-9. ~~Audit.~~ **(Reserved)**

~~The Golf Department will be subject to an audit in the same manner as other boards, committees, commissions and departments and shall respond appropriately to its recommendations.~~

Section 6-10. Appointment. (Reserved)

~~The Director of Operations of the golf course, appointed by the Select Board pursuant to the provisions of Chapter 5, Art. I, § 5-3C of the Brewster Town Code, may enter into an employment contract for a period of up to three years.~~

(Golf Commission)

(Majority Vote Required)

COMMENT

The Golf Commission bylaw was last substantially updated in the late 1990s, shortly after construction of the 2nd 18 holes at the Captains Golf Course. Since that time, significant changes to how the course is managed have occurred. In addition, Town Meeting approved transitioning the Golf Department to an enterprise fund effective July 1, 2022. Residents also voted to adopt a Town Charter in May 2021, which was subsequently approved by the state legislature in January 2023. The proposed changes to this bylaw are meant to bring the charge of the Golf Commission into conformance with current practice and these other relevant Town actions, and to clarify their role and responsibilities.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

**CITIZENS PETITION: NEW GENERAL BYLAW – REGISTRATION OF SHORT-TERM RENTALS
WITHIN BREWSTER**

ARTICLE NO. 13: To see if the Town will vote to create a registration system for short-term rentals.

The proposed bylaw seeks to create a registration system for short-term rentals. All short-term rentals would be required to register annually with the town of Brewster and pay a \$150 registration fee. The registration fee would serve to offset additional costs incurred for enforcement.

All listings of short-term rentals within Brewster would be required to include the town-issued registration certificate number.

Violators would be subject to a fine of \$200 per day, with each day the violation continues being considered a separate offense.

Purpose:

To create a registration system for short-term rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public, and to maintain the quality of life in residential neighborhoods in the Town.

The proposed bylaw seeks to provide for orderly operation of short-term rentals within the Town and prevent any negative impacts on neighborhood character, housing availability, house prices, availability of long-term rental units, and impacts on infrastructure systems such as sewer/water, parking, access, fire codes, and building code enforcement.

The proposed bylaw also seeks to provide a method for correcting violations when conditions warrant and to help enforce local and state laws, codes, and regulations.

The proposed bylaw seeks to create a registration system for short-term rentals so that accurate data about how many short-term rentals are operating within the Town may be gathered, as well as to ensure public health and safety. This would also provide data to the town on who operates short-term rentals within the town.

Registrations would be subject to an annual fee that would cover costs of enforcement. Fines would also cover costs of enforcement.

Currently, short-term rentals are not required to register with the town of Brewster, which makes it difficult to determine how many short-term rentals are in operation and what impacts they have on neighborhoods and the town. Short-term rental owners can register with the state of Massachusetts, but are not required to.

Information regarding lodging operators can be found on mass.gov/info-details/public-registry-of-lodging-operators. As of July 5, 2023, there are 1092 short-term rentals in Brewster that are registered with the state.

The Massachusetts Department of Revenue (Division of Local Services) has a public search feature for parcel counts in the town of Brewster. Using that search feature, it was determined that as of July 5, 2023, there were 7,336 units in Brewster that are residential.

That means that nearly 15% (14.88%) of the residential units are known to be short-term rentals from their state registration. Since registration is not required, this figure is not accurate. Brewster needs to determine how many short-term rentals are operating within the town to better assess community and health and safety impacts.

The registration fee of \$150 would come to \$163,800 with the current number of short-term rentals in operation, which would be enough to fund positions needed for oversight and enforcement.

Registration System Implementation Proposal:

Any property owner seeking to offer a short-term rental would need to register annually with the town of Brewster (\$150/registration). All properties that are registered would need to be in compliance with local and state ordinances, zoning bylaws, and the State Sanitary Code.

The registrants would need to apply prior to Feb. 28 of each year, with the rental period running from Mar. 1 to Feb. 28 of the following year. Registrations are subject to annual renewal and fees. Registrations cannot be transferred to any other person, legal entity, or address. The registration shall be terminated upon sale or transfer of the property for which the registration has been issued.

Each registrant would be required to submit a sworn affidavit of compliance with their registration.

All short-term rentals would be required to include the town-issued registration certificate number on their listings.

Contact information for the owner of a short-term rental shall be provided to the town with a current address and phone number, as well as an attestation that all persons' and entities with an ownership interest in the unit have been notified that a certificate of registration has been applied for. If the owner is a corporation (includes LLCs), the name, address, and phone number of the president and legal representative of the corporation shall be provided. If the owner is a realty trust or partnership, the name, address, and phone numbers of the managing trustee or partner shall be provided.

The name and contact information of the operator, and the operator's agent if different from the operator, must be provided to ensure that the person can respond to any emergencies that arise during occupancy within 2 hours of contact by the Town's Health Division or Police or Fire Department to complaints regarding the condition or operation of the property. Contact information must include a phone number that is available 24/7 to occupants and the above-stated public safety agencies and the information shall be posted conspicuously in the unit.

Operators will be responsible for trash removal after conclusion of an occupancy or once per week, whichever is more frequent.

The maximum number of occupants in a short-term rental shall be 2 per bedroom, plus 2 additional occupants.

Parking on-site shall be provided and must not impede traffic or traffic safety.

Rental Certificates may be suspended or revoked for violations of the bylaw, State Sanitary Code, or any other applicable General Law, regulation, or bylaw intended to protect public

health, safety, and/or the environment. Additional conditions may be imposed on the Rental Certificate in lieu of suspension or revocation.

Violators will be subject to fines of \$200 per day, with each day of the violation constituting a separate offense. Any short-term rental found to be operating without a rental certificate will be subject to these fines.

Definitions:

- “Dwelling” is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).
- “Full-Time Resident” is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.
- “Occupancy” is defined as the use or possession of, or the right to use or possess, a short-term rental.
- “Occupant” is defined as any individual, of any age, residing overnight in a short-term rental.
- “Operator” is defined as any person operating a short-term rental.
- “Operator’s Agent” is defined as a person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An “operator’s agent” shall include, but not be limited to, a property manager, a property management company, or real estate agent.
- “Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- “Permanent Place of Abode” is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse.

This does not include a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter; a

hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time not to exceed 1 year.

- “Property Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.

- “Short-term rentals” are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

(Citizens Petition)

(Majority Vote Required)

COMMENT

Creating a registration system for short-term rentals would ensure that there is a way to collect data about short-term rentals, which is beneficial when assessing the housing needs of the community. A registration system also provides a way to track short-term rentals and ensure compliance with local rules and regulations, including wastewater issues, parking issues, noise complaints, and occupancy limits, by providing guidelines that short-term rentals need to comply with in order to keep their certificate.

Other towns on the Cape (and in the Commonwealth and in the country) have put registration systems into place for similar reasons. The proposed registration system has an annual fee of \$150/property, which will provide the funds to pay for administration of the program, enforcement, and any software necessary.

Currently, Brewster has nearly 1,100 short-term rentals (according to the Mass Public Registry of Lodging Operators) that are registered in the Commonwealth of Massachusetts, although the number likely exceeds that figure, as not all short-term rentals are officially registered.

Given the current housing crisis, Brewster should be proactive in taking steps to collect data about housing usage in the town to better inform public policy decisions. Brewster should also be proactive about making sure that short-term rentals are operating in a way that does not cause issues with public safety. Having a registration system is a way to effectively track short-term rentals and make sure that they are operating in a way that minimizes impact to the town.

Select Board: Yes 0, No 3, Abs 0

Finance Committee:

Yes 0, No 8, Abs 0

**CITIZENS PETITION: NEW GENERAL BYLAW – RESTRICTION OF SHORT-TERM RENTALS WITHIN
BREWSTER**

ARTICLE NO. 14: To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

Purpose:

To create a short-term rental bylaw to mitigate the impact of short-term rentals within the town of Brewster by limiting how many short-term rentals can be owned and operated by property owners.

To enforce this proposed bylaw, another proposed bylaw has been put forward which would create a registration system for short-term rentals within the town of Brewster.

Currently, short-term rentals are not required to register with the town of Brewster, which makes it difficult to determine how many short-term rentals are in operation and what impacts they have on neighborhoods and the town. Short-term rental owners can register with the state of Massachusetts, but are not required to.

Information regarding lodging operators can be found on mass.gov/info-details/public-registry-of-lodging-operators. As of July 5, 2023, there are 1092 short-term rentals in Brewster that are registered with the state.

The Massachusetts Department of Revenue (Division of Local Services) has a public search feature for parcel counts in the town of Brewster. Using that search feature, it was determined that as of July 5, 2023, there were 7,336 units in Brewster that are residential.

That means that nearly 15% (14.88%) of the residential units are known to be short-term rentals from their state registration. Since registration is not required, this figure is not accurate and underrepresents the total number of short-term rentals in the town of Brewster.

Definitions:

- “Dwelling” is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).

- “Full-Time Resident” is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.
- “Occupancy” is defined as the use or possession of, or the right to use or possess, a short-term rental.
- “Occupant” is defined as any individual, of any age, residing overnight in a short-term rental.
- “Operator” is defined as any person operating a short-term rental.
- “Operator’s Agent” is defined as a person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An “operator’s agent” shall include, but not be limited to, a property manager, a property management company, or real estate agent.
- “Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- “Permanent Place of Abode” is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse.

This does not include a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter; a hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time not to exceed 1 year.

- “Property Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- “Short-term rentals” are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31

consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

(Citizens Petition)

(Majority Vote Required)

COMMENT

This article seeks to limit the number of properties that someone can operate to one per owner, unless the owner is full-time Brewster resident, in which event they may operate two short-term rentals. The goal is not to stop short-term rentals, as that is unrealistic. The goal is to preserve the ability of owners to continue with short-term rentals on a small-scale, while stopping large investment groups, LLCs, corporations, and other big owners, from operating on a large-scale in Brewster.

Short-term rentals have always existed on the Cape, that is true. However, with the advent of Airbnb, VRBO, and other platforms, more people began to convert their properties to short-term rentals. In analyzing the assessor’s data from Brewster for FY 2022, it appears there would be 100 or fewer owners who would be impacted by the proposed bylaw, while most short-term rental operators would be able to continue their small-time operations.

The intent of the restrictions is to create more year-round housing (either as rentals or as properties for sale). Having more available properties would lower rents (or home prices), which would be beneficial to the area as a whole. Workers could stay in the towns they work in, spending their money on local goods and services, while employers would be able to stabilize wages without worrying about employee retention.

This is a cost-effective way to create more housing, as building more units is not only costly, but the projects themselves also take a long-time to build (and are taxing to the water table). The homes already exist and some were once used for year-round housing. This is a way to increase year-round housing without a large capital expenditure.

These restrictions would apply to a small number of property owners, while preserving the ability of most operators to continue operating short-term rentals as they have been. The goal is to strike a balance between the vacation-rental market and the long-term housing market.

Select Board: Yes 0, No 3, Abs 0 Finance Committee: Yes 0, No 8, Abs 0

And you are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the **Town of Brewster** affixed this ___th **day of October 2023**.

Edward B. Chatelain, Chair

Mary W. Chaffee, Vice-Chair

Kari Sue Hoffmann, Clerk

Cynthia A. Bingham

David C. Whitney

I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of November 13, 2023 by posting attested copies thereof, in the following locations in the Town on the ___th day of October, 2023.

Brewster Town Offices
Brewster Ladies Library
The Brewster General Store

Café Alfresco
Brewster Pizza House
Millstone Liquors

U.S. Post Office

Roland W. Bassett, Jr. Constable

APPENDIX

Article 5: Zoning Bylaw Amendments: Accessory Dwelling Unit (Redlined)

Article 6: Town Bylaw Amendment: Private Road Repair and Betterment (Redlined)

Article I General Provisions

§ 179-2 Definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

~~A dwelling unit located housing on the same lot unit, complete with its own sleeping, cooking and sanitary facilities, that is accessory and clearly subordinate to as the principal single-family dwelling to which it is accessory. An ADU shall be considered an accessory use. 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 square feet 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.~~

DWELLING, ONE FAMILY DETACHED

A building containing a single, separate dwelling unit, designed for use and occupancy by one family, which shall be considered a principal use and principal structure under this Chapter. Also referred to herein as a “single-family dwelling” or “single-family residence.”

FLOOR AREA, NET

~~The sum of the living areas on all the several floors within the perimeter of a building or portion thereof measured from the outside interior faces of the exterior walls, or dividing walls as applicable, without deduction for interior partitions and the like. It does not include cellars, unenclosed decks, porches, entries, or attics or unconditioned storage, cellar, mechanical, garage, or utility areas, or spaces similar to the foregoing, not used designed, intended for or capable of being used for human habitation or occupancy. or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirement of this chapter or any such floor space intended and designed for accessory heating and ventilating equipment.~~

Article IX Special Regulations

§ 179-42.2 Accessory single-family dwelling units (ADUs).

The purposes of this ADU Section are to promote the creation of year-round rental dwelling units in the Town; to increase housing choice and the diversity of housing types in the Town; and to preserve the community, especially by facilitating housing that allows seniors, working people and young adults to remain and live in Brewster; all while supporting the existing desirable character of Brewster's residential neighborhoods and districts.

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

A. An ADU may be located within, ~~or connected adjacent to or adjoining~~ a single-family- ~~dwellinghouse,~~ or in a ~~detached, building-accessory residential building to a single-family dwellinghouse,~~ subject to the Definitions of § 179-2; the requirements of Table 1, Use Regulations, and Table 2, Area Regulations/Minimum Required Lots; and ~~all standards of this Section.~~ An ADU shall maintain a separate entrance(s), either directly from the outside or through an entry or shared corridor sufficient to meet the requirements of the State Building Code for safe egress. Also see the Definitions section of this Chapter, § 179-2.

B. There shall be no more than one ADU per lot.

~~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 ADUs within these areas shall be required to install advanced nitrogen treatment septic systems, if deemed necessary.~~

C. An ADU shall have no more than two bedrooms and no more than one thousand (1000) square feet of net floor area.

D. A minimum of one parking space for the ADU shall be provided in addition to the parking spaces for the principal dwelling.

E. A detached, accessory residential building in which an ADU is located shall not otherwise contain bedrooms not associated with the ADU.

F. All construction in connection with an ADU shall be subject to and comply with all other provisions of this Chapter, as applicable, including without limitation the building height, coverage and setback requirements for the underlying lot, either as set out in Table 2, Area Regulations, Table 3, Height and Bulk Regulations, or as otherwise may be permitted in Article VIII of this Chapter. To the extent there is conflict between the provisions in this Section and other provisions in this Chapter, the provisions in this Section shall control. ~~attached to a principal dwelling shall conform to building setbacks for a single-family house in the Zoning District where it is located.~~

G~~D~~. There shall be no minimum lot size required to construct and maintain an ADU. However, a Special Permit, pursuant to the applicable standards in Section 179-51 herein, and Table 1, Use Regulations, shall be required from the Planning Board for an ADU on a lot less than 15,000 sq. ft.

H. Either the principal dwelling or the ADU shall ~~must~~ be occupied by the owner of the property on a year-round basis, except for bona fide temporary absences, as defined in § 179-2 and the other remaining dwelling unit shall be used for year-round dwelling purposes, leased or occupied for continuous periods

of not less than twelve (12) months at a time. Notwithstanding the foregoing, an owner who does not so occupy the property on a year-round basis may apply for a Special Permit from the Planning Board, pursuant to the applicable standards in Section 179-51 herein, to authorize an ADU on the property and the use of whichever dwelling unit(s) said owner does not intend to occupy, either the principal dwelling, the ADU, or both, for year-round dwelling purposes, to be leased or occupied for continuous periods of not less than twelve (12) months at a time. Pursuant to its Special Permit authority under Section 179-51 of this Chapter, the Planning Board may consider and require, among other things, safeguards to ensure that privacy to abutting properties is reasonably maintained and that there are appropriate management and facilities in place to serve the dwelling units.

~~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 twelve month period and that the remaining dwelling will be leased for a period of not less than 12 months.~~

~~E. No more than 20 building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.~~

~~IF. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. There shall be no renting of rooms or boarding of lodgers in an ADU. An ADU shall not be used as an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms, or boarding of lodgers in an ADU on a short-term basis, and no Short-Term Rental use shall be permitted on a lot containing in an ADU.~~

~~JG. An ADU shall be subject shall conform to all applicable State and local laws and regulations, regulating new construction or new residential use including without limitation the State Building Code and related Certificate of Occupancy requirements; and applicable State plumbing, electrical, and fire codes; Title 5, 310 CMR 15.00, and the State Sanitary Code, 105 CMR 410.00, and corresponding local Board of Health regulations; health and conservation State and local Wetlands laws and regulations and bylaws. A Certificate of Occupancy shall be required for any ADU.~~

~~H. There shall be no more than two residential units in total on a lot containing an ADU.~~

~~I. A minimum of one parking space per bedroom of the ADU shall be provided.~~

~~J. 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. K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.~~

~~L. The owner of a property with an ADU shall be required to file a written affidavit with the Building Department certifying compliance with the standards of this Section, including the use and occupancy standards. The Building Department shall establish, administer, and maintain, and may amend from time to time, the affidavit process and forms referenced herein.~~

~~MN. The Building Commissioner is authorized to establish an administrative permitting and/ or registration process for ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational or zoning compliance purposes.~~

~~NO. Without limiting other enforcement remedies or actions available under this Chapter, including fines, the Building Commissioner is authorized to order that the cooking facilities and supporting utilities and fixtures within an ADU be removed in order to abate a violation of this Section.~~

ZONING

179 Attachment 1

Table 1
Use Regulations
Town of Brewster

KEY:
P = Permitted Use
S = Special Permit Use
Use with a dash ("-") = Prohibited Use

Residential

| | R-R | R-L | R-M | District | | | MRD | PWS-CF |
|---|-----|-----|-----|----------|-----|---|-----|--------|
| | | | | C-H | V-B | I | | |
| 1. Accessory residential building | P | P | P | -*P | P | - | - | - |
| 2. Accessory commercial dwelling unit "ACDU" | - | - | - | S | S | - | - | - |
| 3. Accessory single-family dwelling unit "ADU" on a lot of 15±0,000 square feet or more | P | P | P | -*S | PS | - | - | - |
| 4. Accessory single-family dwelling unit "ADU" on a lot less than 15±0,000 square feet | S | S | S | -*S | S | - | - | - |
| 5. Affordable multifamily dwelling units "AMFDU" | - | - | - | P | - | - | - | - |
| 6. Cluster residential development | S | S | S | - | - | - | - | - |
| 7. Construction trailer | P | P | P | P | P | P | - | - |
| 8. Major residential development | S | S | S | S | - | - | - | - |
| 9. Multifamily dwelling | - | - | - | S | - | - | - | - |
| 10. One-family detached dwelling ### | P | P | P | - | P | - | - | - |
| 11. One-family security dwelling | - | - | - | P | P | P | - | - |
| 12. Planned residential development | - | S | S | - | - | - | - | - |
| 13. Row or town houses | - | - | - | S | - | - | - | - |
| 14. Subsidized elderly housing | S | S | S | S | - | - | - | - |

*Except as may be permitted for pre-existing nonconforming single-family residential properties under Article VIII of this Chapter 179.

[BREWSTER CODE, ZONING, CH. 179, TABLE/ ATTACHMENT 2, AREA REGULATIONS]

Yards^{3,4,5,6,7}

| District | Use | Area (square feet) | Lot Frontage ² (feet) | Front (feet) | Side (feet) | Rear (feet) |
|----------|--|---|-------------------------------------|-----------------|----------------|----------------|
| R-R | Any permitted structure or principal use | 100,000 plus 100,000 for the second principal dwelling unit of a duplex | 200 | 40 | 25 | 25 |
| R-L | Any permitted structure or principal use | 60,000 plus 60,000 for the second principal dwelling unit of a duplex | 150 | 40 | 25 | 25 |
| R-M | Any permitted structure or principal use | 60,000 plus 60,000 for the second principal dwelling unit of a duplex | 150 | 40 | 25 | 25 |
| C-H | Row commercial | 40,000 | 150 | 30 | 20 | 20 |
| | Multifamily dwellings | 130,000 plus 10,000 per bedroom | 200 | 100 | 30 | 30 |
| | Hotel and motel | 130,000 plus 2,000 per unit | 200 | 100 | 30 | 30 |
| | Row house or townhouse | 130,000 plus 10,000 per bedroom | 200 | 100 | 30 | 30 |
| | Any other permitted structure or principal use ¹⁴ | 15,000 | 80 | 30 | 15 | 15 |
| V-B | Any permitted structure or principal use ¹⁴ | 15,000 | 80 | 30 | 15 | 15 |
| I | Any permitted structure or use, other than those listed above for the C-H District Zone (footnote 9) | 20,000 | 100 | 30 | 15 | 40 |

NOTES:

- In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial developments, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, and public utilities; accessory single-family dwelling units (ADUs), and accessory commercial dwelling units (ACDUs) that comply with all provisions of §§ 179-42.2 and 179-42.3, respectively. ADUs 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 principal single-family detached dwellings units if the lot is twice that required by the Table of Area Regulations for single-family dwellings residences in that district and if each dwelling unit is provided proper street access.
- The width of the lot, measured at the front yard setback line, shall be at least 80% of the lot frontage.
- At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
- No building, except a boathouse or building used for agricultural purposes, shall be within 50 feet of any water body, watercourse or wetland area or, if subject to flooding, within 50 feet beyond its flood line to the higher elevation.
- Projections into required yards or other required open spaces are permitted subject to the following:
Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
Open terrace or steps or stoop, under four feet in height, up to 1/2 the required yard setback.
Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
- Accessory buildings and structures. Any permitted accessory building in any R District shall conform to the following provisions:
It shall not occupy more than 40% of the required rear yard. It shall be not less than 40 feet for R-R and R-L Districts and 30 feet for an R-M District from any street lot line and shall be not less than 25 feet in any R-R or R-L District or 20 feet in the R-M District from any lot line. It shall not exceed 30 feet in height.
A temporary stand for retail sale of agricultural or farm products, where permitted. May be six feet from the front lot line.
- The front, side and rear yard clearances shown in this table for multifamily dwellings are applicable to each structure containing dwelling units. These distances should be used as though each structure is set on a separate lot. For example, two structures sitting side by side would have side yard clearances each of 30 feet or a total of 60 feet between the structures.
- Intensity of use applications to nursing convalescent home. For purposes of interpreting the portion of this chapter, the term "unit" shall mean each bed designed for use by an individual receiving care at such facility. The first three units of a nursing/convalescent home shall require a minimum land area equal to the lot requirements for any

permitted structure or principal use in the district in which located, with the exception in the C-H District, where 20,000 square feet shall be required for the first three units of a nursing/convallescent home. In all districts where such use is allowed, including by special permit, each additional unit shall require a minimum of 4,000 square feet of land area. Front, side and rear yard requirements within the respective districts where special permits are required may be increased at the discretion of the Board of Appeals, if the size of the project, proximity to incompatible adjacent uses or other factors potentially having an adverse effect on the health, safety or welfare of the persons under care at such facility justifies a more extensive buffer from property lines. The Board of Appeals shall ensure that egress from such facility shall be on a street which should be safe and adequate.

9 No building, loading space, parking space or structure, other than a sign, shall be located within 200 feet of the Industrial District boundary line in an Industrial District.
10 Exception, panhandle lots. This exception shall only apply to a single parcel of land at least three times the area required for a single lot in that residential district, intended to be divided or subdivided into not more than two lots. Such a division or subdivision may be exempt from any or all of the requirements of the Town of Brewster Planning Board rules and regulations, upon the express written approval of the Planning Board. The regulations for lot frontage as set forth in this section may be waived by the Planning Board upon the following conditions:

There shall be no further subdivision of the lot(s).

The lot(s) shall be used for single-family residential purposes.

The area of the access to the lot as determined by the Planning Board shall not be used in determining lot size.

The access to the lot as determined by the Planning Board shall not be used to provide access to any other lots.

In no event shall the lot frontage and lot width be less than 30 feet.

Multiple use of this section of this chapter shall not be used as a means of accomplishing the subdivision of land without the construction of ways.

11 Cottage colony conversion. An existing nonconforming cottage colony may not be converted to a single-family dwelling use under separate ownership, unless the lot upon which each building is located complies with the minimum requirements for single-family dwellings in the zoning district in which the land is located, and such nonconforming cottage colony may not be converted to a single-family use under condominium-type ownership, unless the lot meets the minimum zoning requirements in which the land is located.

12 For subsidized elderly housing, see ~~S-I~~ Section 179-42, rather than this Table 2.

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 a bathroom, shall be allowed by a special permit granted by the Board of Appeals. Such building~~ ~~dwellings~~ 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.~~ A lot shall not contain both an ADU and an accessory apartment.

14 Except that single-family dwelling uses and structures in the V-B district shall be subject to the R-M district requirements set out in this Table 2.

Editor's Note: The C-L District ~~which immediately followed~~ was removed pursuant to Article 51, Annual Town Meeting, May 8, 1989, ~~at the request of the Town~~.

Article VII Private Road Repair

~~§ 157-11 Filing of petitions and recommendation of engineer.~~

~~A.~~

~~A petition signed by at least 51% of the private way abutters must be filed no later than August 1 of any given fiscal year with the Administrative Assistant to the Select Board for verification of property owners by the Deputy Assessor. Petitions received after August 1, 1985, will be considered in the following fiscal year.~~

~~B.~~

~~The petition and recommendation of the engineer must be filed with the Select Board by September 1, 1985, of the same fiscal year.~~

~~C.~~

~~No petition will be entertained without meeting the criteria of Subsections A and B.~~

~~§ 157-12 Types of repairs to be made.~~

~~A.~~

~~Repairs shall be minor or temporary in nature and shall be limited in scope to the annual policy established by vote of the Board of Public Works. They shall be considered maintenance activities and shall not include construction, reconstruction and/or resurfacing of the ways.~~

~~B. Repairs shall be necessitated by public need.~~

~~§ 157-13 Betterment charges.~~

~~No betterment charges shall be levied.~~

~~§ 157-14 Liability of Town.~~

~~The Town does not accept liability for damages caused by any activity herein provided.~~

~~§ 157-15 Minimum time road to be open.~~

~~The way must have been open to the public use for a term of not less than seven years, this date to be determined by the date of definitive approval by the Planning Board.~~

§ 157-16 Cash deposits.

No cash deposit shall be required for repairs.

§ 157-17 Decisions to be final.

All decisions by the Select Board are final.

§ 157-18 Amendment of guidelines.

These guidelines may be amended by vote of the Board of Public Works.

§ 157-19 Cost not to exceed budget.

The total dollar amount is not to exceed the budget and/or appropriation for any given fiscal year.

Article VIII-VII Temporary Private Road Repair and Betterment

§ 157-20 11-Repair by Town.

A

In the event that a group of property owners each of whom own property abutting and having rights on a private road, which has been open for public use continuously for at least the last five years, wish the Town of Brewster to finance the repair of their private wayroad, they shall engage a professional engineer licensed to practice in Massachusetts and experienced in road construction and repair who shall develop a proposal for survey the road in question to develop a plan for the repair of that the private road to be repaired, or relevant portion thereof. Eligible repairs include, without limitation, any or all of the following: which shall take into consideration the need for new or additional drainage and stormwater facilities; new berms; driveway aprons; striping; to protect the edges of the repaired road, the filling of existing cracks; patching; road-bed repair; and the application of one or more layers of bituminous concrete. As used herein, a private road 'open for public use' includes a road open to public invitees whose access is not actively and openly restricted with gates, signage or the like. Further, a private road, which includes a private street or private way within its meaning, is a road that has not been laid out, dedicated, or adjudicated by a Massachusetts court as a public way but has either been laid out under the subdivision control law or is otherwise a matter of record with the Barnstable Registry of Deeds or the Town Clerk. The official record of public roads in the Town of Brewster is kept at the Town Clerk's office, and shall be amended from time to time.

B.

The ~~plan-proposal~~ shall specify the projected useful life of the repaired private way, and in no event shall the projected useful life be less than the financing term, which may be allowed up to 15 years. All costs of preparing the plan, obtaining cost estimates and preparing the petition described below shall be the exclusive responsibility of the petitioners.

C

~~After the plan has been prepared, the property owners' engineer shall secure at least three bids from established contractors to complete the work outlined in the engineer's plan. The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation. After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the parcels-properties subject to the petition by tax map and parcel by lot-number and map-number together with the owners' names of record from the most recent tax list with a space for each owner to place his or her signature. The petition must state that each signature represents an irrevocable agreement by each signatory to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which Town administrative costs shall not exceed 4% of the project. The petition shall not be presented to the Selectmen Board, nor shall the Select Board recognize such a petition, unless 50% a majority of all the abutters-owners to the road plus one more abutter shall have agreed to the project-proposal and its financial commitment by having signed the petition.~~

D.

~~The petition, accompanied by the engineer's plan-proposal documents, a map of the private way to be repaired and backup for the cost estimates including the cost estimates and survey plan, shall be submitted to the Selectmen's Board's Office. The Selectmen Board shall refer every such petition to the Assessor's Office for verification of signatures that signatories are the owners of record of the subject properties, and confirmation that more than 50% a majority of abutters-such owners have signed. The Selectmen Board shall consider all submitted petitions that are passed by the Assessor's examination Office, and will hold a public hearing on the proposed project, inviting abutters on the private road. If the Selectmen Board determines that the proposed repairs are in the public interest and if the Selectmen determine that these repairs are within the financial capability of the Town, the Select Board shall refer each petition so determined to the Planning Board which shall conduct a public hearing on each petition to evaluate the plan, examine the cost estimates and hear from both the abutters and the general public. The Planning Board shall either endorse the plan by a simple majority vote and return it to the Selectmen, recommend changes in costs or scope of the plan or disapprove the plan by a simple majority vote.~~

E.

~~If the Planning Board approves any such plan, the Select Board may place the plan on the warrant for any special or annual Town Meeting. The Select Board shall thereafter send out proxies to the abutters noting scope and cost changes, if any. The proxies must be returned at least 45 days prior to~~

the Town Meeting at which they are to be considered. If the proxies are returned within such time, the ~~Selectmen~~ Board may place the ~~project~~ petition on the Town Meeting Warrant, provided that ~~more than 50% a majority of the abutters approve the plan as approved by the Planning Board owners have signed said proxy.~~ Long term financing may be issued for said project by the Town for up to a fifteen year period.

~~F.~~ E.

Long-term financing may be issued for said project by the Town for up to a ~~fifteen year period~~ 15-year term. If the Town Meeting votes to ~~endorse and finance~~ authorize financing for the project, ~~the an~~ an engineer representing the owners, and preferably the engineer who did prepared the original plan and proposal, shall be named "Project Manager." He shall prepare a new request for quotations with the bids to be directed to the Town ~~Administrator~~ Manager. The Project Manager and the Town ~~Administrator~~ Manager shall select the best bid to do the work. The Project Manager shall advise the ~~Superintendent~~ Director of Public Works 48 hours in advance of each phase of the project and certify, in writing, to the ~~Superintendent~~ Director of Public Works that each phase of the work has been completed to the Project Manager's satisfaction. The ~~Superintendent~~ Director of Public Works shall inspect the completed work and ~~certify to advise~~ the Town Accountant ~~Finance Director~~ that the work ~~is has been completed according to the endorsed petition, including the survey plan therein, so that payment can be made.~~ After completion of the project, residents can choose to apportion their assessment into equal portions to be paid yearly over a period of up to 15 years.

~~G.~~ F.

~~For a group of private roads within a subdivision, the same procedure shall be used for any petition filed on or after July 1, 2019, provided that a majority of the owners of the lots abutting the group of private ways to be repaired signs the petition required by Subsection B above. The petition procedure set out herein shall apply equally to a petition involving a group of private roads within a subdivision provided that~~ Where a lot has frontage on, and derives access from, more than one group of roads, the owner of such lot shall be entitled to only one vote. Owners of lots that are assessed as unbuildable and lots that may not be built upon pursuant to a deed restriction, conservation restriction or other recorded instrument or the equivalent shall not be entitled to vote, and such lots shall not be subject to betterment assessments hereunder.

~~H.~~ G.

The Town of Brewster shall incur no liability for any damages of any nature whatsoever arising from the project by virtue of the Town's agreeing to ~~finance~~ carry out any repair of a private ~~subdivision way.~~ The abutters ~~owners who accept Town financing benefit from the repair and are assessed betterments shall be deemed to have indemnified and held the Town harmless against any and all such claims.~~ The Town makes no warranty or guarantee concerning the completed betterment project.

~~I.~~ H.

Any private way improved under the provisions of this ~~bylaw~~ Article need not be brought up to full Town road standards. Any private way improved under the provisions of this ~~bylaw~~ Article shall continue to remain a private way but nonetheless open for public use.

I. Except as otherwise provided in this Article, private road betterments shall be assessed and committed according to MGL Chapter 80 and Chapter 373 of the Acts of 2006. Betterments shall be recorded and serve as record liens against the subject properties.

J. Authorization of the private road betterment petition does not relieve the private owners from obtaining all necessary permits and approvals for the road work.

K. The repairs allowed hereunder shall be considered and are permissible within the meaning of GL c. 40, Section 6N.

L. The Director of Public Works may, at their discretion, direct Town employees to make minor or temporary repairs on private roads under the purview of maintenance activities or unusual circumstances. These repairs shall not include construction, reconstruction and/or resurfacing of the ways.

MODERATOR'S RULES REGARDING TOWN MEETING

Priority shall be given to registered voters of the Town for admission to all Town Meetings, whether annual or special meetings. Therefore, the following rules shall apply:

1. Prior to admission, persons desiring admission shall check in with the Town Meeting Tellers, who will be present at the main entrance with voter registration lists.
2. Non-voters, who desire to be present, will be seated in the area designated as the non-voter section. Voters take priority seating.
3. Non-voters will not address the Town Meeting without the unanimous consent of all voters present and will not participate in voting. Non-Resident Town staff will be permitted to address Town Meeting as appropriate and consistent with past precedent.

TOWN MEETING PROCEDURE

THE MODERATOR has absolute control of the town meeting.

GENERAL LAWS CHAPTER 39 SECTION 15: The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

WHEN A VOTER WISHES TO SPEAK, the voter may rise, say, "Mr. Moderator," and wait for recognition. Then, with the microphone, please give your name. The voter may continue with due regard to reasonable brevity, as long as the voter speaks directly to the question under discussion.

THERE WILL BE NO SMOKING OR STANDING in the meeting location.

ANYTIME THE MOTION TO BE VOTED ON IS UNCLEAR, ask the Moderator before voting.

VOTERS WILL PLEASE HOLD THEIR BREWSTER VOTER TAG in their right hand, so that the tellers when counting hand votes will count them.

NO PERSON IS TO INDULGE IN PERSONALITIES OR DEROGATORIES. Let us maintain decorum and reason together.

MOTIONS

MAIN MOTIONS are always on articles in the Town warrant. They are made, seconded, and then opened for consideration.

SECONDARY MOTIONS are motions which refer to main motions. Secondary motions usually amend, postpone, or limit consideration.

AMENDMENTS may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon if the proposed change is agreeable to the proponents of original motion. Voters must submit amendments in legible writing.

POSTPONE

TO REFER TO COMMITTEE "COMMIT" if changes in a main motion are numerous, take too much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report.

POSTPONE TO A DEFINITE TIME: defers action on a main motion to a stated hour, usually during the meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

"LAY ON TABLE" intends to temporarily lay aside an article. Not debatable; two-thirds vote carries. An article not taken from table before the meeting adjourns is not actionable. To be considered at a subsequent meeting, it must reappear in the warrant for that meeting.

"TAKE NO ACTION" "PASS OVER" "POSTPONE INDEFINITELY" are debatable motions and require majority vote. The intent is to defeat the motion.

LIMIT CONSIDERATION

LIMIT DEBATE. This secondary motion requests a vote to be taken at a specific time. Requires a 2/3 majority vote.

"MOVE THE PREVIOUS QUESTION" demands an immediate vote on any motion under consideration without further debate on the motion. May not be debated or amended. Requires 2/3 vote to carry. If it carries, we vote on the main motion that we voted to end the debate on.

POINT OF ORDER

IF A VOTER QUESTIONS THE LEGALITY or propriety of the proceedings, the voter may rise, interrupt the speaker and say, "I rise to a point of order" or "question of privilege."

VOTES ON MAIN MOTIONS

Usually carries (passes) with the majority of those attending. Quantum of vote for each article is noted in the warrant book.

EXCEPTIONS

2/3 MAJORITY VOTE REQUIRED for borrowing of money appropriations for land purchases; land purchase for public domain; sale or abandonment of unneeded land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning bylaws.

4/5 USUALLY REQUIRED payment of a bill for which insufficient appropriations made in a previous year, at the Annual Town Meeting. A 9/10 vote is required at a Special Town Meeting.

POSTPONE INDEFINITELY requires a majority vote, may be debated, and may not interrupt the speaker.

GLOSSARY OF FINANCIAL TERMS

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| Appropriation | An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended. Only town meeting can authorize money appropriated for one purpose to be used for another. Any amount that is appropriated may be encumbered (see encumbrance). Any part of an annual operating appropriation not spent or encumbered by June 30 automatically reverts to the undesignated fund balance that may result in free cash. If departments know of remaining unpaid bills at the close of the fiscal year and properly notifies the Town Accountant (MGL Ch. 41 ss. 58), the departmental appropriation is encumbered. This action extends the annual spending authorization until such time that the bill is paid or it is decided not to spend the funds. If these encumbrances are not acted on within ninety days, the Town Accountant generally notifies the department and closes them out. A special purpose appropriation, on the other hand, may carry forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account. |
| Audit | An examination of systems, procedures, and financial data by a certified public accountant, reporting on the fairness of financial statements and compliance with statutes and regulations. The audit is a valuable management tool for evaluating the fiscal performance of a community. |
| Available Funds | Funds established through previous appropriations or resulting from financial operations. They may be appropriated to meet unforeseen expenses, or large non-recurring or capital expenditures. Examples include free cash, stabilization fund, overlay surplus, water surplus, and enterprise retained earnings. |
| Betterments (Special Assessments) | Whenever a limited area of a community receives benefit from a public improvement (<i>e.g.</i> , water, road, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel receiving benefit from the improvement is assessed for a proportionate share of the cost of such improvements. The proportionate share may be paid in full, or the property owner may request the assessors to apportion the betterment over a period of up to 20 years. Over the lifetime of the betterment, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid. |
| Bond | A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date in the future, called the maturity date, together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for a longer period of time. |
| Bond Anticipation Note (BAN) | A short-term note to provide cash for initial project costs issued in anticipation of bond proceeds. BANs may be issued for a period not to exceed five years, provided principal repayment begins after two years. Communities with approved projects on the School Building Assistance (SBA) priority list may defer principal payments up to five years (approved annually in outside sections of the budget). The final maturity date of the project borrowing, beginning from the date the short-term note was issued, may not exceed the term specified by statute. BANs are full faith and credit obligations. |
| Bond Authorized And Unissued | Bond authorized but not yet sold. Issuance is contingent only on action by the Town Treasurer and a majority of the Board of Selectmen. |
| Bond Counsel | An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue. |
| Bond Issue | Generally represents the sale of a certain number of bonds at one time by a governmental unit. |
| Bond Rating (Municipal) | A credit rating to help investors determine the risk of losing money in a given fixed-income investment. Agencies specializing in municipal bonds assign a rating, designated by letters or a combination of letters and numerals, based on their opinion of the future ability, legal obligation, and willingness of a bond issuer to make timely debt service payments. |

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| Budget | A plan of financial operation embodying an estimate of proposed revenues and expenditures for a given period and the proposed means of financing them. A budget may be “preliminary” (the financial plan presented to the town meeting), or “final” (the plan approved by that body). The budget should be separated into basic units, either by department, program, or service. Formatting the budget in this way helps local officials and citizens make policy decisions when allocating scarce resources. It is also important to include as much information as possible concerning the output or accomplishments expected of a given program or department during the year. |
| Capital Improvements Program | A comprehensive plan for planning a community’s capital expenditures. It coordinates community planning, fiscal capacity and physical development. While all of the community’s needs should be identified in the program, there is a set of criteria that prioritizes the expenditures. The capital program is a plan for capital expenditures that usually extends at least five years beyond the capital budget. |
| Capital Outlay Expenditure Exclusion | A vote by a community at an election to exclude payments for a capital project from the levy limit. The exclusion may temporarily increase the levy above the levy ceiling. |
| Cash | Currency, coin, checks and bankers’ drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits. |
| Cash Management | The process of managing a local government’s money in order to ensure maximum cash availability and maximum yield on short-term investment of idle cash. |
| Cemetery Perpetual Care | Funds donated by individuals for the care of gravesites. According to MGL, funds from this account must be invested and spent as directed by perpetual care agreements. If no agreements exist, the interest (but not principal) may be used as directed by the Cemetery Commissioners for the purpose of maintaining cemeteries. |
| Chapter 90 Highway Funds | The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 ss. 34, hence the terms Chapter 90 funds. The Chapter 90 highway formula is comprised of three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U. S. Census Bureau. Under this formula, those communities with a larger number of road miles receive proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD. |
| Cherry Sheets | Named for the cherry colored paper on which they were originally printed, the Cherry Sheets are the official notification of the next fiscal year’s state aid and assessments to communities and regional school districts from the Commissioner of Revenue. State aid to municipalities and regional school districts consist of two major types – distributions and reimbursement. Distributions provide funds based on formulas while reimbursements provide funds for costs incurred during a period for certain programs or services. In addition, communities may receive “offset items” that must be spent on specific programs. Cherry Sheet assessments are advance estimates of state assessments and charges. Local assessors are required to use these figures in setting the local tax rate. Because these figures are estimates, it should be noted that based upon filing requirements and/or actual information, the final aid or assessment may differ. |
| Cherry Sheet Offset Items | Local aid accounts that may be spent without appropriation in the budget, but which must be spent for specific municipal and regional school district programs. Current offset items include racial equality grants, school lunch grants, and public libraries grants. |
| Collective Bargaining | The negotiations between an employer and union representative regarding wages, hours, and working conditions. |
| Conservation Fund | This fund may be expended for lawful conservation purposes as described in MGL Ch. 40 ss. 8C. It may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by two-thirds vote of town meeting. |
| Contingent Appropriation | An appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of |

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| | the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 ss. 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2-½ override or exclusion question for the same purpose. |
| Debt Authorization | Formal approval by a two-thirds vote of town meeting to incur debt, in accordance with procedures stated in MGL Ch. 44. |
| Debt Exclusion | A vote by a municipality at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling. |
| Debt Limit | The maximum amount of debt that a municipality may have authorized for qualified purposes under state law. |
| Debt Service | The cost usually stated in annual terms, of the principal repayment and interest of any particular issue. |
| Deficit | The excess of expenditures over revenues during an accounting period. Also refers to the excess of the liabilities of a fund over its assets. |
| Education Reform Act Of 1993 | An act that seek to remedy educational funding inequities between local communities by providing adequate state funding over a seven year period for all local and regional school districts and by mandating equity based upon a particular community's ability to pay. One of the Act's major goals is to improve student achievement. |
| Eminent Domain | The power of a government to take property for public purposes by condemnation provided that fair compensation is paid to the owner. This method is frequently used to obtain real property that cannot be purchased from owners by means of a voluntary transaction. |
| Encumbrance | Obligations in the form of purchase orders, contracts, or salary commitments that are chargeable to an appropriation and for which a part of the appropriations is reserved. |
| Enterprise Fund | Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. The Brewster Water Department). Enterprise fund revenue streams are segregated from the general fund into a separate fund and available as a separate financing source for services that generate, or for purposes supported by, those revenues. These include the revenues of enterprise funds established for services typically financed and delivered in a manner similar to private enterprises for the purpose of accounting for all costs, direct or indirect, of providing the services. |
| Estimated Receipts | An estimate of state and local miscellaneous receipts based upon the previous year's receipts that assessors deduct from the gross amount to be raised in order to arrive at the tax levy. |
| Excess And Deficiency | Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is made based upon the balance sheet that is submitted by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns. |
| Excess Levy Capacity | The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Board of Selectmen must be informed of excess levy capacity and their acknowledgment must be submitted to the Department of Revenue when setting the tax rate. |
| Fiscal Year | Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2023 fiscal year is July 1, 2022 to June 30, 2023 and is usually written as FY2023. Since 1976, the federal government has had a fiscal year that begins October 1 and ends September 30. |
| Fixed Costs | Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service or interest costs. |

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| Foundation Budget | The target imposed by the Education Reform Act of 1993 for each school district, defining the spending level necessary to provide an adequate education for all students. |
| Free Cash | Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based upon the balance sheet as of June 30, which is submitted by the Town Accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures and to ensure there will be an adequate reserve to prevent sharp fluctuations in the tax rate. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash. |
| Fund | An accounting entity with a self-balancing set of accounts that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations. |
| Fund Accounting | Organizing the financial records of a municipality into multiple funds. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues and expenditures) are accounted for independently in accordance with specific regulations, restrictions and limitations. Examples of funds include the general fund and enterprise funds. |
| General Fund | The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process. |
| General Obligation (GO) Bonds | Bonds issued by a municipality that are backed by the full faith and credit of its taxing authority. |
| Hotel/Motel Excise | A local option that allows a community to assess a tax on room occupancy. The community may levy up to 6% of the taxable rents of hotels, motels and lodging houses in that community. |
| Indirect Cost | Costs of a service not reflected in the service's operating budget. An example of an indirect cost of providing water service would be health insurance costs for water department employees. A determination of these costs is necessary to analyze the total cost of service delivery and a Mutual Agreement for reporting and paying indirect costs is required between the Select Board and respective Department / Committee. |
| Interest | Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made. |
| Interest Rate | The interest payable, expressed as a percentage of the principal available, for use during a specified period of time. It is always expressed in annual terms. |
| Law Enforcement Trust Fund | A revolving fund established to account for a portion of the proceeds from the sale of property seized from illegal drug-related activities. Funds may be expended to defray certain qualified law enforcement costs as outlined in MGL Ch. 94C ss. 47. Funds from this account may be expended by the Police Chief without further appropriation. |
| Levy | The amount a community raises through the property tax. The levy can be any amount up to the levy limit. |
| Levy Ceiling | The maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 ss. 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion. |
| Levy Limit | The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and any overrides. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion. |

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| Line-Item Budget | A budget that focuses on inputs of categories of spending, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget. |
| Local Aid | Revenue allocated by the commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the “Cherry Sheets”. Most Cherry Sheet aid programs are considered revenues of the municipality’s or regional school districts’ general fund and may be spent for any purpose, subject to appropriation. |
| Local Receipts | Locally generated revenues, other than real and personal property taxes and enterprise fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals, and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet. |
| Motor Vehicle Excise (MVE) | Every motor vehicle and trailer registered in the Commonwealth is subject to the MVE unless expressly exempted. MVE is imposed for the privilege of registering a motor vehicle. Registering a motor vehicle automatically triggers the assessment of the excise. |
| Municipal(s) | Municipal refers to any state or subordinate governmental unit. “Municipals” (i.e., municipal bonds) include not only the bonds of all local subdivisions, such as cities, towns, school districts, special districts, but also bonds of the state and agencies of the state. |
| Municipal Revenue Growth Factor (MRGF) | An estimate of the percentage change in a municipality’s revenue growth for a fiscal year. It represents the combined percentage increase in the following revenue components; automatic 2 ½ percent increase in the levy limit, estimated new growth, the change in selected unrestricted state aid categories, and the change in selected unrestricted local receipts (Education Reform Act of 1993). |
| Net School Spending (NSS) | School budget and municipal budget amounts attributable to education, excluding long-term debt service, student transportation, school lunches and certain other specified school expenditures. A community’s NSS funding must equal or exceed the NSS Requirement established annually by the Department of Education (DOE) (Education Reform Act of 1993). |
| New Growth | The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying all increases in value which are not the result of revaluation by the tax rate of the previous fiscal year, for example, FY2023 new growth is determined by multiplying the value on January 1, 2022 by the FY2022 tax rate. Assessors must submit documentation of new growth to the BLA annually before setting the tax rate. Documentation should be retained for five years in the event of a BLA audit. |
| Operating Budget | A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year. |
| Overlay (Overlay Reserve or Allowance for Abatements and Exemptions) | An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process, but rather is raised on the tax rate recapitulation sheet. |
| Overlay Surplus | Any balance in the overlay account in excess of the amount remaining to be collected or abated can be transferred into this account. Within ten days of a written request by the chief executive officer of a city or town, the Board of Assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is “closed” to surplus revenue. |
| Override | A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount). |
| Override Capacity | The difference between a community’s levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit. |
| Payments In Lieu Of Taxes (PILOT) | An agreement between a municipality and an entity not subject to taxation, such as charitable or educational organizations, in which the payer agrees to make a voluntary payment to the municipality. By law, a city or town must make such payment to any other community in which it owns land used for public purposes. |

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| Proposition 2 ½ (Prop 2 ½) | M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community's annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2 ½ also established two types of voter approved increases in local taxing authority – overrides and exclusions. |
| Receipts Reserved | Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities. |
| Reserve Fund | An amount set aside annually within the budget of a city (not to exceed 3% of the tax levy for the preceding year) or town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting. |
| Revenue Anticipation Borrowing | Cities, towns and districts may issue temporary notes in anticipation of taxes (TAN's) or other revenue (RAN's). The amount of this type of borrowing is limited to the total of the prior year's tax levy, the net amount collected in motor vehicle and trailer excise in the prior year and payments made by the Commonwealth in lieu of taxes in the prior year. According to MGL Ch. 44 ss. 4, cities, towns and districts may borrow for up to one year in anticipation of such revenue. |
| Revenue Anticipation Note (RAN) | A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations. |
| Revenue Bond | A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation. |
| Revolving Fund | Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch 44 ss. 52E ½ requires each revolving fund must be established by ordinance or charter and stipulates that each fund must be re-authorized each year at annual town meeting action, and that a limit on the total amount that may be spent from each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the town in the most recent fiscal year, and not more than one percent of the amount raised by taxation may be administered by a single fund. Wages and salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits. Revolving funds for other programs as provided by statute are still allowed, and a departmental revolving fund may be implemented in addition to or in conjunction with other existing statutory revolving funds, provided that the departmental revolving fund does not conflict with provisions of other revolving funds. |
| Sale Of Cemetery Lots Fund | A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 144 ss. 15. |
| Stabilization Fund | A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may appropriate into this fund in any year an amount and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund. |
| State Aid Anticipation Note (SAAN) | A short-term loan issued in anticipation of a state grant or aid (MGL Ch. 44 ss. 6A). |
| State House Notes | Debt instruments for cities, towns, counties and districts certified by the Director of Accounts. State House Notes, payable annually, are usually limited to maturities of five years. The notes are generally less costly and easier to issue than conventional issues for borrowing. They are commonly used for temporary loans and smaller long-term issues. |
| Tax Rate | The amount of property tax stated in terms of a unit of the municipal tax base; for example, \$14.80 per \$1,000 of assessed valuation of taxable real and personal property. |

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| Tax Rate Recapitulation Sheet (Recap Sheet) | A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate. The recap sheet should be submitted to the Department of Revenue by September 1 (in order to issue the first-half semiannual property tax bills before October) or by December 1 (in order to issue the third quarterly property tax bills before January 1). |
| Five Year Valuation Certification | The Commissioner of Revenue is required to review local assessments every five years and to certify that they represent FFCV. The Bureau of Local Assessments is responsible for this process. |
| Trust Fund | In general, a fund held for the specific purpose stipulated by a trust agreement. The Town Treasurer acts as a custodian of trust funds and invests and expends such funds as stipulated by trust agreements or as directed by the Commissioners of Trust Funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For non-expendable trust funds, interest but not principal may be expended as directed. |
| Underride | A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override. |
| Unfunded Pension Liability | Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners. |
| Uniform Municipal Accounting System (UMAS) | The Department of Revenue regards UMAS as the professional standard for municipal account system that conforms to Generally Accepted Accounting Principles modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS is increased consistency in reporting and record keeping and enhanced comparability of data among cities and towns. |
| Unreserved Fund Balance (Surplus Revenue Account) | The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a "stockholders' equity" account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected. |
| Warrant | An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted upon by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors' warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively. |
| Water Surplus | For water departments operating under MGL Ch. 41 ss. 69B, any revenues in excess of estimated water receipts or unspent water appropriations closeout to a water surplus account. Water surplus may be appropriated to fund water-related general and capital expenses or to reduce water rates. |
| Waterways Improvement Fund | An account into which fifty percent of the proceeds of the boat excise is deposited. Use of these proceeds is limited to certain waterway expenses as outlined in MGL Ch. 40 ss. 5G. |