



Town of Brewster Planning Board

2198 Main St., Brewster, MA 02631

brewplan@brewster-ma.gov

(508) 896-3701 x1133

PLANNING BOARD MEETING AGENDA

2198 Main Street

May 10, 2023 at 6:30 PM

Planning Board

Madalyn Hillis-
Dineen, Chair

Amanda Bebrin
Vice Chair

Robert Michaels
Clerk

Charlotte Degen

Antone Freitas

Elizabeth Taylor

Alexander
Wentworth

Town Planner
Jonathon Idman

**Senior Department
Assistant**
Lynn St. Cyr

This meeting will be conducted in person at the time and location identified above. This means that at least a quorum of the members of the public body will attend the meeting in person and members of the public are welcome to attend in person as well. As a courtesy only, access to the meeting is also being provided via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or affect remote attendance or participation, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda, which includes an applicant and its representatives, should make plans for in-person vs. virtual attendance accordingly.

Members of the public who wish to access the meeting may do so in the following manner:

Phone: Call (312) 626-6799 or (301) 715-8592. Webinar ID: 841 0778 1002. Passcode: 612505. To request to speak: Press *9 and wait to be recognized.

Zoom Webinar: <https://us02web.zoom.us/j/84107781002?pwd=VTVSV1ExaUNCL253NmNZV21Gdmo4dz09>
Passcode: 612505. To request to speak: Tap Zoom "Raise Hand", then wait to be recognized.

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by accessing the meeting remotely, as noted above. Additionally, the meeting will be broadcast live, in real time, via **Live broadcast** (Brewster Government TV Channel 18), **Livestream** (livestream.brewster-ma.gov), or **Video recording** (tv.brewster-ma.gov).

The Planning Board packet can be found on the Calendar on the Town of Brewster website (www.brewster-ma.gov).

1. Call to Order.
2. Declaration of a Quorum.
3. Meeting Participation Statement.
4. Recording Statement. As required by the Open Meeting Law we are informing you that the Town will be video and audio taping as well as broadcasting this public meeting. In addition, if anyone else intends to either video or audio tape this meeting they are required to inform the Chair.
5. Citizen's Forum. Members of the Public are invited to address the Planning Board on matters not on the agenda during this time. The Planning Board asks that a 3-minute maximum comment period be respected by the speaker. In order to avoid any possible interpretation of a violation of the Open Meeting Law, the Planning Board will not provide comment in return to the speaker, however the item may be moved to a future agenda if discussion is deemed warranted.
6. Review and discuss the accessory single-family dwelling unit and accessory commercial dwelling unit sections of the zoning bylaw including potential zoning amendments.
7. Planning Board Special Permit/Site Plan Application Forms. The Planning Board will review, discuss, and may vote to approve revised application forms.
8. Approval of Meeting Minutes: April 26, 2023.
9. Committee Reports.
10. For Your Information.
11. Matters Not Reasonably Anticipated by the Chair.
12. Next Meetings: May 24, 2023 and June 14, 2023.
13. Adjournment.

Date Posted:
05/03/23

Date Revised:

Received by Town Clerk:

BREWSTER TOWN CLERK
23 MAY 3 10:55AM

ADU AND ACDU REVIEW AND DISCUSSION



Town Of Brewster
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 x1133

Office of:
Planning Department

Date: April 27, 2023
To: Planning Board
From: Jon Idman, Town Planner
Re: ADU provisions revisited- Talking Points and Considerations
ZBL Sections 179-2, 179-42.2, Table 1, Table 2

A. Policy Considerations

- a. Whether to consolidate ADUs and “accessory apartment” uses
- b. Owner Occupancy
 - i. Allow part-time residents/ not principal residents to have ADU?
 - ii. Recognize bona fide temporary absences of owner?
 - iii. Offer a ZBA special permit to rent both units? Condition to year-long lease?
- c. Add ‘Purpose’ statement, underscoring year-round housing opportunities.
- d. Clarify further that ADUs are not commercial uses, not for short term rentals, and that properties w/ ADUs remain single family residential properties.
- e. 12 mo. lease ADU vs year-round housing: allow 6 mo. lease term as consistent with year-round housing purpose?
- f. Should there be an annual building permit cap on ADUs/ ACDUs (which the ZBL currently contains-20)?
- g. ADUs: ‘subordinate to...’ vs ‘consistent with single family residential use’
- h. Eliminate % size approach of ADUs to main dwelling.
- i. Introduce new concept of not severing ‘ownership’ or use between principal dwelling and ADU.

B. Administrative Considerations

- a. Difficulty/ fairness of administering ADU size as a percentage of principal dwelling.
 - i. Unfairly advantages large main dwellings.
 - ii. May require an addition to main dwelling to achieve reasonably-sized ADU.
 - iii. “Zeno’s Paradox” problem of ADUs in main dwelling- size of ADU must be deducted from main dwelling but size of ADU is based on existing floor area of main dwelling.
- b. Replace “Habitable Area”- not a defined term and has a special meaning under the SBC.
- c. Special Permits
 - i. Zone II and PB Watershed- there are already flow and nitrogen controls on development?
 - ii. There is no Herring River Watershed map in the ZBL.
 - iii. Is 30,000 sq ft the right threshold for a ‘small lot?’ Look at historical zoning?
- d. Difficult enforcement: ADU vs. Residential Accessory Building w/ Bedrooms. Allowable in same structure?
- e. New ADU zoning permit/ registration program to document compliance.

- f. Clarify “Dirt Road Special Permits” and ADUs.
- C. Mechanical Drafting Issues
- a. ADU definition: Substantive terms should be moved to main provisions of ZBL.
 - i. Align definition for consistency with other existing related definitions (“dwelling unit”) (“habitable area” vs. “net floor area”) and ADU provisions in body of ZBL.
 - b. Clarify that all ADUs are subject to ZBLs dimensional requirements (not just setbacks).
 - i. Recognize that setback analysis for buildings in R districts is complicated (e.g. nonconforming structures; pre-existing developed lots).



Town Of Brewster
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 x1133

Office of:
Planning Department

Date: April 27, 2023
To: Planning Board
From: Jon Idman, Town Planner
Re: ACDU provisions revisited- Talking Points and Considerations
ZBL Sections 179-2, 179-42.3, Table 1, Table 2

A. Policy Considerations

- a. Whether to consolidate ACDUs & “security dwellings”
- b. Should ACDUs be ‘accessory uses’, or just dwelling units allowed in commercial districts? (CDUs?) Should an ACDU be allowed to continue on a commercial lot even if the commercial/ industrial use to which it is accessory ends?
- c. Add ‘Purpose’ statement to ACDU sections, underscoring year-round housing opportunities
- d. 12 month lease vs year round housing: allow 6 mo. term as consistent with year round housing purpose?
- e. New zoning permit/ registration program to document compliance
- f. Should there be an annual building permit cap on ADUs/ ACDUs (which the ZBL currently contains-20)?
- g. New concept of not severing ‘ownership’ or use between principal dwelling and ADU; should this apply to ACDUs as well?

B. Administrative Considerations

- a. Difficulty/ fairness of administering ADU/ ACDU size as a percentage of principal use.
 - i. “Zeno’s Paradox” problem of ADUs in main dwelling- size of ADU must be deducted from main dwelling but size of ADU is based on existing floor area of main dwelling.
- b. Delete “Habitable Area”- not a defined term and has a special meaning under the SBC
- c. Should All ACDUs require special permit?

C. Mechanical Drafting Issues

- a. ACDU definition
 - i. Substantive terms should be moved to main provisions of ZBL
 - ii. Align definition for consistency with other existing related definitions (“dwelling unit”) (“habitable area” vs. “net floor area”) (multi-family dwelling”)
- b. Clarify that all ACDUs are subject to ZBLs dimensional requirements (not just setbacks)
- c. Simplify/ create flexibility with compliance affidavit form and process
- d. No reference to parking requirements for ACDUs currently- cite PB parking policy?
- e. ZBL is silent about allowable number of ACDUs
- f. ZBL is silent re: ACDUs and site plan review
- g. ACDUs in the industrial zone permitted?: Table 1 vs Table 2 disagree

Brewster's Experience: ADU, ACDU, & Accessory Apartments since 2018 Bylaw

Comments from Brewster Housing Program, Jill Scalise, Housing Coordinator

1. Town Permits since 2018: 29

Accessory Dwelling Units (ADUs)- 16

- 14 by special permit (Zoning Board of Appeals (ZBA))
 - o In water protection area- 10 total, 7 in Zone 2; 3 in DCPC
 - o Lot under 30,000' - 3
 - o Other- 1 (also modifications to a B & B)
- 2 by right (identified by Building Department and included in data)

Accessory Apartments- 7 (all ZBA special permits)

Accessory Commercial Dwelling Units (ACDUs)- 1 (permitted by Planning Board)

Security Apartments- 3 (all permitted by Planning Board)

Affordable Accessory Dwelling Unit (AADU)- 1 (old bylaw, Special Permit 4.10.18; CO 5.17.19)

Pre-existing apartment over retail- 1, Special Permit amended to remove owner occupancy requirement.

2. Town Observations:

- Consistently receive inquiries from Brewster residents about ADUs. Very occasional requests about accessory apartments. Hardly any inquiries about ACDUs.
- While we can record the number of permits issued, it's an administrative challenge to accurately count the number of ADUs created and in use. There is no uniform mechanism to confirm that units are complete and occupied.
- Challenges noticed or expressed by residents:
 - o Septic requirements – number of bedrooms and/or water protection district
 - o Lot size- septic requirements and/or special permit path
 - o Percentage requirement- ADU can't be more than 40% of the habitable area of the principal dwelling.
 - o Principal residency requirement. Part-year residents have been interested in having a year-round ADU.
 - o Cost to design and build ADU.
- The Building Department's guidance, ADU/ACDU information sheet, has been helpful.
- The affidavit process has been difficult to set in place and oversee.
- The ADU and Special Permit process can intimidate people. Concerns include completing forms and representation before the ZBA.
- Regularly refer people to and communicate with ADU resource programs (CDP & HAC). This includes assistance with ADU process and possible funding.

3. Resources now available & their feedback to the Town:

Lower Cape ADU Resource Center: Community Development Partnership (CDP) and Homeless Prevention Council (HPC) [Lower Cape Housing & ADU Resource Center](#)

May 2022– March 2023

- Received approximately 100 inquiries from the Lower Cape
- 17 inquiries from Brewster.
- Over half of Brewster inquiries were from folks aged 60 or older.
- 14 feasibility studies, 3 pending. Almost all require special permits because of Zone 2 or under 30,000’.
- 5 households are still interested.

CDP’s experience of barriers to creating Brewster ADUs

- Cost of ADU
 - High price of construction \$400-\$450/ square foot
- Putting out money before knowing if an ADU can be permitted and/or built.
 - It can cost \$5,000-\$10,000 for site plans and architectural drawings.
- Fear or concern of going before ZBA intimidates people. This also overlaps with the pre-permit financial costs.
- Cumulative impact – cost, lot size or Zone 2, # bedrooms & septic system, ZBA, length of time to wait...it can become overwhelming.
- Part-year residency. Brewster may be the only Town on the Lower Cape that requires owner to be a full year resident.

Housing Assistance Corporation (HAC) My Home Plus One ADU Program

[My Home Plus One ADU Program - Housing Assistance Corporation Cape Cod \(haconcapecod.org\)](http://haconcapecod.org)

16 Brewster inquiries.

The biggest obstacles people are facing include septic capacity, lot size, cost, lack of contractor availability, and wetland restrictions.

4. Next Steps

- Housing Production Plan Strategy #1:
 - Reevaluate the existing ADU and ACDU bylaws and other references to accessory apartments; explore amendments to streamline these provisions and improve their efficacy.
- Continue improving information about the ADU process for Brewster residents.
- Continue internal communication, evaluation, and process improvements with Building, Planning, Health, & Housing Departments.
- Keep open communication with ADU resources and programs.
- Consider Town outreach opportunities regarding ADUs & ACDUs.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article I General Provisions

§ 179-1 **Authority; purpose.**

- A. The Brewster Zoning Bylaw, adopted in 1960, and all subsequent amendments thereto, hereinafter called "this chapter," is adopted and from time to time amended as authorized by MGL c. 40A, as amended, herein called the "Zoning Act," and by Article 89 of the Amendments to the Constitution, the Home Rule Amendment.
- B. In conjunction with the purposes stated in the Zoning Act, this chapter shall provide protection for inland and coastal wetlands, as well as existing and potential watersheds, and shall give direction and effect to the development objectives and recommendations contained in the Brewster Master Plan of 1970, as may be amended from time to time.

§ 179-2 **Definitions.**

- A. Words used in the present tense indicate the future; the singular number includes the plural and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended" or "offered to be used or occupied"; the words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof," and the word "shall" is always mandatory and not merely directory. [**Amended 5-3-1999 ATM, Art. 29; 11-17-2003 FYTM, Art. 16**]
- B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY COMMERCIAL DWELLING UNIT (ACDU)

A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is located within a structure containing a commercial, wholesale or industrial use, or in a separate structure on the same lot as a commercial, wholesale or industrial use. An ACDU shall have no more than two bedrooms and shall have a maximum habitable area of 900 square feet or 40% of the habitable area of the commercial, wholesale or industrial unit, whichever is less. Unenclosed additions constructed to serve an ACDU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ACDU.

[**Added 12-3-2018 FYTM, Art. 12**]

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is accessory and clearly subordinate to a principal dwelling. An ADU may be located within a single-family house containing a principal dwelling, or in a building accessory to a single-family house. An ADU shall have no more than two bedrooms and shall have a maximum habitable area of 900 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.

[**Added 12-3-2018 FYTM, Art. 12**]

BUILDING, ACCESSORY RESIDENTIAL

A detached residential structure, customarily incidental to the existing principal residential structure and located on the same lot with the principal residential structure to which it is accessory. Such structures include but are not limited to guesthouse, shed, boathouse, playhouse, shelter for domestic pets, pool

houses, private swimming pools, tennis courts and detached garages. An accessory residential building may or may not contain bedrooms.

[Added 5-7-2012 ATM, Art. 23]

DWELLING, MULTIFAMILY

A building containing three or more dwelling units.

DWELLING, ONE FAMILY DETACHED

A single, separate dwelling unit, designed for occupancy by one family.

[Added 5-7-2012 ATM, Art. 23]

DWELLING, ONE FAMILY SECURITY

One family dwelling unit for owner occupancy or for occupancy by personnel hired by the owner for the protection of property and safe operation of a permitted use.

[Added 5-7-2012 ATM, Art. 23]

DWELLING UNIT

One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY

One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

FLOOR AREA, NET

The sum of the areas of the several floors of a building measured from the interior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human 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.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article IX Special Regulations

§ 179-33 **General provisions.** [Amended 5-14-1984 ATM, Art. 110]

The regulations which follow shall apply to the particular use or activity, whether it is permitted by right or by special permit as an exception. In addition, the Planning Board, prior to the granting of a special permit, may also impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this chapter, including but not limited to the following: front, side or rear yards greater than the minimum required by this chapter, screening, buffers or planting strips, fences or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation or extent of facilities, regulation of number and location of driveways or other traffic features and off-street parking or loading or other special features beyond the minimum required in this chapter.

§ 179-42.2 **Accessory single-family dwelling units (ADUs).** [Added 12-3-2018 FYTM, Art. 12]

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

- A. An ADU may be located within or adjacent to a single-family house, or in a building accessory to a single-family house, subject to the Definitions of § **179-2**; the requirements of Table 1, Use Regulations, and Table 2, Area Regulations/Minimum Required Lots; and all standards of this section.
- B. 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. All construction in connection with an ADU attached to a principal dwelling shall conform to building setbacks for a single-family house in the Zoning District where it is located.
- D. Either the principal dwelling or the ADU must be occupied by the owner of the property, as defined in § **179-2** and the remaining dwelling unit shall be leased for periods of not less than 12 months. The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that either the principal dwelling or the accessory single-family dwelling unit will be, and/or has been, used as the principal residence of the owner for the next 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.
- F. There shall be no renting of rooms or boarding of lodgers in an ADU.
- G. An ADU shall conform to all applicable State and local laws regulating new construction or new residential use including the State Building Code, and applicable plumbing, electrical, fire, health and conservation regulations and bylaws. A Certificate of Occupancy shall be required for any ADU.
- 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.

§ 179-42.3 Accessory commercial dwelling units (ACDUs).
[Added 12-3-2018 FYTM, Art. 12]

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

- A. An ACDU may be located within or adjacent to a commercial building, or in a building on the same lot as a commercial use, subject to the Definitions of § **179-2**; the requirements of Table 1, Use Regulations, and Table 2, Area Regulations/Minimum Required Lots; and all standards of this section.
- B. An ACDU may be located in a Commercial High Density or Village Business District.
- C. An ACDU may be located within a Zone II (Zone of Contribution to a Public Drinking Water Well), in the watershed of the Herring River, or the watershed to Pleasant Bay, subject to approval of a Special Permit by the Zoning Board of Appeals. All ADU's within these areas shall be required to install advanced nitrogen treatment septic systems, if deemed necessary.
- D. All construction in connection with an ACDU shall conform to building setbacks for a commercial building in the Zoning District where it is located.
- E. The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that the ACDU will be, and/or has been, leased for a period of not less than 12 months.
- F. No more than 20 building permits shall be issued for the combined total of ADUs and ACDUs in a single calendar year.
- G. There shall be no renting of rooms or boarding of lodgers in an ACDU.
- H. An ACDU shall conform to all applicable State and local laws regulating new construction or new residential use including the State Building Code and applicable plumbing, electrical, fire, health and conservation regulations and bylaws. A Certificate of Occupancy shall be required for any ACDU.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

**Article VIII
Nonconforming Uses, Structures and Lots**

§ 179-24 Applicability.

The provisions of this section apply to nonconforming uses, structures and lots so created by the initial enactment of this chapter or by any subsequent amendment.

§ 179-25 Extensions and alterations.

- A. As provided in MGL c. 40A, § 6, a nonconforming single- or two-family dwelling may be altered or extended, provided that the Inspector of Buildings determines that doing so does not increase the nonconforming nature of said structure.
- B. Other pre-existing nonconforming structures or uses may be changed, extended or altered on special permit from the Board of Appeals, if the Board of Appeals finds that such change, extension or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use.

...

§ 179-26 Residential lots of record.

- B. Certain lots are exempted from current dimensional requirements by MGL c. 40A, § 6. In addition, any increase in lot area, width, depth, yard or frontage requirements shall not apply to erection, extension or alteration or moving of a structure on a lot not meeting current dimensional requirements, provided that, as of June 25, 1978, such lot was a legal building lot and had lot area of at least 5,000 square feet and street frontage of at least 50 feet. Any structure proposed to be located on such lot shall conform to the setback requirements in effect at the time of the recording or endorsement of the deed or plan creating the lot; provided, however, that if there are no applicable setbacks, the front yard setback shall be 20 feet and the side and rear yards setbacks shall be 10 feet. **[Amended 5-2-2005 ATM, Art. 26]**

Commented [J1]: Setbacks for residential buildings can be different than set out in the Zoning Bylaw's dimensional schedule/ Table 2.

ZONING

179 Attachment 1

**Table 1
Use Regulations
Town of Brewster**

[Amended 12-10-1979 STM, Art. 37; 5-12-1980 ATM, Arts. 39, 40 and 41; 12-8-1980 STM, Art. 18; 5-11-1981 ATM, Art. 32; 5-11-1982 ATM, Arts. 80 and 81; 5-14-1984 ATM, Arts. 100, 101 and 103; 8-27-1984 STM, Arts. 58 and 59; 5-13-1985 ATM, Arts. 89 and 93; 5-11-1987 ATM, Art. 86; 5-9-1988 ATM, Art. 97; 10-17-1988 STM, Art. 26; 5-8-1989 ATM, Art. 47; 5-14-1990 STM, Arts. 6 and 10; 12-14-1992 STM, Art. 2; 11-15-1993 FYTM, Art. 20; 11-15-1999 FYTM, Art 23; 5-1-2000 ATM, Art. 35 11-17-2003 FYTM, Arts. 19 and 24; 11-18-2001 FYTM, Arts. 17 and 21; 5-3-2004 ATM, Art. 24; 11-15-2004 FYTM, Art. 17; 5-2-2005 ATM, Art. 31; 11-13-2006 FYTM, Art. 25; 5-7-2007 ATM, Art. 24; 11-5-2007 FYTM, Art. 19; 11-17-2008 FYTM, Art. 18; 5-2-2011 ATM, Art. 33; 11-7-2011 FYTM, Arts. 13 and 17; 5-7-2012 ATM, Arts. 24 and 28; 5-6-2013 STM, Art. 6; 5-6-2013 ATM, Art. 23; 5-5-2014 ATM, Arts. 22 and 30; 12-3-2018 FYTM, Arts. 11, 12, and 13]

KEY:

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

	District							
	R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
Residential								
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 30,000 square feet or more	P	P	P	S	S	-	-	-
4. Accessory single-family dwelling unit "ADU" on a lot less than 30,000 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 unit	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	-	-	-	-

ZONING

179 Attachment 2

Town of Brewster

Area Regulations

Minimum Required Lots¹

[Amended 12-10-1979 STM, Art. 37; 5-12-1980 ATM, Art. 42; 5-14-1984 ATM, Arts. 104 and 105; 8-27-1984 STM, Art. 57; 5-13-1985 ATM, Arts. 66, 74 and 94; 5-12-1986 ATM, Arts. 35 and 36; 5-11-1987 ATM, Art. 82; 5-9-1988 ATM, Art. 96; 10-17-1988 STM, Art. 26; 11-13-2006 FYTM, Arts. 29 and 33; 11-5-2007 FYTM, Art. 13; 5-5-2008 ATM, Art. 20; 5-7-2012 ATM, Art. 26; 12-3-2018 FYTM, Art. 12]

BREWSTER CODE

District	Use	Area (square feet)	Lot Frontage ² (feet)	Yards ^{3,4,5,6,7}		
				Front (feet)	Side (feet)	Rear (feet)
R-R	Any permitted structure or principal use	100,000 plus 100,000 for the second 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 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 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	15,000	80	30	15	15
I	Any permitted structure or use, other than those listed above for the CH Zone (footnote 9) ⁹	20,000	100	30	15	40

NOTES:

- ¹ In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial development, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, public utilities, accessory single-family dwelling units (ADUs), and accessory commercial dwelling units (ACDUs) that comply with all provisions of §§ 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 single-family units if the lot is twice that required by the Table of Area Regulations for single-family residences in that district and if each unit is provided proper street access.
- ² The width of the lot, measured at the front yard setback line, shall be at least 80% of the lot frontage.
- ³ 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.
- ⁴ 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.
- ⁵ 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.
- ⁶ 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.
- ⁷ 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.
- ⁸ 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

XXXXXX

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/convalescent 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 lots) 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 rather than 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 bath, shall be allowed by a special permit granted by the Board of Appeals. Such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences during which the unit is not rented.

¹⁴ **Editor's Note:** The C-L District which immediately followed was removed at the request of the Town

STREET #	ADDRESS	TYPE	SHI (Y/N)	Deed Resitriced Program (i.e HOP, BuyDown, etc.)	BUILDING PERMIT ISSUED	CERTIFICATE OF OCCUPANCY	BY RIGHT / SPECIAL PERMIT	ACCESSORY (Bedrooms)	ADU (Bedrooms)	ACDU (Bedrooms)	ZONE 2	AFFIDAVIT REQUIRED	COMMENTS	
23	Blueberry Pond	Accessory	N	Table 2, N 13			SP 11/9/21, #21 - 27	X					No follow-up	
419	Blueberry Pond	ADU	N				By Right		X				ADU over existing garage, BD permit pulled 11/5/20	
404	Harwich Road	Accessory	N	Table 2, N 13		11/19/03	SP 5/14/19, #19-22	1			N	NO	Re-issue to new owners Map 55-Lot 67. Lot 60,000, Home:3,503 net	
0	Independence Way	Security Apt / Commercial	N	Security			Planning 6/12/19				Security 1	N	NO	800' Security.
1298	Long Pond	ADU	N	179-11, T1		6/29/2021	SP 7/14/20, #20-10		2		Y	YES	Zone 2, Build garage & 2 bed ADU. Lot 1.93 acres Home: 2,356; 9/28/20 Building permit pulled	
716	Main St.	ADU	N	179-42.2			SP 2/08/22, #22-02		2		N		RM district. Within existing single-family dwelling. 2 bedrooms, for adult child & spouse. <900'. Also modifications to B & B	
774	Main St	ADU	N	179-11, T1			SP 8/11/20, #20-11		X		N		Lot under 30,000', Map 26-41. Lot 22,380' Home: 4,803' mixed commercial	
3643	Main St	Apartment (pre-existing)		179-51, 42.2			SP 8/12/19, #19-25	Pre-exist			N		Amend SP, removed owner occupied restriction. Retail with Dwelling on Upper Level.	
426	Main Street	ADU	N		3/5/2021		By Right						Building Permit 3/3/21. ADU	
159	Millstone Rd	ADU	N	179-51		11/28/2016	SP 9/13/22, #22-11		1		N		Lot under 30,000', RM. Existing habitble space. 576'	
439	Paines Creek Rd	ADU	N	179-42.2B			SP 4/11/23, #23-09		1		N		Raze & replace non-conforming home & build ADU over new garage/cabana. Lot 23,943'. ADU =723'	
157	Pine Bluff Rd	Accessory	N	Table 2, N 13			SP 3/10/20, #20-02	X			N	NO	375' in attached garage. Map 52, Lot 19. Lot: 16,300' Home: 1,996	
16	Quartermaster	ADU	N	179-42.2			SP 5/14/19, #19-16		2		Y		Zone 2, Map4-Lot42, detached garage & 900'ADU, Lot: 52,708; home 2,404, BD permit pulled 4/17/20	
12	Red Fawn	Accessory	N	Table 2, N 13	1/15/2020		SP12/10/19, #19-32	1			N		Re-issuse to new owners, SP 02-02, 480', Lot 43,010, Home 2,109. 10/22/19 Building permit pulled	
9	Sara Ann	Security / Commercial	N				Planning 12/12/18				Security 2	N	NO	2nd floor 2 bedroom security approx. 1080' 3,200' commercial building
291	Satucket	ADU	N	179-42.2			SP 12/10/19, #19-35		2		Y		Zone 2, Lot 60,000 , In existing home. Home: 1,966'	
94	Satucket	ADU	N	179-42.2	8/4/2020		SP 3/12/19, #19-11		1		Y		Zone 2. Need CO. Lot: 60,000' ; Home 2,570'. Detached garage, BD permit pulled 5/20/20	
262	Satucket	ADU	N	179-42.2	12/10/2020		SP 10/8/19, #19-28		1		Y		Zone 2, Lot: 60,000'; above detached garage 864' ADU, home 4,000+	
36	Sheffield Road	Accessory	N	Table 2, N 13			SP 8/10/21 #21-21 MOD	X					Modification of SP, remove condition of family members	
40	Skaket Way	ADU	N	179-42.2		WITHDRAWN 1/20	ZBA continued, #19-33		1		N		amend ZBA 14-15	
585	Slough Rd	ADU	N	179-11 & 42.2			SP 11/12/20, #20-14						867' ADU, ZBA hearing 10/13/20 cont. to 11/10/20	
0	South Orleans Rd	ADU	N	179-51			SP 1/24/23, #23-02		2		N,DCPC		RM/DCPC, ADU above garage- adult children. Residential only, no commercial. Question about 2 bedroom, plans 1 bed/ 1 office. 864'	
111	South Orleans Rd	ADU	N	179-51			SP1/24/23,#23-01		1		N, DCPC		RM/DCPC. ADU above garage, for son. 672'	
115	South Orleans Rd	ADU	N	179-51	App 3/2023		SP 1/24/23, #23-03		1		N,DCPC		RM/DCPC. ADU above garage. 768'	
25	Sumner Lane	ADU	N	179-51			SP 2/7/23, #23-05		1				RL/Zone 2. Detached. Convert 1st floor of garage to ADU. 576'. Upgrade septic.	

7,9	Thousand Oaks	Accessory	N	Table 2, N 13		12/26/06	SP 5/14/19, #19-17	1			Y	NO	Original decision 4/2006, appx. 588". Lot:38705' Home:2552
44	Underpass	Apt / MIXED	N				Planning 4/26/17	New 1			N	NO	78-117.Mixed use building. 3 offices & 1 bedroom on 2nd floor. 1083'
0	Underpass Rd	Security Apt / Commercial	N	Security			Planning 12/18/19			Security 2	N		630' Map76-27. 2 bed security. Above 2 commercial bays
312	Underpass Rd	ACDU	N	179-11 & 42.3		2/4/2021	Planning 12/18/19			2	N		630' Map76-27. 2 bed ACDU. Above 2 commercial bays
36	Wildwood	Accessory	N	Table 2, N 13			SP 3/12/19, #19-10	1			Y	NO	594', Zone 2, approved. Lot size: 19,000. Home: 1,080
193A	Winstead Rd	AADU	N	AADU (old bylaw)		5/17/2019	SP 4/10/18, #18-01				N	NO	AADU, immediate family use only, Map 62-Lot45

**PLANNING BOARD SPECIAL PERMIT
AND
SITE PLAN REVIEW APPLICATION FORMS**



Planning Board
Town Offices- 2198 Main Street
Brewster, Massachusetts
02631-1898
(508) 896-3701 x 1133
brewplan@brewster-ma.gov

Attachment
Chapter 179 (Zoning) Planning Board Application
Required Submission Materials Checklist

To be considered complete, an application shall include the materials and information listed below, as deemed applicable, necessary or material to a given case by the Planning Board.

- The Planning Board may waive or modify submission requirements (except review fees) in light of the specific circumstances presented in a given case.
 - The Planning Board may require additional, revised or supplemental information, as necessary, during its review of an application.
 - Note, applicants are not required to handle noticing. As applicable, Planning Department Staff obtains the certified abutters list and handles abutter and newspaper notifications.
 - Twelve (12) hard copies of all materials are required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
 - One (1) electronic copy of all materials is required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
 - Twelve (12) hard copies of Site and Building Plans must be provided at a minimum size of 11"x17", with one (1) hard copy at a minimum size of 18"x24"; electronic copies of plans must be digital not scanned copies.
- Referral from Building Commissioner to Planning Board for the zoning relief/ approval requested.
- Owner's Authorization or equivalent, as applicable.
- Filing Fee per current Planning Board Fee Schedule, with check made to "Town of Brewster."
- Project Narrative, including a description of existing site conditions, a description of the project and proposed site conditions, reference to applicable sections of the Zoning Bylaw and discussion about consistency with the applicable standards and criteria for approval set out in the Zoning Bylaw.
- As applicable, information about Staff Review undertaken for the project pursuant to Brewster Code Chapter 83.
- A site plan/~~or~~ plan set of existing and proposed site conditions, stamped by a professional land surveyor licensed in Massachusetts, showing the following information:
- Inset Locus Map**
 - Plan Title, name and address of applicant and person responsible for preparation
 - North arrow and scale- minimum scale 1" = 40'
 - Boundaries of property plotted to scale
 - Plan preparation date and any revision dates
 - Plan Notes regarding record title and plan information for locus and for abutting properties
 - Tax Map and Parcel and Owner Identification for locus and abutting properties
 - Ruled box for Board signature and date, as applicable for site plan review/ **approval**
 - Lot area by square foot and acreage
 - Zoning Compliance Table

- Proposed, existing and required dimensional criteria for locus
- Zoning District classification and boundaries relative to ~~for~~ locus, including any overlays
- ~~Zoning District boundaries~~
- ~~Parking information~~
- Location and dimensions of site buildings and structures including setback distances
- Location, dimensions and design of site parking, drive aisles and loading areas
 - Parking calculations per 9/11/13 Planning Board Policy
 - Delineation of both regular and handicapped spaces
 - Delineation of reserved parking areas, as applicable
 - Surface materials and striping/ design details
 - Description of site circulation (vehicles, bicycles, pedestrians)
- Location and design of other site improvements including:
 - Walkways, paths, trails and sidewalks
 - Refuse storage and disposal
 - Stormwater Management Facilities/ BMPs
 - Retaining walls and fences
 - Outdoor storage or other outdoor use areas; if any
 - Bike storage rack
 - Signs
 - Exterior lighting
 - Driveways and curbscuts
 - Swimming Pools
 - Water courses, water bodies, wetlands, wetland buffer zones, all with current delineations, and other significant natural features ~~or resource mappings for the site~~
- Flood Zone identification/ boundaries
- Historic District boundaries
- Location of wells and/or septic systems on-site (and off-site wells, if known)
- Utilities available to the site, including municipal water/ fire hydrants
- Record easements and rights-of-way affecting the site
- Site topography and grading
- Other relevant resource mappings such as MESA Priority Habitat
- Stormwater Management and Hydrologic Report stamped by a professional engineer licensed to practice in Massachusetts:
 - ~~Watershed Plan, Treatment Train and Routing Diagrams;~~
 - Design and location of Stormwater Management Facilities/ ~~and Structural~~ BMPs
 - Recharge, run-off volume and peak discharge calculations for the 2-, 10-, 25-year, and 100-year, 24-hour storm events
 - Site soils identification
 - Water quality treatment calculations
 - Groundwater information
 - BMP Operation & Maintenance Manual
 - Erosion and Sedimentation Control Plan
- Proposed Landscape site plan including:
 - Calculation/ depiction of proposed green space and clearing
 - Location, size and type/ species of shade trees and other vegetation
 - Irrigation information
 - Notes about maintenance
 - Existing treeline, including specific identification of specimen trees more than four (4) inches in diameter on-site and as might be located along or within in road rights-of-way
 - See native plant list at <https://capecodnativeplants.org> and invasive species list at <https://mass.gov/massachusetts-prohibited-plant-list>
- Architectural rendering, elevation and floor plans- minimum scale ¼"= 1', stamped by design professional licensed to practice in Massachusetts

|

Lighting (photometric) site plan, cut sheets and specifications, including fixture mount heights

|

Any other information or materials as might be required in the particular section(s) of the Zoning Bylaw relevant to the application



Planning Board
Town Offices- 2198 Main Street
Brewster, Massachusetts
02631-1898
(508) 896-3701 x 1133
brewplan@brewster-ma.gov

Attachment
Chapter 179 (Zoning) Planning Board Application
Required Submission Materials Checklist

To be considered complete, an application shall include the materials and information listed below, as deemed applicable, necessary or material to a given case by the Planning Board.

- The Planning Board may waive or modify submission requirements (except review fees) in light of the specific circumstances presented in a given case.
- The Planning Board may require additional, revised or supplemental information, as necessary, during its review of an application.
- Note, applicants are not required to handle noticing. As applicable, Planning Department Staff obtains the certified abutters list and handles abutter and newspaper notifications.
- Twelve (12) hard copies of all materials are required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
- One (1) electronic copy of all materials is required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
- Twelve (12) hard copies of Site and Building Plans must be provided at a minimum size of 11"x17", with one (1) hard copy at a minimum size of 18"x24"; electronic copies of plans must be digital not scanned copies.

Referral from Building Commissioner to Planning Board for the zoning relief/ approval requested.

Owner's Authorization or equivalent, as applicable.

Filing Fee per current Planning Board Fee Schedule, with check made to "Town of Brewster."

Project Narrative, including a description of existing site conditions, a description of the project and proposed site conditions, reference to applicable sections of the Zoning Bylaw and discussion about consistency with the applicable standards and criteria for approval set out in the Zoning Bylaw.

As applicable, information about Staff Review undertaken for the project pursuant to Brewster Code Chapter 83.

A site plan/plan set of existing and proposed site conditions, stamped by a professional land surveyor licensed in Massachusetts, showing the following information:

- Inset Locus Map
- Plan Title, name and address of applicant and person responsible for preparation
- North arrow and scale- minimum scale 1" = 40'
- Boundaries of property plotted to scale
- Plan preparation date and any revision dates
- Plan Notes regarding record title and plan information for locus and for abutting properties
- Tax Map and Parcel and Owner Identification for locus and abutting properties
- Ruled box for Board signature and date, as applicable for site plan review/ approval
- Lot area by square foot and acreage
- Zoning Compliance Table

- Proposed, existing and required dimensional criteria for locus
- Zoning District classification and boundaries relative to locus, including any overlays
- Location and dimensions of site buildings and structures including setback distances
- Location, dimensions and design of site parking, drive aisles and loading areas
 - Parking calculations per 9/11/13 Planning Board Policy
 - Delineation of both regular and handicapped spaces
 - Delineation of reserved parking areas, as applicable
 - Surface materials and striping/ design details
 - Description of site circulation (vehicles, bicycles, pedestrians)
- Location and design of other site improvements including:
 - Walkways, paths, trails and sidewalks
 - Refuse storage and disposal
 - Stormwater Management Facilities/ BMPs
 - Retaining walls and fences
 - Outdoor storage or other outdoor use areas
 - Bike storage rack
 - Signs
 - Exterior lighting
 - Driveways and curbcuts
 - Swimming Pools
 - Water courses, water bodies, wetlands, wetland buffer zones, all with current delineations, and other significant natural features
- Flood Zone identification/ boundaries
- Historic District boundaries
- Location of wells and/or septic systems on-site (and off-site wells, if known)
- Utilities available to the site, including municipal water/ fire hydrants
- Record easements and rights-of-way affecting the site
- Site topography and grading
- Other relevant resource mappings such as MESA Priority Habitat
- Stormwater Management and Hydrologic Report stamped by a professional engineer licensed to practice in Massachusetts:
 - Design and location of Stormwater Management Facilities/BMPs
 - Recharge, run-off volume and peak discharge calculations for the 25-year,24-hour storm event
 - Site soils identification
 - Water quality treatment calculations
 - Groundwater information
 - BMP Operation & Maintenance Manual
 - Erosion and Sedimentation Control Plan
- Proposed Landscape site plan including:
 - Calculation/ depiction of proposed green space and clearing
 - Location, size and type/ species of shade trees and other vegetation
 - Irrigation information
 - Notes about maintenance
 - Existing treeline, including specific identification of specimen trees on-site and as might be located along or within in road rights-of-way
 - See native plant list at <https://capecodnativeplants.org> and invasive species list at <https://mass.gov/massachusetts-prohibited-plant-list>
- Architectural rendering, elevation and floor plans- minimum scale ¼”= 1’, stamped by design professional licensed to practice in Massachusetts
- Lighting (photometric) site plan, cut sheets and specifications, including fixture mount heights
- Any other information or materials as might be required in the particular section(s) of the Zoning Bylaw relevant to the application



Town of Brewster
Planning Board
Ch. 179 Application Cover Sheet

FOR TOWN OFFICIAL USE ONLY

TOWN CLERK RECEIVED:

PERMIT NUMBER ASSIGNED:

Project Location:

Street Address

Assessors Map(s) and Parcel(s)

Deed/ Title Reference

Zoning District(s)

Applicant:

Name

Mailing Address

Phone Number

Email Address

Property Owner (if different than Applicant):

Name

Mailing Address

Phone Number

Email Address

Professional Representative:

Name

Mailing Address

Phone Number

Email Address

Type of Application (Check as applicable):

- Special Permit
(Zoning Bylaw Section 179-51 or list other or different Zoning Bylaw Sections, as applicable, below)
- Site Plan Review (Zoning Bylaw Section 179-63)
- Decision Modification (Provide relevant case number/s below)
- Decision Extension (Provide relevant case number/s below)
- Other (List Zoning Bylaw Section/s below)

Brief Project Description: _____

Signatures

Applicant Date

Property Owner (if different than Applicant) Date

Professional Representative (as applicable) Date

If the Applicant is not the Owner, the Application materials shall include the Owner’s written consent or authorization to make application, or evidence that the Applicant’s interest in the property is sufficient to make application (e.g. lease, P&S Agreement, etc.).

The burden is on the applicant to provide accurate, sufficient and complete information in the application. Attached is a checklist of materials and information required to be submitted for a complete application. Incompleteness could be cause for delays in review or denial of an application.

By making application, the Owner and Applicant hereby authorize the Planning Board and its agents to conduct site visits, at reasonable times, to assist in review of the application.

Please refer to current Planning Board schedule for application filing deadlines and associated meeting dates. The Board will make best efforts to work within this filing schedule but is not obligated to do so; the Board’s review timelines are established under the Brewster Code and Massachusetts General Laws. In its discretion, the Board may agenda matters, which do not require public hearings, for the next available meeting even if received after the respective filing deadline.

**Submit to: Brewster Planning Department
Town Offices- 2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 x 1133
brewplan@brewster-ma.gov**

DRAFT MEETING MINUTES DATED APRIL 26, 2023



Brewster Planning Board
2198 Main Street
Brewster, MA 02631-1898
(508) 896-3701 x1133
brewplan@brewster-ma.gov
MEETING MINUTES
Wednesday, April 26, 2023 at 6:30 pm
Brewster Town Office Building

Approved:
Vote:

Chair Madalyn Hillis-Dineen convened a meeting of the Planning Board at 6:30 pm with the following members participating: Amanda Bebrin, Charlotte Degen, Tony Freitas, Rob Michaels, Elizabeth Taylor, and Alex Wentworth. Also participating: Jon Idman, Town Planner, and Lynn St. Cyr, Senior Department Assistant. Hillis-Dineen declared that a quorum of the Planning Board was present. She read the Meeting Participation Statement and Recording Statement.

6:33 PM CITIZEN'S FORUM

No citizen comments.

6:34 PM PUBLIC MEETING

Major Stormwater Management Permit, Case No. 2023-07: Applicant/Owner: Whiffletree LLC, through their representative Down Cape Engineering, Inc., has submitted a major stormwater permit application for property located at 0 Whiffletree Avenue and shown on Tax Map 6, Parcel 4, pursuant to Brewster Town Code Chapter 272 and its accompanying Regulations.

Documents:

- 02/27/23 Existing Drainage Area Sketch Plan
- 04/06/23 Existing Conditions Site Plan
- 04/06/23 Proposed Conditions Site Plan
- 04/06/23 Erosion & Sediment Control Site Plan
- 04/06/23 Detail Sheet
- 04/06/23 Proposed Drainage Area Sketch Plan
- 04/06/23 Drainage Calculations
- 04/13/23 Proposed Rain Garden Planting Detail
- 04/13/23 Email from Danny Gonsalves, PE, Down Cape Engineering, Inc.
- 04/13/23 Stormwater Operations and Maintenance Plan
- 04/14/23 Staff Report
- 04/14/23 Stormwater Management Permit Application

Danny Gonsalves, PE, of Down Cape Engineering, Inc. was present along with Applicant Michael Wallace. Gonsalves stated that the property is currently a vacant lot. There are two single-family homes, a shared driveway, and associated septic systems and drainage. This is a major stormwater permit application because the project disturbs more than allowed by a minor permit. Gonsalves stated that there is a pond and a vegetated wetland at the back of the property, but the proposed work is 100' away so the Planning Board is the approving authority for the project. Gonsalves stated that roof runoff will be captured by subsurface infiltration roof drywells. He further stated that driveway runoff will flow into trench drains which will be piped to forebays and eventually to rain gardens. Low-impact designs were utilized with the bio-retention areas. He also stated that post-development runoff is projected to be less than current runoff.

Taylor asked whether the Applicant would be putting in lawn and Gonsalves responded that some lawn would be put in and some of the property would remain trees, but nothing will be touched within the 100' buffer. Taylor asked about the use of fertilizer and herbicides and Gonsalves stated that none were proposed. He also stated that removal of

invasive species was not proposed within the 100' buffer. Taylor noted that the property was very steep going down to the pond and that she was concerned about runoff. Taylor confirmed with Gonsalves that both homes would have walk out basements. Taylor stated that the homeowners need to be made aware that there should be no pruning, mowing, gardening, furniture, or arbors within the 100' buffer without review by the Conservation Commission. Taylor asked Idman if applicants are required to show wetlands offsite but within 100' of a property where a project is proposed on plans. Idman responded that it depends on the scale of the plan.

Michaels asked whether the application needed to be reviewed by the Conservation Commission since the rain gardens are located so close to 100' buffer and work will probably need to be done within the buffer. Idman responded that according to the plan there is no grading or development within the 100' buffer. Idman further stated that the building permit application would be reviewed by the Conservation Agent. Under the Stormwater Management Bylaw and Regulations, the Planning Board and Conservation Commission have equal jurisdiction so one could not do more than the other.

Degen stated that she appreciated the well-prepared application and Operation and Maintenance Plan. She asked whether the Operation and Maintenance Plan remains in effect if ownership changes. Idman responded that the Operation and Maintenance Plan is required to be recorded along with the permit and there is language included that states that the property owner is responsible for maintaining the stormwater facilities.

Bebrin noted that this was the first application the Planning Board has seen using trench drains along the driveway. She appreciated the completeness of the application.

Freitas confirmed with Gonsalves that the second forebay was for natural runoff.

Idman stated that the stormwater plan is very well thought out, but the site is very challenging. He stated that it will be difficult to deploy construction not only on the site but to the site given the network of roadways. The owner will need to be thoughtful in his approach. Idman also noted that the height of buildings shown on the pre-existing conditions plan are the heights expected to be matched in the ridge height of the buildings.

Mike Wallace, owner of 0 Whiffletree Avenue, stated that Cape Dreams will be building the proposed homes and they have a reputation for following appropriate procedures and being sensitive to the neighbors. Cape Dreams has already spoken to some of the neighbors about the project. Wallace stated that stormwater will now be part of the discussion when people are purchasing property. Wallace also stated that they hired a conservation consultant to determine the 100' buffer and a silt fence has been installed.

Idman asked when the last wetland delineation was done and Gonsalves responded that a delineation was done within the last two years. Idman noted that the leaching facilities for the ponds are outside of the 300' pond buffer. He also noted that the lowest stormwater leaching facility had sufficient freeboard over the water table as it is believed to exist.

Motion by Bebrin to Approve Major Stormwater Management Permit, Case No. 2023-07, subject to the Conditions Required by the Stormwater Management Regulations. Second by Degen. Vote: 7-0-0.

6:51 PM PLANNING DISCUSSION

Continued discussion on Planning Board application forms.

The Planning Board was provided a red-lined version of the required submission materials checklist noting changes discussed at the previous meeting. Idman noted an additional proposed change to the requirement to locate any trees 4" in diameter or greater. He proposed using the term specimen tree which is generally understood to mean trees of 10" or more. The Planning Board discussed this proposed change including that specimen trees and at a minimum any tree of 10" DBH should be identified. The Planning Board decided that the language currently in the checklist requesting identification of specimen trees should remain. Taylor suggested that "swimming pool" be added under the location

and design of other site improvement section. She also suggested regulations for draining swimming pools. Idman responded that he would to speak to the Town Manager about making revisions to the illicit discharges section of the general bylaw to be more comprehensive when it comes to swimming pools. Taylor requested additional information under irrigation information to include that soil humidity sensors be used. Taylor asked that information on fertilizers and herbicides be required to be included in an application. Taylor stated that relevant resource mapping should include the Archeological Resource Map and contacting MA Historic as needed. Idman stated that some of the changes being requested are good discussion points but go beyond an application form. Michaels had changes to the stormwater management section and stated he would email the proposed changes to Idman for review. Idman explained that the standards under the stormwater management bylaw are not the same as the stormwater standards under site plan review. Idman further noted that the checklist was not for stormwater permit applications but for special permit and site plan review applications. Idman requested the Planning Board send email him revisions to the checklist. The Planning Board agreed to continue their discussion on the checklist.

7:15 PM APPROVAL OF MEETING MINUTES

Approval of Meeting Minutes: April 12, 2023.

The Board reviewed the April 12, 2023 meeting minutes. **Motion by Degen to Approve April 12, 2023 Meeting Minutes, as amended. Second by Bebrin. Vote: 7-0-0.**

7:17 PM COMMITTEE REPORTS

Degen summarized the April 20, 2023 Select Board meeting including that the Recreation Department was recognized for their great Earth Day events; Brewster was recognized again for its outstanding water; Town Meeting will take place on May 1st at 6 pm; the Board of Health was recognized for their work during the pandemic; Brittany Taylor was introduced as the new Library Director; a group is documenting employee separation including retirement, leave, etc. and will memorializes practices in place since 2010; a report was given on the town hydration stations; a revolving fund and license agreement are being created for the Lower Road Community garden; COA is looking to add two additional members to their committee as alternates; a presentation was given on CORD and resources they offer; the Agricultural Commission provided a presentation on the evolution of Brewster farming; and the Town Manager is working with the schools on a three year rolling enrollment for consistent funding. Wentworth stated that the Vision Planning Committee is working on revisions to various sections of the Local Comprehensive Plan. Bebrin stated that the Bay Property Planning Committee is planning a public forum for May 20th at the bay property dining hall. First Light Beach will open on Memorial Day Weekend and will open full-time in June. The pool will open starting June 26th.

7:26 PM FOR YOUR INFORMATION

The Planning Board noted documents from the FYI section of their packet including a public hearing notice from the Harwich Planning Board, a Chapter 91 notice for Captain Baker Road, a flyer on the May 9th, 10:30 am ribbon cutting ceremony at Brewster Woods; and revised 2022-2023 stormwater permit spreadsheets that include waiver information.

7:29 PM MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

The Planning Board requested land yards, placards, or other identification for use when making site visits.

Motion by Taylor to Adjourn. Second by Bebrin. Vote: 7-0-0. The meeting adjourned at 7:34 PM.

Next Planning Board Meeting Date: May 10, 2023.

Respectfully submitted,

Lynn St. Cyr, Senior Department Assistant, Planning

FOR YOUR INFORMATION

Lynn St. Cyr

From: Jill Scalise
Sent: Tuesday, May 2, 2023 5:31 PM
To: brewplan
Subject: Housing Cape Cod Survey Now Available
Attachments: 2023 Housing Survey Flyer.pdf

Dear Lynn & Ellen, Please share this information with the Planning Board and ZBA. Thanks, Jill

The Cape needs increased housing types and options. Share your thoughts on future housing development and redevelopment by taking this 10-minute survey!

To inform development of the Cape Cod Regional Housing Strategy, the Cape Cod Commission is surveying Cape Codders about their preferences for housing development and redevelopment.

Here is the Survey link: www.capecodcommission.org/housingsurvey A flyer about the survey is also attached to this email, please feel free to share this email and flyer.

This survey is available in English, Portuguese, and Spanish, and asks a series of questions about the design of housing, various housing types, appropriate locations for new housing development and redevelopment, and other housing development considerations.

Questions can be directed to the Cape Cod Commission, via frontdesk@capecodcommission.org or 508-362-3828.

For questions about Brewster Housing, please contact:

Jill Scalise

Housing Coordinator
Town of Brewster
2198 Main Street, Brewster, MA 02631
508-896-3701 ext. 1169

Brewster Town Offices are open to the public Monday through Thursday from 8:30 to 4:00pm, and by appointment on Fridays. For the latest updates on Town services, please visit www.brewster-ma.gov



Housing Cape Cod

THE REGIONAL STRATEGY



CAPE COD
COMMISSION

Increased housing types and options are needed on the Cape.

Help us think about future housing development and redevelopment.

Take this 10-minute survey, your voice is important!

[www.capecodcommission.org/
HousingSurvey](http://www.capecodcommission.org/HousingSurvey)



Where do you envision housing in your community?



www.capecodcommission.org/housing