



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

July 12, 2023 at 6:30 PM

Planning Board

Amanda Bebrin
Chair

Alexander
Wentworth
Vice Chair

Robert Michaels
Clerk

Charlotte Degen

Madalyn Hillis-
Dineen

Antone Freitas

Elizabeth Taylor

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.

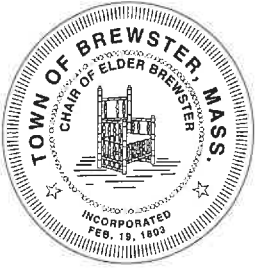
Zoom Webinar: <https://us02web.zoom.us/j/84107781002?pwd=VTVSV1ExaUNCL253NmNZV21Gdmo4dz09>
Passcode: 612505.

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). Please note that the Planning Board may take official action, including votes, on any item on this agenda.

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. Public Announcements and Comment. Members of the public may address the Planning Board on matters not on the meeting's agenda for a maximum of 3-5 minutes at the Chair's discretion. The Planning Board will not reply to statements made or answer questions raised during public comment but may add items presented to a future agenda.
6. **Major Stormwater Management Permit, Case No. 2023-26:** Applicant/Owner: Bridget E. Cahill through her representative JM O'Reilly & Associates, Inc. has submitted a major stormwater permit application for property located at 500 Run Hill Road and shown on Tax Map 33, Parcel 40, pursuant to Brewster Town Code Chapter 272 and its accompanying Regulations. The Planning Board will consider and potentially vote whether to approve the major stormwater permit, as well as any waivers from said Regulations deemed necessary and applicable.
7. **Approval Not Required, Case No. 2023-06:** Applicant/Owner: Eastward Companies Business Trust through their representative JM O'Reilly & Associates, Inc. seeks endorsement of an Approval Not Required Plan for property located on Main Street and shown on Tax Map 138, Parcels 74, 75, 76, 77, 78, 79, 80, and 81 within the Village Business (V-B) Zoning District. The plan is pursuant to MGL c. 41 §81L and §81P and §290-4 of the Brewster Subdivision Rules and Regulations. The Planning Board will consider and potentially vote whether to endorse the Approval Not Required Plan.



Planning Board

Amanda Bebrin
Chair

Alexander
Wentworth
Vice Chair

Robert Michaels
Clerk

Charlotte Degen

Madalyn Hillis-
Dineen

Antone Freitas

Elizabeth Taylor

Town Planner
Jonathon Idman

**Senior
Department
Assistant**
Lynn St. Cyr

8. Discussion with Brewster Historical Commission regarding a potential demolition delay bylaw.
9. Approval of Meeting Minutes: June 28, 2023.
10. Committee Reports.
11. For Your Information.
12. Matters Not Reasonably Anticipated by the Chair.
13. Next Meetings: July 26, 2023 and August 9, 2023.
14. Adjournment.

Date Posted:
07/06/23

Date Revised:

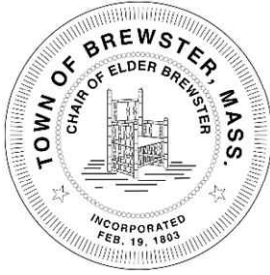
Received by Town Clerk:

BREWSTER TOWN CLERK
JL
23 JUL 6 10 15AM

MAJOR STORMWATER MANAGEMENT PERMIT
CASE NO. 2023-26

APPLICANT/OWNER: BRIDGET E. CAHILL

PROPERTY: 500 RUN HILL ROAD



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701 x. 1133

Office of:
Planning Board
Planning Dept.

STAFF REPORT

TO: Planning Board
FROM: Jon Idman, Town Planner
RE: Major Stormwater Permit SWMP23-26
Run Hill Road (Map 33 Parcel 40)
Applicant, Cahill/ Caldwell
c/o John M. O'Reilly, PE, PLS, JM O'Reilly & Associates, Inc.
DATE: July 5, 2023

Recommendation

The stormwater permit application meets the applicable performance standards and submission requirements set out in the town's Stormwater Management Regulations for issuance and approval of a Major Stormwater Permit.

Approval should be granted subject to the continuing obligations set out in said Regulations, including Sections 5.7, 5.8, 5.9 (Certificates of Compliance), 6.1B (Construction practices), Section 7.2 (Inspections), 8.3 (Recording of stormwater permit and O&M plan) and 8.5 therein.

Major Stormwater Management Permit

This project triggers a Stormwater Permit under Chapter 272 of the Brewster Code (Stormwater Management Bylaw) and according to Section 4 of the Bylaw's supporting regulations, a Major Stormwater Permit is required because the project involves net new impervious surface of 2500 sq ft or greater. The underlying project is an addition to the existing single-family residential dwelling, along with supporting appurtenances like a gravel driveway extension/ turn-around.

Though the western portion of the property fronts on Upper Mill Pond, the project is located 300'+ from the pond and is located entirely outside wetlands jurisdiction. No portion of the project is located in a special flood hazard area. The property is not located in a Zone II or the DCPC.

Because the development project, including the stormwater management system and limit of work, is not located within wetlands jurisdiction, the Planning Board is the stormwater permitting authority. Major Stormwater Permits are subject to review at a public meeting, including for any waivers requested.

The Applicant has requested a waiver to the extent deemed necessary or applicable regarding water quality treatment requirements from the Regulations. I agree with the Applicant, as stated in the submission, that a waiver request is unnecessary and that the stormwater system meets TSS and TP treatment requirements by virtue of the holding capacity of the natural basin, and the naturally vegetated nature of the basin and the path of its overland flow.

To the extent the Board feels that a waiver request is necessary or applicable, my opinion is that the stormwater system meets the waiver criteria in Section 5.10 of the Regulations, being consistent with, and sufficiently protective of the resources intended to be protected under, the Bylaw. A structured/ engineered solution, for which treatment values are more easily calculated, is unnecessary or impracticable. Use of the natural basin on the property allows a smaller development footprint and less disturbance of the existing natural features of the site.

The Applicant has provided the required application materials for a Major Stormwater Permit as set out in Appendix B of the Stormwater Management Regulations, including a site plan (dated 6/12/23) and Stormwater Management and Hydrologic Report (revised dated 7/3/23).

The Applicant has provided construction-period BMPs consistent with the performance standards for Major Stormwater Permits set out in Section 6.1B of the Stormwater Management Regulations. Plan elements include straw wattles around the limit of work.

The post-construction stormwater management system for the project involves piping roof run-off, and directing run-off from the new gravel driveway extension, to a rip-rap splash pad which then flows to a natural basin at the front/ eastern portion of the site for collection, treatment and infiltration/ recharge. The natural basin is proposed to be used as-is and not graded, altered or developed. The natural basin currently functions in the same manner as proposed, which also currently intercepts run-off from the property's frontage on Run Hill Road.

These post-construction BMPs are consistent with the Major Stormwater Permits performance standards for new construction set out in Section 6.2B and Section 8.2 of the Stormwater Management Regulations:

- The system meets the applicable standards in the Massachusetts Stormwater Handbook for redevelopment.
- The system was designed under post-development conditions to maintain recharge capacity on-site for the 2, 10, 25 and 100-year storm events.
- As designed, post-development runoff rates are reduced over pre-development conditions including for the 100-year storm.
- The Applicant has provided a corresponding Operations and Maintenance Manual, which adequately addresses the long-term maintenance of the post-construction BMPs.
- The system incorporates Low Impact Development-type (LID) stormwater design elements, specifically the natural basin.
- In addition to the MA handbook stormwater standards, the system meets the TSS and total Phosphorus treatment requirements (TSS) set out in the Regulations for redevelopment, on the basis of the water quality volume/ holding capacity and the natural vegetated character of the natural basin.
- The system is designed to hold and treat the 'first flush' of stormwater volume for the 100 yr storm.
- The Applicant's soil tests on the property, and NRCS mapping, have revealed well-draining soils.
- There is significant separation from stormwater facilities and the groundwater table.



Town of Brewster
Code Chapter 272
Stormwater Management Permit
Application Form

FOR TOWN OFFICIAL USE ONLY

TOWN CLERK RECEIVED:

[Handwritten signature]

SWM PERMIT NUMBER ASSIGNED:

SUMP 2023-26

1. Project Location:

500 RUN HILL ROAD, BREWSTER

Street Address

MAP 33, PARCEL 40

Assessors Map and Parcel(s)

BOOK 24643, PAGE 264

Deed Reference

2. Applicant:

BRIDGET E. CAHILL

Name

500 RUN HILL ROAD, BREWSTER, MA 02631

Legal Mailing Address

508-364-2450

Phone Number

SEASIDEBRIDGE@COMCAST.NET

Email Address

3. Property Owner (if different than Applicant):

SAME

Name

Legal Mailing Address

Phone Number

Email Address

4. Professional Representative:

JOHN O'REILLY, P.E., P.L.S. - JM OREILLY & ASSOCIATES, INC

Name

P.O. BOX 1773, BREWSTER, MA 02631 (1573 MAIN STREET)

Legal Mailing Address

508-896-6601

Phone Number

JOREILLY@JMOREILLYASSOC.COM

Email Address

5. Type of Application (Check as applicable):

_____ **Minor Stormwater Permit-** Any combination or series of construction or land disturbance activities that, over a two-year period, will result in a net increase in impervious area of 500 sq.ft. to 2,500 sq.ft. and/or will result in land disturbances of 10,000 sq.ft. to 20,000 sq.ft.

Major Stormwater Permit- Any alteration, disturbance, development, or redevelopment that does not meet the eligibility criteria for a Minor Stormwater Permit.

_____ **SWM Permit Amendment-**
List existing Stormwater Management permit number/ type _____.

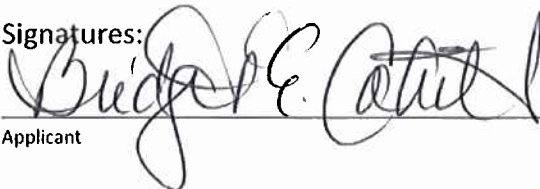
_____ **Stormwater Management Certificate of Compliance (SMCC) Request-**
List relevant Stormwater Management permit number _____.

6. Brief Project Description, including any waiver requests:

Applicant is looking to expand the existing dwelling with an addition including a garage under and a new reconfigured driveway. Applicant is seeking to utilize the natural depression to the east of the dwelling for stormwater disposal.

Waiver is sought for Phosphorous and TSS treatment level. The natural low point will provide some treatment to both, but it cannot be completely qualified by the regulations

7. Signatures:

 _____
Applicant 4/13/2023
Date

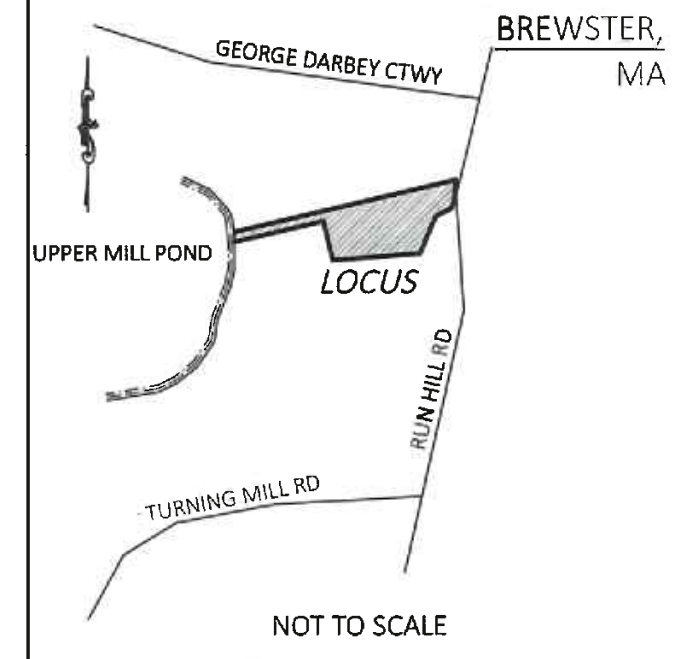
Property Owner (if different than Applicant) Date

Professional Representative (as applicable) Date

NOTES:

- Please refer to Appendix B of the Stormwater Management Regulations for detailed application submittal and supporting material requirements for Minor and Major Stormwater Management Permits, respectively.
- The application fee schedule is contained in Appendix C of the Regulations.
- Certain activities are exempt from review and permitting (See §272-6 of the Stormwater Management Bylaw).
- If the project is located, in whole or part, within an area subject to state or local wetlands protection law, the review and permitting authority is the Brewster Conservation Commission/ Conservation Department.
- No permit review shall occur nor shall review periods commence until the application is deemed complete.

OWNER OF RECORD
 Bridget E. Cahill
 Deed Book 24643, Page 264
 Plan Book 307, Page 23
 Assessors' Map 33, Parcel 40

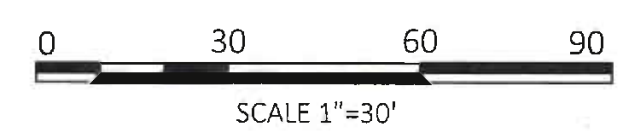
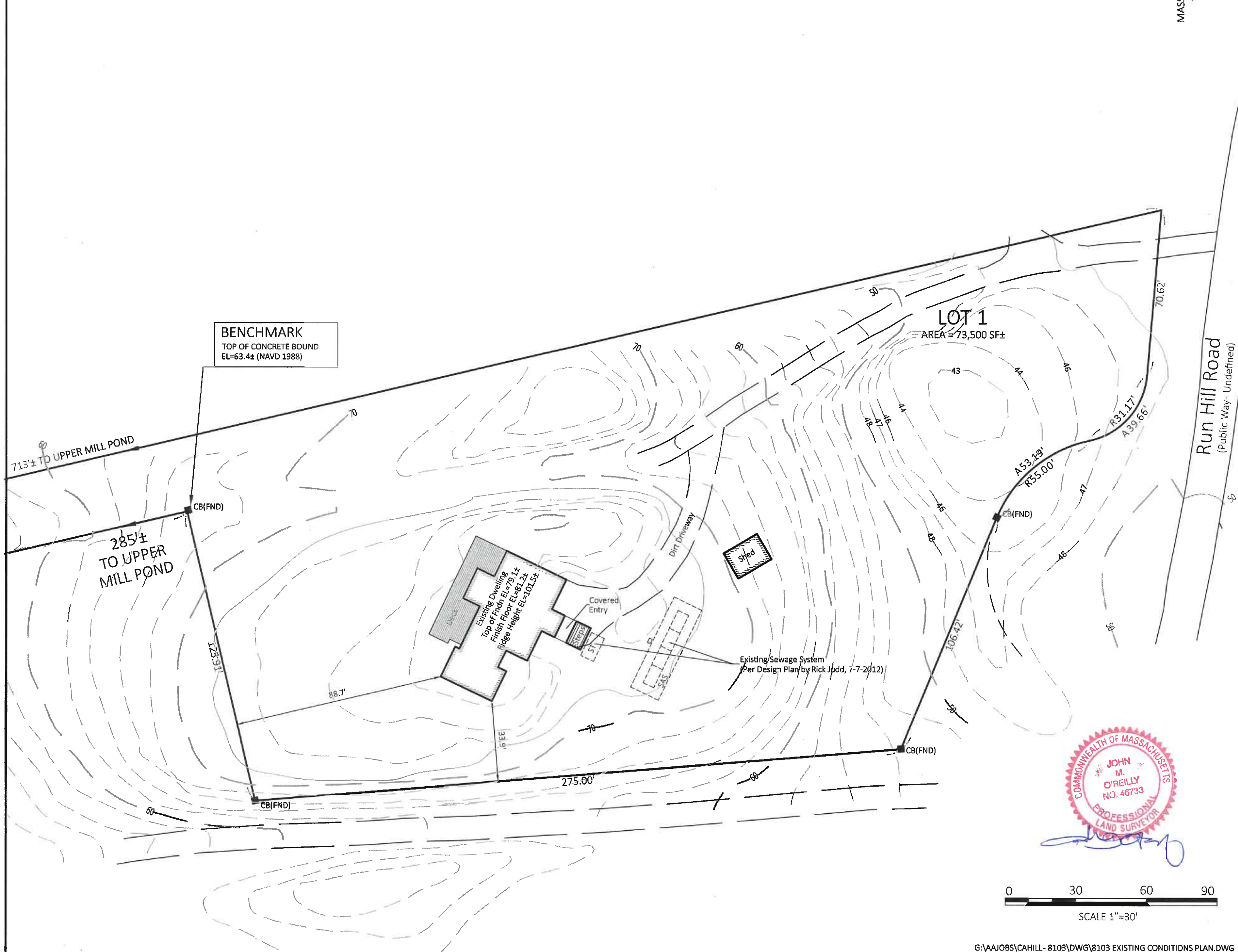


PLAN BOOK 307
 DEED BOOK 24643
 ASSESSORS' MAP 33

PAGE 23
 PAGE 264
 PARCEL 40

LEGEND

	EXISTING CONTOUR
	PROPOSED CONTOUR
	EXISTING SPOT GRADE
	PROPOSED SPOT GRADE
	WATER SERVICE LINE
	OVERHEAD UTILITY SERVICE
	ELECTRIC / COMM. SERVICE LINE
	GAS SERVICE LINE
	TEST HOLE / BORING LOCATION
	SEPTIC TANK
	DISTRIBUTION BOX
	SOIL ABSORPTION SYSTEM
	RESERVED FOR FUTURE
	UTILITY POLE
	CATCH BASIN
	FIRE HYDRANT
	WELL
	DRAINAGE MANHOLE
	CONCRETE BOUND, FOUND
	LIMIT OF WORK
	FENCE
	EDGE OF CLEARING



Bridget E. Cahill & Craig Caldwell
 500 RUN HILL ROAD, BREWSTER, MA

EXISTING CONDITIONS PLAN
 500 RUN HILL ROAD, BREWSTER, MA

J.M. O'REILLY & ASSOCIATES, INC.
 Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A
 P.O. Box 1773
 (508)896-6601 Office Brewster, MA 02631 (508)896-6602 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
06/12/23	As Noted	JMO/gb	JMO	JMO-8103

STORMWATER FACILITY NOTES:

GENERAL:

- 1.) CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING, LOCATING AND PROTECTING ALL ABOVE AND BELOW GROUND UTILITIES PRIOR TO AND DURING CONSTRUCTION. CONTRACTOR SHALL CONTACT DIG-SAFE, ON-TARGET LOCATING, WATER DEPARTMENT AND ALL OTHER NECESSARY UTILITY COMPANIES FOR THE MARKING OR ALL PUBLIC AND PRIVATE UTILITIES.
- 2.) ALL WORKMANSHIP PROVIDED SHALL BE IN CONFORMANCE WITH THE TOWN OF BREWSTER D.P.W. SPECIFICATIONS AND REQUIREMENTS.
- 3.) ALL COMPONENTS SHALL BE SUBJECT TO WHEEL LOADS, UNLESS SPECIFICALLY IDENTIFIED ON THE PLAN DETAILS.
- 4.) ANY MODIFICATIONS AND/OR DEVIATIONS FROM THE PLANS SHALL BE REVIEWED AND APPROVED BY THE PROJECT ENGINEER AND/OR THE TOWN.

LIMIT OF WORK LINE:

- 5.) THE LIMIT OF WORK LINE SHALL BE AS SHOWN ON THE PLAN VIEW. STRAW WATTLES SHALL BE INSTALLED AS NECESSARY TO PREVENT SOIL WASH OUT AND EROSION.

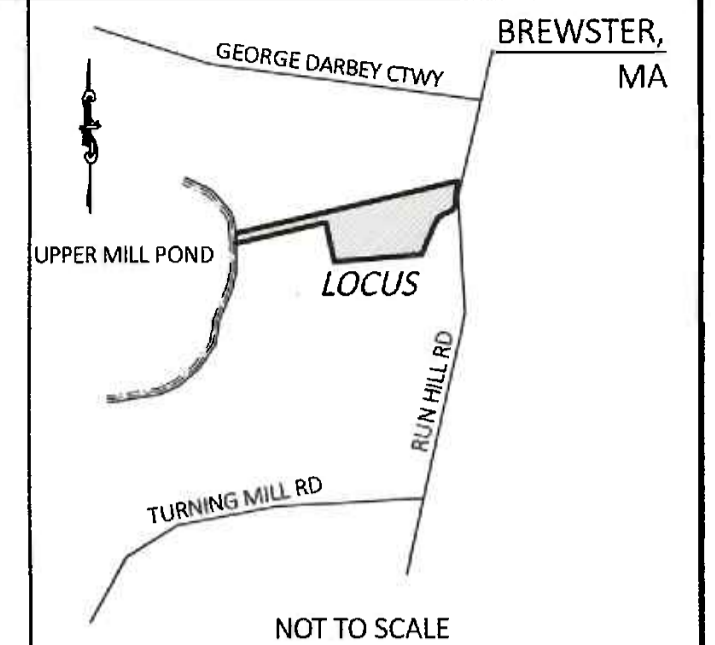
NATURAL LOW POINT:

- 6.) THE EXISTING LOW POINT TO THE EAST OF THE EXISTING DWELLING SHALL BE UTILIZED FOR THE ROOF AND SURFACE STORMWATER.
- 7.) THE OUTLETS FOR THE ADS PIPING FROM THE ROOF AND PATIO SHALL BE DISCHARGED ONTO A STONE RIP RAP PAD TO SLOW THE WATER DOWN AND MITIGATE SCOUR.
- 8.) THE NATURAL LOW POINT IS WOODED, NO ALTERATIONS ARE PROPOSED WITHIN EXISTING LOW POINT.

LANDSCAPE:

- 9.) THE DISTURBED AREAS FOR THE ADDITION AND DRIVEWAY IMPROVEMENTS SHALL BE GRADED TO MINIMIZE SHARP EDGES TO THE GROUND AND AVOID POINTS OF POTENTIAL WASHOUT AND SCOUR. THE DISTURBED AREAS WILL BE LANDSCAPED TO MATCH THE EXISTING LANDSCAPE AROUND THE EXISTING DWELLING.

OWNER OF RECORD
Bridget E. Cahill
Deed Book 24643, Page 264
Plan Book 307, Page 23
Assessors' Map 33, Parcel 40



PLAN BOOK 307
DEED BOOK 24643
ASSESSORS' MAP 33

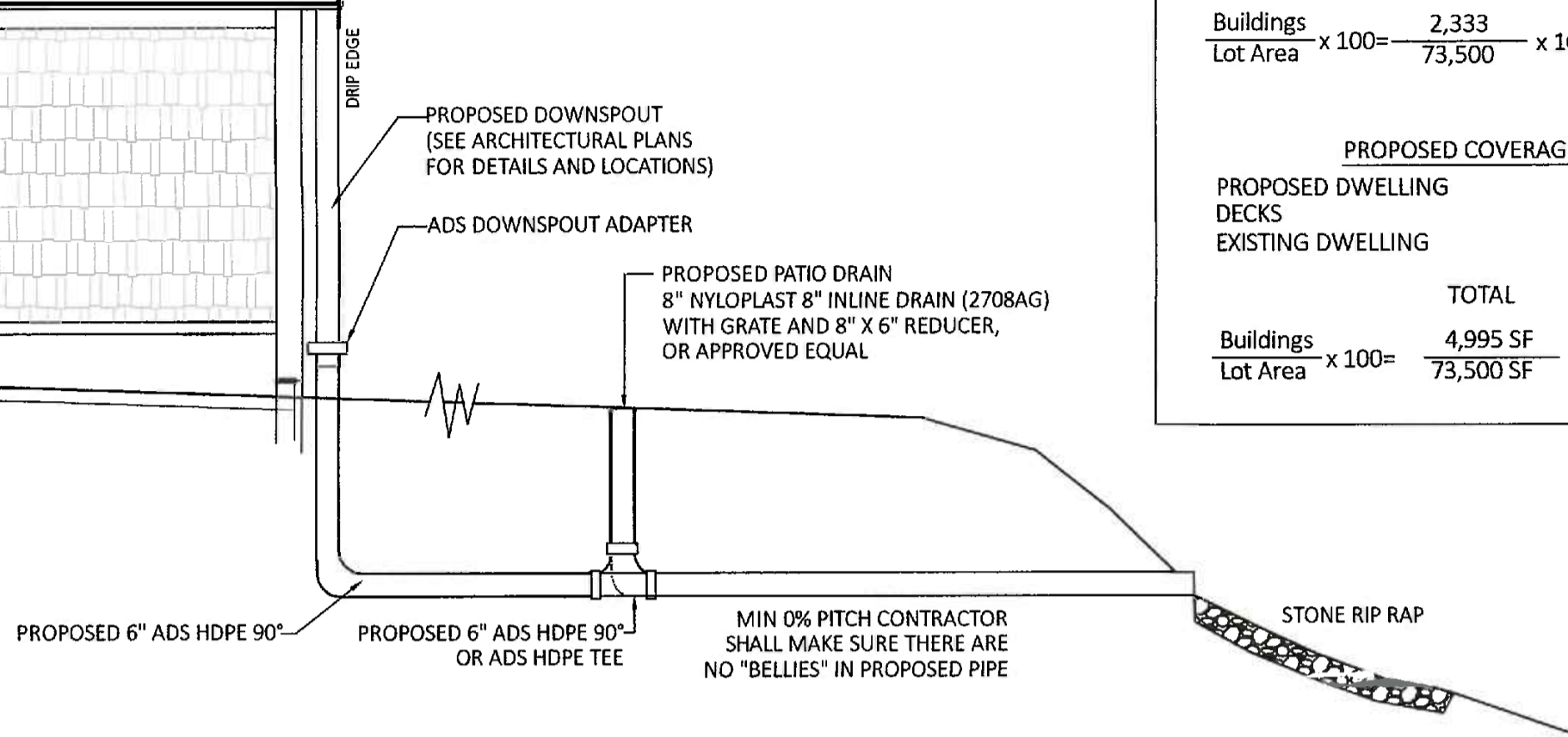
PAGE 23
PAGE 264
PARCEL 40

LEGEND

- 32 — EXISTING CONTOUR
- 32 — PROPOSED CONTOUR
- x 12.34 24x5 EXISTING SPOT GRADE
- W — PROPOSED SPOT GRADE
- OH — WATER SERVICE LINE
- E — OVERHEAD UTILITY SERVICE
- G — ELECTRIC / COMM. SERVICE LINE
- G — GAS SERVICE LINE
- TEST HOLE / BORING LOCATION
- ST SEPTIC TANK
- DB DISTRIBUTION BOX
- SAS SOIL ABSORPTION SYSTEM
- Reserve RESERVED FOR FUTURE
- UTILITY POLE
- CATCH BASIN
- FIRE HYDRANT
- WELL
- DRAINAGE MANHOLE
- CONCRETE BOUND, FOUND
- x — LIMIT OF WORK
- FENCE
- EDGE OF CLEARING

ROOF/LAWN DRYWELL DETAIL:

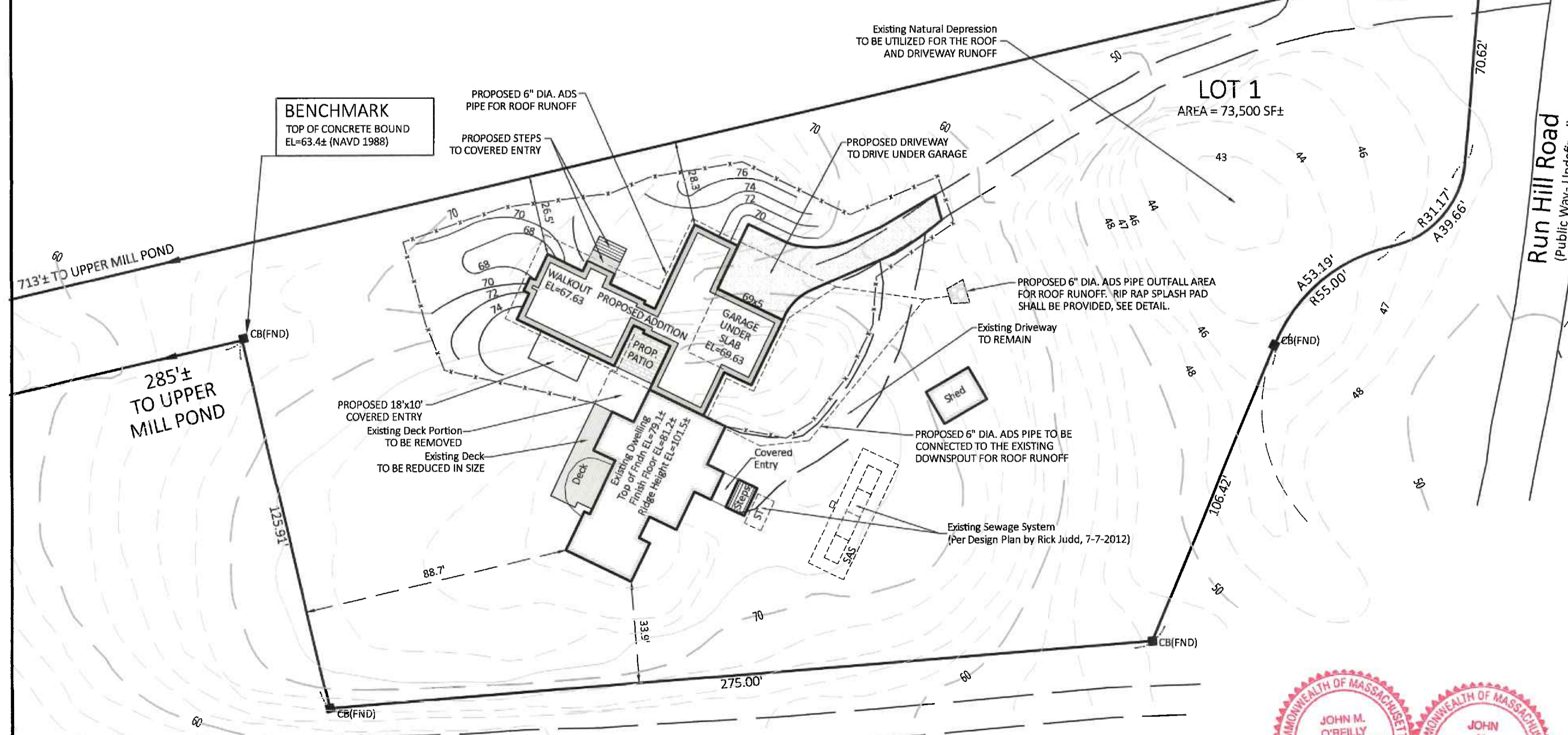
NOT TO SCALE



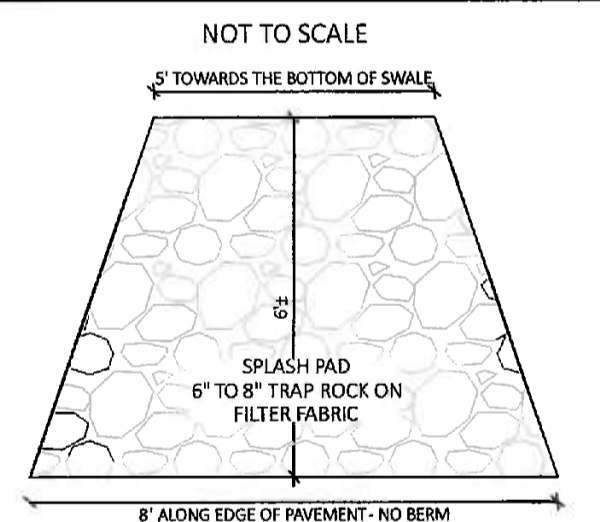
EXISTING COVERAGE	
DWELLING	1,793 SF±
DECK	540 SF±
TOTAL	2,333 SF±
Buildings / Lot Area x 100 = 2,333 / 73,500 x 100 = 3.2% ±	
PROPOSED COVERAGE	
PROPOSED DWELLING	2,662 SF±
DECKS	0 SF±
EXISTING DWELLING	2,333 SF±
TOTAL	4,995 SF±
Buildings / Lot Area x 100 = 4,995 SF / 73,500 SF x 100 = 6.8% ±	

MASS. COORDINATE

BENCHMARK
TOP OF CONCRETE BOUND
EL=63.4± (NAVD 1988)



RIP-RAP DETAIL FOR SPILLWAYS:



- RIP RAP NOTES:
- 1.) RIP RAP SHALL BE PLACED INTO CLEAN SAND, FREE OF SILT AND DEBRIS.
 - 2.) RIP RAP STONE SHALL BE 6" TO 8" CHINK STONE PLACED IN RANDOM PATTERN WITH UNEVEN SURFACE SO AS TO REDUCE DISCHARGE ENERGY.
 - 3.) THE BED OF RIP RAP SHALL BE 1.5 FEET THICK.
 - 4.) RIP RAP STONE SHALL BE LAID ON A DOUBLE LAYER OF FILTER FABRIC.



0 30 60 90
SCALE 1"=30'

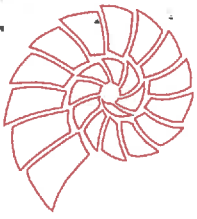
Bridget E. Cahill & Craig Caldwell
500 RUN HILL ROAD, BREWSTER, MA

PROPOSED SITE & DRAINAGE PLAN
500 RUN HILL ROAD, BREWSTER, MA

J.M. O'REILLY & ASSOCIATES, INC.
Professional Engineering & Land Surveying Services

1573 Main Street - Route 6A
P.O. Box 1773
(508)896-8601 Office Brewster, MA 02631 (508)896-8602 Fax

DATE:	SCALE:	BY:	CHECK:	JOB NUMBER:
06/12/23	As Noted	JMO/gb	JMO	JMO-8103



J.M. O'REILLY & ASSOCIATES, INC.

Sump 203-06

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

STORMWATER MANAGEMENT REPORT AND OPERATIONS & MAINTENANCE MANUAL

BRIDGET E. CAHILL
500 RUN HILL ROAD, BREWSTER, MA
ASSESSORS MAP 33, PARCEL 40

JUNE 13, 2023
Revised July 3, 2023

PREPARED FOR:

BRIDGET E. CAHILL
AND
CRAIG CALDWELL

PREPARED BY:

J.M. O'REILLY & ASSOCIATES, INC.
1573 MAIN STREET
P.O. BOX 1773
BREWSTER, MA 02631
508-896-6601

BREWSTER TOWN CLERK:

2023 JUL 13 11:12

TABLE OF CONTENTS

1. Property Description and Information
2. Stormwater Management System Description
3. Pre Versus Post peak Discharge Rates; volumes requirements & Nutrient Treatment
4. Massachusetts Stormwater Handbook Performance Standards
5. Owner and Responsible Party
6. Schedule of Inspection and Maintenance of System
7. Long Term Lawn Care & Pollution Prevention Plan
8. Emergency Spill Cleanup Plan
9. ATTACHMENTS

A – TSS Removal Calculation Sheets (Roof and Driveway)

B – Routing Diagram from HydroCAD Report with Pre versus Post Discharge

C – Site Plan with Watershed Plan

Property Description:

Lot Area: 73,500 sf+/- (1.69 ACRES)
Parcel Improvements: The site was developed with a single family dwelling, driveway and utilities.
Wetlands: The parcel abuts Upper Mill Pond via a 30 foot wide access. All disturbed areas and proposed improvements are beyond 300 feet from the edge of the Pond.
Soils: Soil testing on the parcel for the sewage system design reflected sandy and loamy sands within the development area. Refer to the Site Plan and the soil logs.
Groundwater: The groundwater is anticipated at elevation 29+/- (pond elevation).
Zone II: The parcel is NOT located within a Zone II Groundwater Recharge mapped area.
Topography: The topography is rolling and provides for several watersheds within the watershed of the development area. Within the proposed addition location, the highest elevation is about 76, with a lowest elevation of 43 within the natural low point, east of existing dwelling.
Site Conditions: The existing lot is currently improved with a single family home with a driveway (both paved and gravel/dirt). The parcel is well wooded with the existing natural low point, east of the existing dwelling. The low point is currently taking a majority of stormwater runoff from the existing driveways (both paved and gravel). The homeowner has kept the parcel natural, utilizing some native landscape features. The intention is to continue the native landscape with the proposed addition.

Stormwater Management System Description:

The proposed post-development stormwater management plan consists of one (1) stormwater system which has been designed to collect, deliver and discharge the stormwater into the natural low point, east of the existing dwelling. The evaluation of the low point was limited to the volume available for the anticipated discharge of stormwater based on a 100 year storm event. The attached HydroCAD calculations provides the anticipated pre-peak discharge versus post-peak discharge analysis for the project.

The intent of the stormwater controls is the collection of the entire roofed area of the addition, the front portion of the existing dwelling via gutters, downspouts and ADS piping to the natural low point and a proposed rip-rap splash pad.

The proposal does not specifically provide pre-treatment or infiltration structures, we feel the utilization of the natural vegetated low point to be the best option for the addition roof and driveway runoff. The natural vegetated low point is not clearly defined within the TSS, nitrogen or Phosphorous calculations, if it were to be viewed as a Bioretention Area or a Rain Garden, the expected TSS removal would be 90%, when you consider the overland runoff after the rip-rap splash pad a 'vegetated strip'.

The nitrogen and phosphorous reduction can is considered to be about 70% when you apply the reduction rate of a Bio-retention basin is between 30% to 90% and the infiltration trench (Existing Sand Layers) under the basin (low point) is between 40% and 70%.

The groundwater separation from the bottom of the natural low point is approximately 12 feet +/- . The bottom of the low point is about 42.5+/- with a pond elevation af about elevation 30.

Waiver: (If required)

We kindly request a waiver from the strict adherence to the Phosphorous and Nitrogen reduction. The opinion of this office is that the natural low point is sufficiently sized and vegetated to address the potential Phosphorous and TSS components of the runoff. See Stormwater Standard #4, below.

As shown in the HydroCAD reports, the Watersheds have been prepared to reflect a reduction of peak discharge for the 100-year storm event. The table below provides a comparison of the site-wide Pre- to Post-Development peak discharge rate for each storm event.

Storm Event	Pre-Development Peak Discharge Rate, cubic feet per second (ft ³ /sec)	Post-Development Peak Discharge Rate, cubic feet per second (ft ³ /sec)
Watershed #1 (Addition Area)	1.38	0.5

Erosion Control Plan - Temporary Siltation Barrier & Silt Socks:

The proposed outlines the use of 9-inch straw wattles for erosion and sediment controls. The plan view reflects the anticipated areas of disturbance. The owner will implement the wattles as necessary to mitigate washout and scour.

The proposed Rip-Rap Splash Pad shall be finished with a row of straw wattles on the down slope side of the stone splash pad to mitigate erosion and washout down into the low point.

Operation and maintenance plan is included herewith to address the long-term maintenance of the stormwater systems.

Massachusetts Stormwater Management Design Standards:

The following is a description of how the proposed project meets the Massachusetts Stormwater Handbook design standards.

Standard 1: No new untreated discharges:

This standard is met since there are no new untreated stormwater discharges proposed. See Standards 4-6 calculations.

Standard 2: Maintain Pre-development peak discharge rate:

This standard has been met. Refer to the Table above.

Groundwater Recharge:

This standard is met. The proposed stormwater management system (Natural Low Point) is sized so that the total recharge volume provided exceeds the minimum groundwater recharge volume specified in the handbook and the proposed stormwater recharge galleys will drawdown within 72 hours of a storm event. In accordance with the MA Stormwater Manual, the required recharge volume factor (F) required across the impervious area (A) is 0.6 inches per hour for hydraulic soil group A soils. Fine Sand (Rawls Rate: 8.27 inches per hour) has been used in the sizing of the stormwater recharge galleys. Refer to the HydroCAD Stormwater Modeling Report in Appendix. The required recharge volume is calculated based on the total pavement and roof areas on site.

- Required Recharge Volume $R_v = F \times A = (0.6 \text{ in})(1 \text{ ft}/12 \text{ in})(4,900 \text{ sf}) = 245 \text{ cf}$ (Roof & Driveway)
- Recharge Storage Provided (Subsurface leaching facilities for roof and Swale) = 10,900 cf >> 245 cf. The volume calculated up to the elevation 46 contour.
- The drawdown for the subsurface leaching facilities for the driveway/parking system and roof runoff is 12.0+/- hours < 72 hour maximum allowance.

Standard 4: Water Quality:

The TSS standard appears to be met when utilizing the natural low point for stormwater. The roof runoff stormwater system will remove 91% of the annual load of Total Suspended Solids (TSS) via the existing low point and the overland travel of the stormwater, after the proposed splash pad (Rip-Rap). TSS removal calculation tables for driveway and altered portions included in the Appendix A.

The Nitrogen and Phosphorus reductions are estimated based on the pre-treatment of the vegetated strip, the Bio-retention nature of the natural low point and the sandy material which lays beneath the natural low point. Our office estimates an approximate reduction of 70% in both nitrogen and phosphorus when applying the removal percentages of a Bio-retention area (natural low point) and the dry sandy soils beneath the low point. The lowest reduction rates of a Bio-retention area and the sand soils (infiltration area) is about 70% (40% for Bio-retention & 30% for infiltration).

Our opinion is that a waiver is not necessary, but if the Planning Board does not agree, we have applied for the necessary waiver so as to allow the project to move forward.

In accordance with the MA Stormwater Manual, the required water quality depth (Dwq) across the impervious area (A) is 1.0 inches per hour in areas containing soils with rapid infiltration rate greater than 2.4 in/hr. The required water quality volume is based on the total pavement area on site.

- Required Water Quality Volume $V_{wq} = Dwq \times A = (1.0 \text{ in})(1 \text{ ft}/12 \text{ in})(1,100 \text{ sf} + 5,000 \text{ sf surrounding gravel areas}) = 510 \text{ cf}$ (gravel driveway & access road)
- Water Quality Storage Provided (natural low point / swale) = 10,900 cf >> 510 cf. The volume calculated up to the elevation 46 contour.

Standard 5: Land uses with higher potential pollutant loads:

This standard has been met. The proposed use is a residential building.

Standard 6: Stormwater discharges within Zone II or Interim Wellhead protection area of a public water supply and stormwater discharges near or to any critical area.

This standard has been met. The area is served by both town water and private wells. The 1-inch Required Water Quality Volume for discharges within a Groundwater Protection area has been met, see Standard 4 calculations.

Standard 7: Redevelopment:

This standard is met. The project addresses the increased hardscape and roof area and the potential stormwater water runoff. No direct discharges are proposed. The pre versus post construction volumes are address when utilizing the natural low point for stormwater control

Standard 8: Construction Erosion Control Plan:

The project is subject to the proposed erosion control plan as outlined on the plan. Straw wattles shall be implemented as required to mitigate erosion of soil.

Standard 9: Long Term Operation and Maintenance Plan:

A long-term O&M plan has been submitted with this report. The property owners will operate and maintain the stormwater systems.

Standard 10: Illicit Discharges:

This standard is met since there are no illicit discharges at this site and no illicit discharges proposed.

Owner and Responsible Party

The owner and responsible party for Stormwater Pollution Control at 500 Run Hill Road, Brewster, MA

Owner & Operator:

Bridget E. Cahill & Craig Caldwell
500 Run Hill Road
Brewster, MA 02631
508-364-2450

Schedule of Inspection and Maintenance of Stormwater Management Systems

1. Gutters and downspouts shall be cleaned twice a year.
2. The proposed riprap splash pad shall be cleared of any debris or dead vegetation on an annual basis. Any displaced chick stone shall be placed back on rip-rap. Any scoured area shall be planted with drought tolerant grass seed to mitigate washout.

Estimate of annual operation and maintenance budget for common areas = \$ 1,000.00

Long Term Lawn Care & Pollution Prevention Plan

Description of Pollutant Sources:

- Light vehicle traffic – residential development
- Lawn care products

Source Control Best Management Practices

- There shall be no storage of items or materials which will be subject to the weather.
- Good housekeeping measures shall be implemented throughout the site to keep the driveways clean of debris.
- Regularly cleaning the gravel areas to remove debris and any other potential stormwater pollutants.
- The use of winter de-icing sand and salt materials shall be minimized to the maximum extent practicable.
- Winter de-icing sand and salt materials shall be stored indoors.
- Snow storage shall not be within the swales.
- Immediately clean up any spillage on gravel areas and dispose of wastes properly.

Emergency Spill Cleanup Plan

1. The owner of the facility shall have a designated person with overall responsibility for spill response cleanup.

2. In the event of a spill the following shall be notified:

- | | |
|---|--------------------------|
| A. Brewster Fire Department
(for a gasoline or hazardous material spill) | (508) 896-1708
911 |
| B. Massachusetts D.E.P. Emergency Response | (800) 304-1133 |
| C. Brewster Health Department | (508) 896-3701 ext. 1120 |

3. Cleanup of spills shall begin immediately.

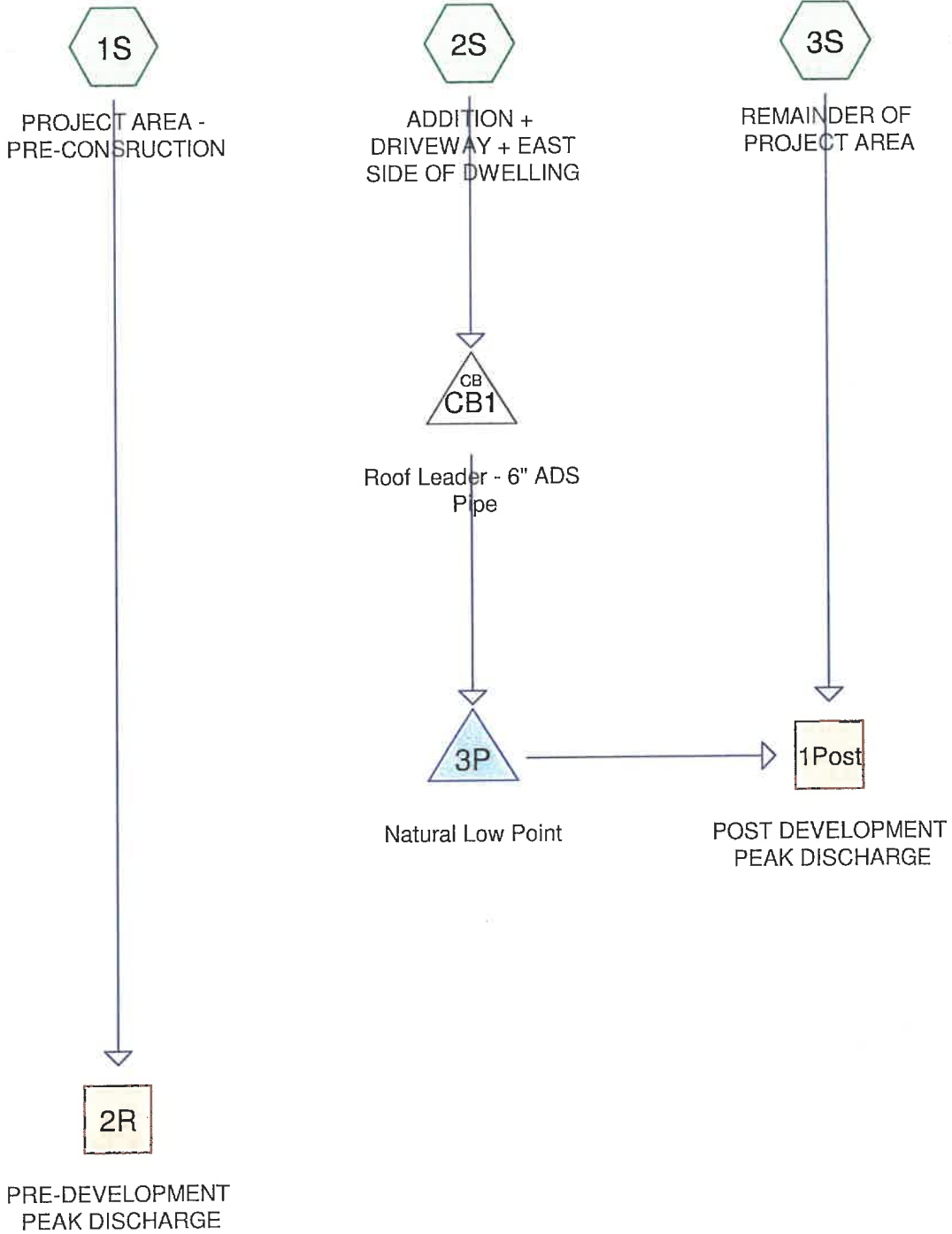
O&M Log Form

Inspector Initials	Item Inspected	Date	Time	Condition			Repaired Date
				Good	Clean-out Needed	Repair Needed	

O&M Log form records to be maintained by property manager for a minimum of three years

Post-Development
Recharge

Post-Development
Recharge



Routing Diagram for 8103.CAHILL ADDITION AND DRIVE - RUN HILL ROAD
Prepared by J M O'Reilly & Associates Inc, Printed 6/13/2023
HydroCAD® 10.20-2g s/n 08678 © 2022 HydroCAD Software Solutions LLC

Time span=0.00-25.00 hrs, dt=0.01 hrs, 2501 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1S: PROJECT AREA - Runoff Area=12,630 sf 14.25% Impervious Runoff Depth=4.07"
Tc=6.0 min CN=63 Runoff=1.38 cfs 0.098 af

Subcatchment 2S: ADDITION + DRIVEWAY Runoff Area=4,900 sf 77.55% Impervious Runoff Depth=7.66"
Tc=6.0 min CN=93 Runoff=0.92 cfs 0.072 af

Subcatchment 3S: REMAINDER OF Runoff Area=7,728 sf 13.59% Impervious Runoff Depth=2.56"
Tc=6.0 min CN=50 Runoff=0.50 cfs 0.038 af

Total Runoff Area = 0.580 ac Runoff Volume = 0.208 af Average Runoff Depth = 4.30"
73.67% Pervious = 0.427 ac 26.33% Impervious = 0.153 ac

Summary for Subcatchment 1S: PROJECT AREA - PRE-CONSRUCTION

AREA INCLUDES ADDITION, ALL NEW DRIVEWAY AREAS AND EASTERN HALF OF EXISTING DWELLING.

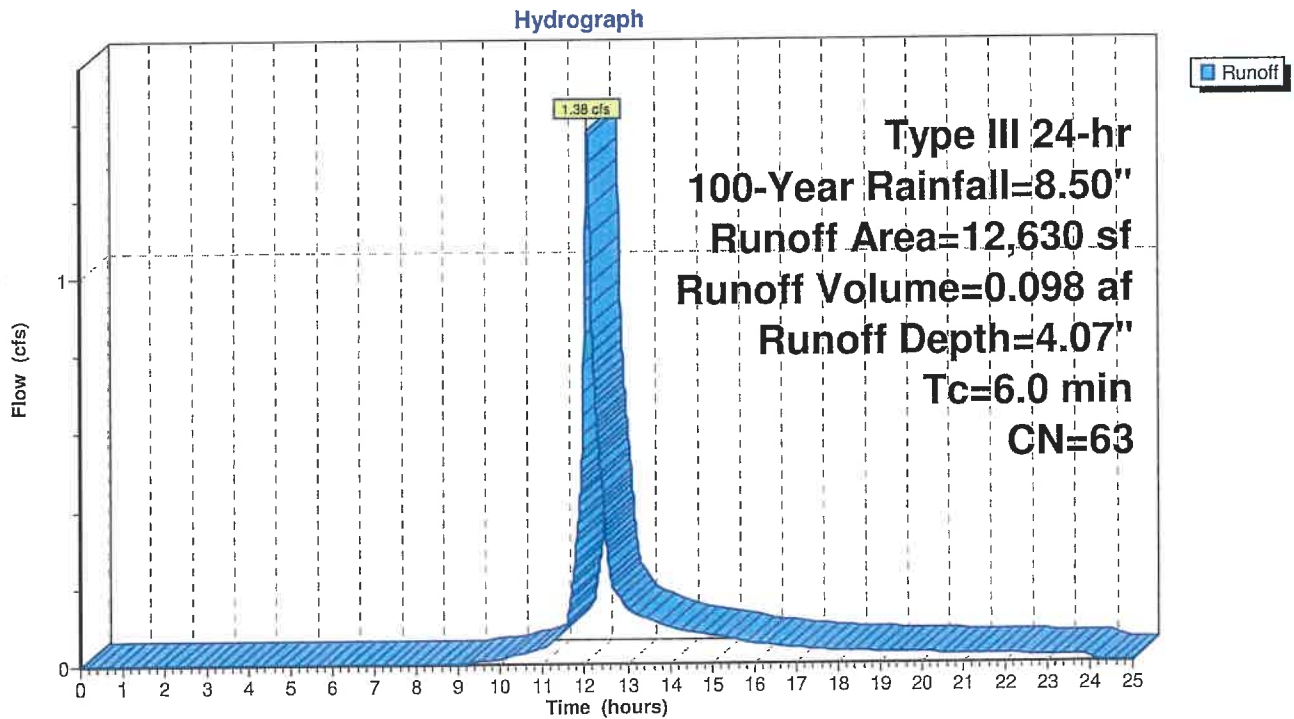
Runoff = 1.38 cfs @ 12.09 hrs, Volume= 0.098 af, Depth= 4.07"
 Routed to Reach 2R : PRE-DEVELOPMENT PEAK DISCHARGE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100-Year Rainfall=8.50"

Area (sf)	CN	Description
1,800	98	Roofs, HSG A
10,830	57	Woods/grass comb., Poor, HSG A
12,630	63	Weighted Average
10,830		85.75% Pervious Area
1,800		14.25% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Minimum

Subcatchment 1S: PROJECT AREA - PRE-CONSRUCTION



Summary for Subcatchment 2S: ADDITION + DRIVEWAY + EAST SIDE OF DWELLING

AREA INCLUDES ADDITION, ALL NEW DRIVEWAY AREAS AND EASTERN HALF OF EXISTING DWELLING.

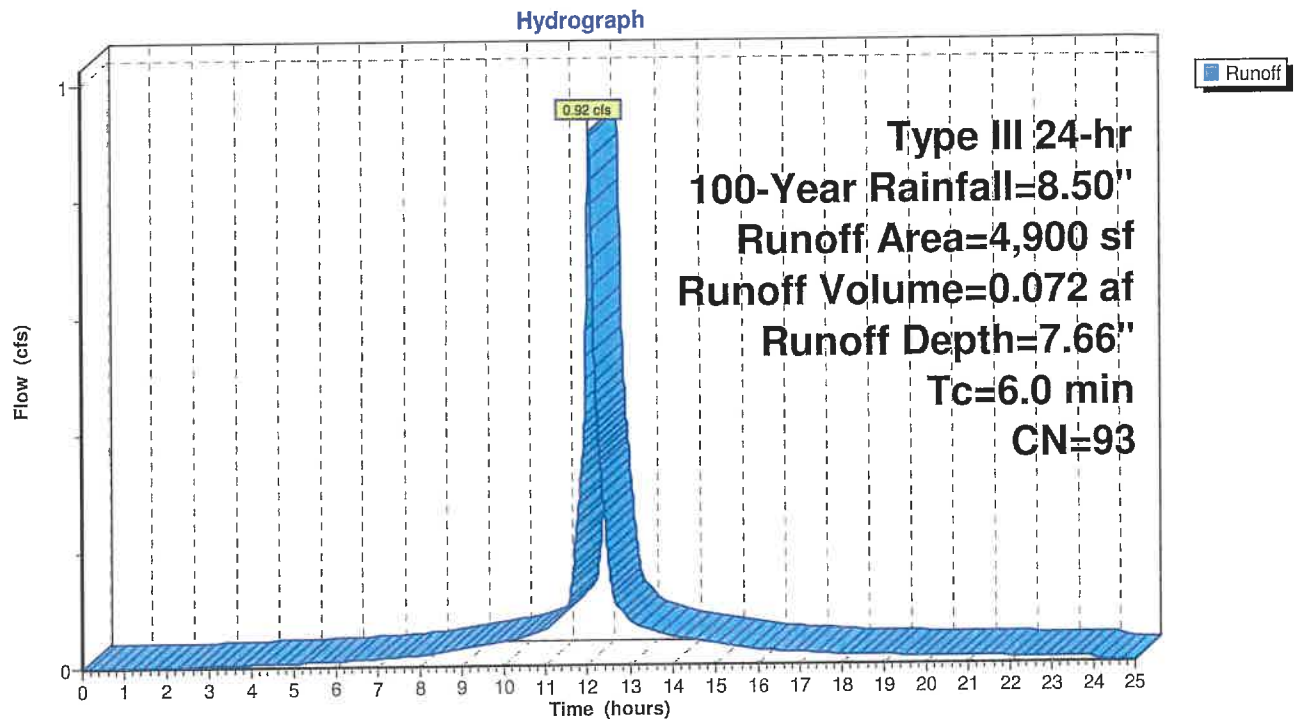
Runoff = 0.92 cfs @ 12.08 hrs, Volume= 0.072 af, Depth= 7.66"
 Routed to Pond CB1 : Roof Leader - 6" ADS Pipe

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100-Year Rainfall=8.50"

Area (sf)	CN	Description
3,050	98	Roofs, HSG A
1,100	76	Gravel roads, HSG A
750	98	Roofs, HSG A
4,900	93	Weighted Average
1,100		22.45% Pervious Area
3,800		77.55% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Minimum

Subcatchment 2S: ADDITION + DRIVEWAY + EAST SIDE OF DWELLING



Summary for Subcatchment 3S: REMAINDER OF PROJECT AREA

AREA INCLUDES ADDITION, ALL NEW DRIVEWAY AREAS AND EASTERN HALF OF EXISTING DWELLING.

Runoff = 0.50 cfs @ 12.10 hrs, Volume= 0.038 af, Depth= 2.56"
 Routed to Reach 1Post : POST DEVELOPMENT PEAK DISCHARGE

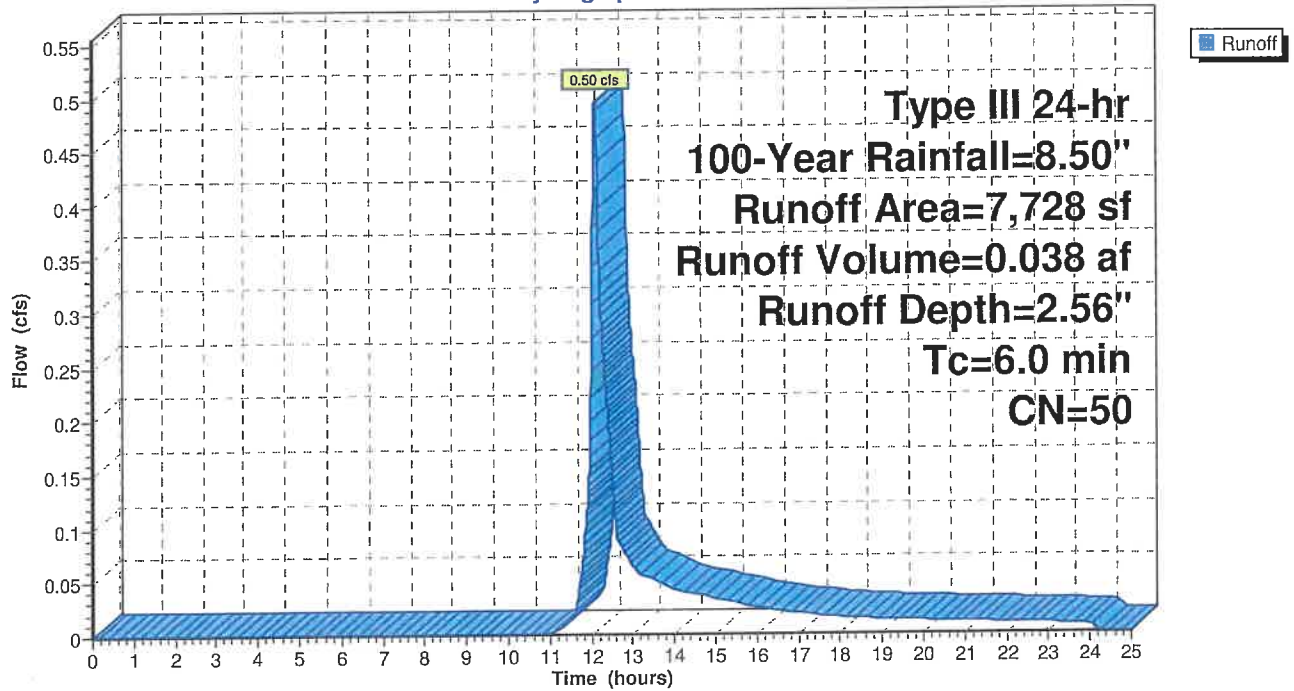
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs
 Type III 24-hr 100-Year Rainfall=8.50"

Area (sf)	CN	Description
1,050	98	Roofs, HSG A
6,678	43	Woods/grass comb., Fair, HSG A
7,728	50	Weighted Average
6,678		86.41% Pervious Area
1,050		13.59% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Minimum

Subcatchment 3S: REMAINDER OF PROJECT AREA

Hydrograph



Summary for Pond 3P: Natural Low Point

Inflow Area = 0.112 ac, 77.55% Impervious, Inflow Depth = 7.66" for 100-Year event
 Inflow = 0.92 cfs @ 12.08 hrs, Volume= 0.072 af
 Outflow = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af, Atten= 100%, Lag= 0.0 min
 Primary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af
 Routed to Reach 1Post : POST DEVELOPMENT PEAK DISCHARGE

Routing by Dyn-Stor-Ind method, Time Span= 0.00-25.00 hrs, dt= 0.01 hrs
 Peak Elev= 44.40' @ 24.34 hrs Surf.Area= 3,596 sf Storage= 3,127 cf

Plug-Flow detention time= (not calculated: initial storage exceeds outflow)
 Center-of-Mass det. time= (not calculated: no outflow)

Volume	Invert	Avail.Storage	Storage Description
#1	43.00'	173,081 cf	Custom Stage Data (Irregular) Listed below (Recalc)

Elevation (feet)	Surf.Area (sq-ft)	Perim. (feet)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)	Wet.Area (sq-ft)
43.00	806	105.0	0	0	806
44.00	3,059	206.0	1,812	1,812	3,310
46.00	6,220	295.0	9,094	10,906	6,894
67.00	9,330	422.0	162,175	173,081	17,343

Device	Routing	Invert	Outlet Devices
#1	Primary	59.90'	10.0' long Sharp-Crested Rectangular Weir 2 End Contraction(s)

Primary OutFlow Max=0.00 cfs @ 0.00 hrs HW=43.00' TW=0.00' (Dynamic Tailwater)
 ↑1=Sharp-Crested Rectangular Weir (Controls 0.00 cfs)

INSTRUCTIONS:

1. In BMP Column, click on Blue Cell to Activate Drop Down Menu
2. Select BMP from Drop Down Menu
3. After BMP is selected, TSS Removal and other Columns are automatically completed.

Version 1, Automated: Mar. 4, 2008

Location: 500 RUN HILL ROAD - CAHILL PROJECT

B	C	D	E	F
BMP ¹	TSS Removal Rate ¹	Starting TSS Load*	Amount Removed (C*D)	Remaining Load (D-E)
Vegetated Filter Strip >25 feet	0.10	1.00	0.10	0.90
Bioretention Area	0.90	0.90	0.81	0.09
	0.00	0.09	0.00	0.09
	0.00	0.09	0.00	0.09
	0.00	0.09	0.00	0.09

Separate Form Needs to be Completed for Each Outlet or BMP Train

Total TSS Removal =

91%

Project:	500 RUN HILL ROAD - CAHILL
Prepared By:	JM OREILLY
Date:	7/3/2023

Project: 500 RUN HILL ROAD - CAHILL
 Prepared By: JM OREILLY
 Date: 7/3/2023

*Equals remaining load from previous BMP (E) which enters the BMP

Non-automated TSS Calculation Sheet must be used if Proprietary BMP Proposed
 1. From MassDEP Stormwater Handbook Vol. 1

APPROVAL NOT REQUIRED CASE NO. 2023-06

APPLICANT/OWNER: EASTWARD COMPANIES BUSINESS TRUST

PROPERTY: MAIN STREET



Town Of Brewster
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 x1150

Office of:
Planning Department

Date: July 5, 2023
To: Planning Board
From: Jon Idman, Town Planner
Re: Approval Not Required Plan Endorsement: PB#2023-06
Eastward Companies, Main Street and Vesper Pond Drive (Map 138 Pcls 74 through 81)

Staff Recommendation

Vote to endorse the plan entitled "Plan of Land at Lots 1 through 8, Plan Book 612, Page 9, Brewster Massachusetts as surveyed and prepared for Eastward Companies Business Trust," made by J.M. O'Reilly & Associates, Inc., dated and stamped July 5, 2023 by John M. O'Reilly, PE, PLS 2/15/2023, as it does not depict a subdivision and thus does not require approval under the subdivision control law.

Discussion

Owner/ applicant Eastward Companies Business Trust has submitted a plan of land to the Board for endorsement which shows a re-division of the land shown on the plan into three lots, Lots A, B and C (it is stated in the plan notes that the lots are for single family residential use). The prior plan of record had divided the land into eight lots (presumably for commercial use). The plan submitted to the Board is styled as an "Approval Not Required" (ANR) plan per MGL Ch. 41 ss. 81L & 81P and Section 290-4 of the Brewster Subdivision Rules and Regulations; the applicant maintains that no subdivision approval is required for the land division because the plan does not depict a 'subdivision' as defined under the subdivision control law, and requests endorsement of the same.

In the case at hand, the proposed land division is not a subdivision so-defined and an ANR endorsement is warranted because each of the three proposed lots has the frontage as required under the Brewster Zoning Bylaw for the VB District on Main Street, an improved public way, or Vesper Pond Drive, an improved way approved under the subdivision control law in which the owner/ applicant is believed to have rights.

Though the three proposed lots appear to meet all minimum dimensional requirements for new single family residential building lots (the land is vacant and undeveloped), the Board's endorsement does not itself imply zoning compliance (other than as to frontage) or represent the zoning buildability of the lots; these zoning issues are beyond the scope and authority of the Board under a request for ANR endorsement. Further, it appears that there are wetlands that might affect the development of the land, but such issue is not within the purview of the Board under a request for ANR endorsement as the wetlands would not appear to prohibit basic access to the lots for building purposes.



Brewster Planning Board
2198 Main Street
Brewster, MA 02631-1898
(508) 896-3701 x1133
brewplan@brewster-ma.gov

Date & Time Received
Town Clerk's Office
3

FORM A
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)

Please provide twelve (12) copies of this application along with ten (10) 11" x 17" sized plans and two (2) 24"x 36" sized plans along with one (1) Mylar. Please also provide an electronic copy of the application and any plans in pdf format.

Date: 6/26/23 Application # 2023-06

To the Planning Board:

The undersigned believing that the accompanying plan of his property in the Town of Brewster does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under this Subdivision Control Law is not required.

Name of Applicant: Eastward Companies Business Trust Phone: 508-945-2300

Address: 155 Crowell Road, Chatham, MA 02633 Email: sladue@eastwardco.com

Owner, if different: Same as above Phone: Same

Address: Same Email: Same

Name of Surveyor/Engineer: John O'Reilly, P.E, P.L.S. Phone: 508-896-6601

Company Name: J.M. O'Reilly & Associates - Robert Reedy, P.E. Contact

Address: 1573 Main Street, P.O. Box 1773, Brewster, MA 02631 Email: rreedy@jmoreillyassoc.com

Location and description of Property: Lots 1 through 8 Main Street/Route 6A, Plan Book 612, Page 9

Map 138 Lot 74 to 81 Zoning District VB

Deed of property recorded in Barnstable County Registry Book: 33963 Page: 211

Or Land Court Certificate of Title No. N/A

Current number of lots 8 Proposed number of lots 3

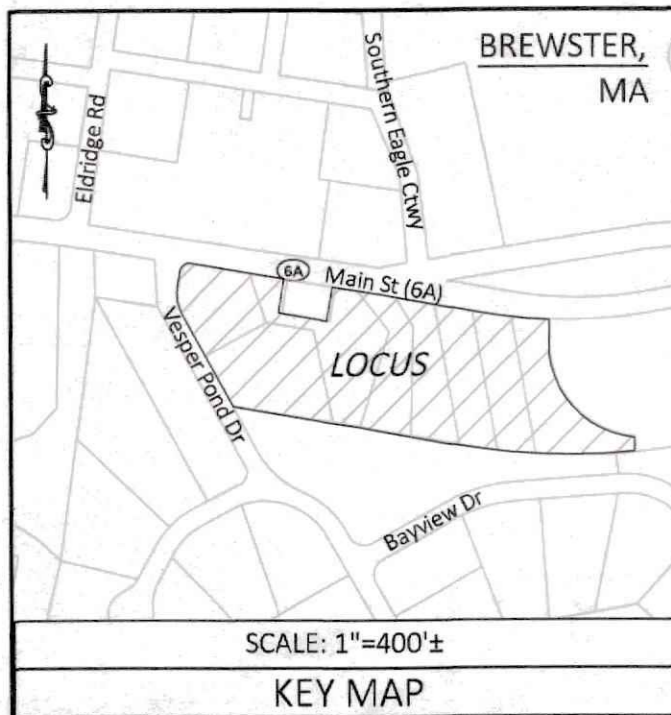
Please provide a one-page description of the purpose of the ANR application.

Signature of Owner or Authorized Representative: Susan B. Ladue

Susan Ladue, Regulatory Specialist, Eastward Companies
If not Owner, please attach Agent Affidavit.

Plans not requiring approval.

- A. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and Application Form A to the Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or by registered or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.
- B. If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse and date near the signature area of the plan on a plan under the words "Planning Board Approval Under Subdivision Control Law Not Required"
- C. Said plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action. [Amended effective 10-15-1987] A plan not requiring approval shall be prepared by a registered land surveyor and shall be clearly and legibly drawn two (2) 24" x 36" plan and ten (10) 11" x 17" reduced plans shall be provided to the Planning Board and meet the requirements of the Recording Rules adopted by Registry of Deeds in Massachusetts. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan. A plan not requiring approval shall contain the following information:
1. Property boundaries, north point, date and scale.
 2. Name of the record owner, name of the registered land surveyor, and the Barnstable Registry of Deeds book and page reference of conveyance to record owner.
 3. Area of each lot.
 4. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, monuments or references necessary to establish these lines on the ground.
 5. Where practical, boundary lines of contiguous and adjacent land and the names of the owners thereof, as determined from the most recent tax list.
 6. Location of all permanent monuments properly identified.
 7. Location, names and present widths of non-public (private) ways abutting the property.
 8. Suitable space to record the endorsement of the Board that approval is not required and the signatures of the members of the Board.
 9. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan and the current zoning requirements (i.e. setbacks, lot size).
 10. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
 11. Location of all existing buildings, including setback and side and rear yard designations.
 12. Location and area of any wetlands on the lots being created by the plan (including the lot being created by the remaining land). In lieu of delineating the wetlands on the remaining land, the applicant may provide written certification from the Surveyor or Professional Engineer who prepared the plan that the remaining parcel of land contains the minimum upland area required under the Zoning By-Laws.
- D. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of submission of said plan, so inform the applicant and return the plan. The Board also shall notify the Town Clerk of its determination. If the Board fails to act upon the plan within the prescribed twenty-one (21) days, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.
- E. In acting on such a plan, the Board must ask if the way on which this plan of land is located is adequate to handle all the traffic generated from all sources and also if the design and construction of this way are in compliance with the standards shown in Article IV of these rules and regulations. A negative answer to either question will justify disapproval.



OWNERS OF RECORD
 EASTWARD MBT LLC, TRUSTEE
 EASTWARD COMPANIES BUSINESS TRUST
 PLAN BOOK 612, PAGE 9
 DEED BOOK 33963 PAGE 211
 ASSESSORS' MAP 138, PARCELS 74 TO 81

LEGEND
 MHB ■ MASS. HIGHWAY BOUND
 FND ■ FOUND

ZONING TABLE	
RESIDENTIAL MEDIUM (R-M) DISTRICT	
MINIMUM LOT AREA (SQUARE FEET)	60,000
MINIMUM LOT FRONTAGE (FEET)	150
FRONT YARD SETBACK (FEET)	40
SIDE AND REAR YARD SETBACKS (FEET)	25
VILLAGE BUSINESS (V-B) DISTRICT	
MINIMUM LOT AREA (SQUARE FEET)	15,000
MINIMUM LOT FRONTAGE (FEET)	80
FRONT YARD SETBACK (FEET)	30
SIDE AND REAR YARD SETBACKS (FEET)	15

FOR REGISTRY USE
 I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS EFFECTIVE JANUARY 1, 1976 AND AMENDED JANUARY 7, 1988.

DATE 7-5-2023
 L.S. [Signature]



THIS PLAN RECONFIGURES LOTS 1 THROUGH 8 (AS SHOWN ON PLAN BOOK 612 PAGE 9) INTO LOTS A, B AND C, AS SHOWN ON THIS PLAN. SAID LOTS A, B AND C HAVE FRONTAGE OF AT LEAST SUCH DISTANCE AS IS CURRENTLY REQUIRED BY THE ZONING BYLAW. AS SUCH, APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED. ENDORSEMENT DOES NOT CONSTITUTE OR IMPLY A DETERMINATION AS TO ZONING STANDARDS.

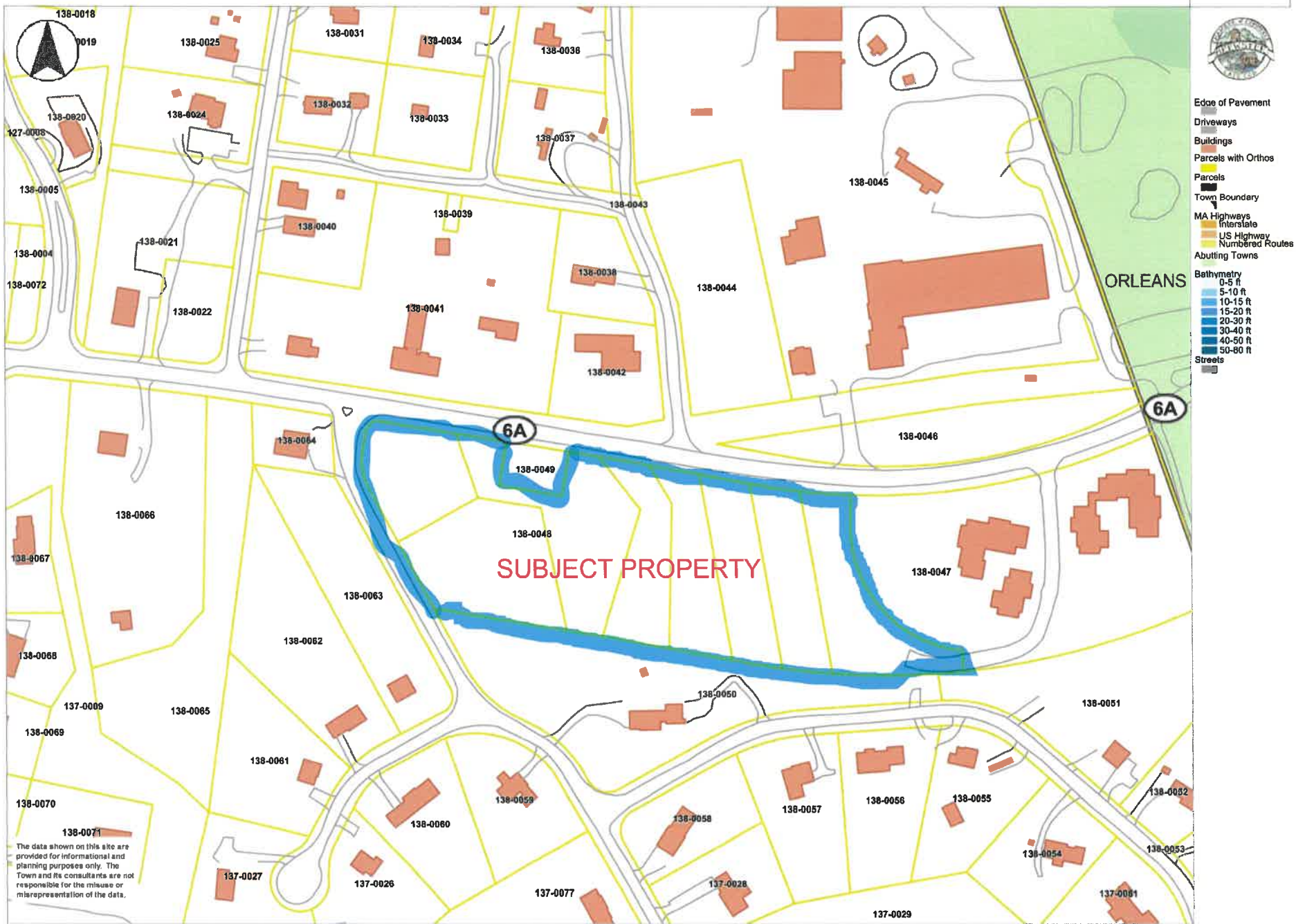
BREWSTER PLANNING BOARD

DATE _____

PLAN OF LAND
 AT
 LOTS 1 THROUGH 8,
 -PLAN BOOK 612, PAGE 9
 BREWSTER, MASSACHUSETTS
 AS SURVEYED AND PREPARED FOR
EASTWARD COMPANIES BUSINESS TRUST

0 30 60 90
 SCALE 1"=30' JULY 5, 2023
 0 10 20 30
 METRIC SCALE: 1"=9.14 METERS

MADE BY
J.M. O'REILLY & ASSOCIATES, INC.
 1573 MAIN STREET, P.O. BOX 1773
 BREWSTER, MASSACHUSETTS 02631
 PHONE: 508-896-6601 FAX: 508-896-6602



Key: 14091

Town of BREWSTER - Fiscal Year 2023

9/22/2022 2:56 pm SEQ #: 9,402

LEG
A
L

CURRENT OWNER										PARCEL ID				LOCATION				CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD			
EASTWARD MBT, LLC TRUSTEE EASTWARD HOMES BUS TRUST 155 CROWELL ROAD CHATHAM, MA 02633										138-75-0				0 MAIN STREET				3900	100	COM DEV LAND					1 of 1			
										TRANSFER HISTORY				DOS	T	SALE PRICE		BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
										EASTWARD MBT, LLC TRUSTEE				03/31/2021	V	525,000		33963-211		TAXABLE	03/01/2018	17	CHG TO TAXAB		08/22/2018		100	100
OUTER CAPE HEALTH SERVICE				10/31/2014	V	699,000		26483-144			20	3ABC					0	0										
BREWSTER ORLEANS PROP LLC				04/30/2004	F	18532-333					12	CYCLICAL NON		03/12/2008	JH	100	100											

L
A
N
D

CD	T	AC/SF/UN	Nbhd	St Ind	Infl	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE					
103	S	35,530	CIM	1.00	A	1.00	A	1.00	75,250	1.09	75	0.25	C02	1.00			66,750
350	A	0.005	10	1.00	A	1.00	A	1.00	1,800	1.00	A	1.00	TWP	1.00			10

TOTAL	35,743 SF	ZONING	VB	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	CIM	N Subdivision of M30 Lots 30-6 & 30-7 for FY 08 -- Lot 2 on Plan Book 612/9				LAND	66,800	116,200
St Ind	AVERAGE	O				BUILDING	0	0
Infl	AVERAGE	T				DETACHED	0	0
		E				OTHER	0	0
						TOTAL	66,800	116,200

D
E
T
A
C
H
E
D

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO
								03/18/2008



BLDG COMMENTS

B
U
I
L
D
I
N
G

BUILDING	CD	ADJ	DESC	MEASURE
MODEL				LIST
STYLE				REVIEW
QUALITY				
FRAME				

YEAR BLT	NET AREA	\$NLA(RCN)	CAPACITY	UNITS	ADJ	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION ELEM	CD

EFF. YR/AGE	
COND	
FUNC	
ECON	
DEPR	% GD
RCNLD	

Key: 14092

Town of BREWSTER - Fiscal Year 2023


9/22/2022 2:56 pm SEQ # 9,403

LEGALS

LAND

DETAILED

BUILDING

CURRENT OWNER										PARCEL ID				LOCATION				CLASS	CLASS%	DESCRIPTION				BN ID	BN	CARD							
EASTWARD MBT, LLC TRUSTEE EASTWARD HOMES BUS TRUST 155 CROWELL ROAD CHATHAM, MA 02633										138-76-0				0 MAIN STREET				3900	100	COM DEV LAND						1 of 1							
TRANSFER HISTORY										DOS	T	SALE PRICE	BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%										
EASTWARD MBT, LLC TRUSTEE										03/31/2021	V	525,000	33963-211		TAXABLE		17	CHG TO TAXAB		08/22/2018		100	100										
OUTER CAPE HEALTH SERVICE										10/31/2014	V	699,000	28483-144				20	3ABC				0	0										
BREWSTER ORLEANS PROP LLC										04/30/2004	F		18532-333			03/01/2018	12	CYCLICAL NON		03/12/2008	JH	100	100										
CD	T	AC/SF/UN	Nbhd	St Ind	Infl	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE																					
103	S	32,769	CIM	1.00	A	1.00	A	1.00	75,250	1.15	75	0.25	C02	1.00									65,310										
350	A	0.059	10	1.00	A	1.00	A	1.00	1,800	1.00	A	1.00	TWP	1.00									110										
TOTAL		35,313 SF		ZONING	VB	FRNT	0		ASSESSED	CURRENT	PREVIOUS																						
Nbhd	CIM	N Subdivision of M30 Lots 30-6 & 30-7 for FY 08 -- Lot 3 on O Plan Book 612/9							LAND	65,400	113,800																						
St Ind	AVERAGE	T							BUILDING	0	0																						
Infl	AVERAGE	E							DETACHED	0	0																						
							OTHER	0	0																								
							TOTAL	65,400	113,800																								
TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO	03/18/2008																								
																																	
								BLDG COMMENTS																									
BUILDING	CD	ADJ	DESC				MEASURE																										
MODEL							LIST																										
STYLE							REVIEW																										
QUALITY																																	
FRAME																																	
YEAR BLT		SIZE ADJ		ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION ELEM		CD														
NET AREA		DETAIL ADJ																															
\$NLA(RCN)		OVERALL																															
CAPACITY		UNITS	ADJ																														
																	EFF.YR/AGE																
																	COND																
																	FUNC																
																	ECON																
																	DEPR	% GD															
																	RCNLD																

Key: 14093

Town of BREWSTER - Fiscal Year 2023

9/22/2022 2:56 pm SEQ #: 9,404

LEGALS

CURRENT OWNER		PARCEL ID	LOCATION	
EASTWARD MBT, LLC TRUSTEE EASTWARD HOMES BUS TRUST 155 CROWELL ROAD CHATHAM, MA 02633		138-77-0	0 MAIN STREET	
TRANSFER HISTORY		DOS	T	SALE PRICE
EASTWARD MBT, LLC TRUSTEE		03/31/2021	V	525,000
OUTER CAPE HEALTH SERVICE		10/31/2014	V	699,000
BREWSTER ORLEANS PROP LLC		04/30/2004	F	18532-333

CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD	
3900	100	COM DEV LAND				1 of 1	
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st %
TAXABLE	03/01/2018	17	CHG TO TAXAB		08/22/2018		100 100
		20	3ABC				0 0
		12	CYCLICAL NON		03/12/2008	JH	100 100

LAND

CD	T	AC/SF/UN	Nbhd	St Ind	Infl	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE
103	S	20,895 CIM	1.00 A	1.00 A	1.00	75,250	1.64	75	0.25	C02	1.00	59,100

TOTAL	20,895 SF	ZONING	VB	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	CIM	NOTE Subdivision of M30 Lots 30-6 & 30-7 for FY 08 -- Lot 4 on Plan Book 612/9	LAND	59,100	102,900			
St Ind	AVERAGE		BUILDING	0	0			
Infl	AVERAGE		DETACHED	0	0			
			OTHER	0	0			
			TOTAL	59,100	102,900			

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD



BLDG COMMENTS

BUILDING

BUILDING	CD	ADJ	DESC	MEASURE
MODEL				LIST
STYLE				REVIEW
QUALITY				
FRAME				

YEAR BLT	NET AREA	\$NLA(RCN)	SIZE ADJ	DETAIL ADJ	OVERALL	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION ELEM	CD
CAPACITY			UNITS	ADJ																
EFF.YR/AGE																				
COND FUNC ECON DEPR																				
% GD																				
RCNLD																				

Key: 14094

Town of BREWSTER - Fiscal Year 2023

9/22/2022 2:56 pm SEQ #: 9,405

LEGALS

LAND


DETACHED

BUILDING

CURRENT OWNER						PARCEL ID						LOCATION						CLASS	CLASS%	DESCRIPTION				BN ID	BN	CARD	
EASTWARD MBT, LLC TRUSTEE EASTWARD HOMES BUS TRUST 155 CROWELLS ROAD CHATHAM, MA 02633						138-78-0						0 MAIN STREET						3900	100	COM DEV LAND						1 of 1	
TRANSFER HISTORY						DOS	T	SALE PRICE		BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%							
EASTWARD MBT, LLC TRUSTEE						03/31/2021	V	525,000		33963-211		TAXABLE		17	CHG TO TAXAB		08/22/2018		100	100							
OUTER CAPE HEALTH SERVICE						10/31/2014	G	699,000		28483-144			03/01/2018	20	3ABC				0	0							
BREWSTER ORLEANS PROP LLC						04/30/2004	F	18532-333		18532-333				12	CYCLICAL NON		03/12/2008	JH	100	100							

CD	T	AC/SF/UN	Nbhd	St Ind	Infl	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE											
103	S	20,775	CIM	1.00	A	1.00	A	1.00	75,250	1.64	75	0.25	C02	1.00									59,030

TOTAL	20,775 SF	ZONING	VB	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	CIM	N Subdivision of M30 Lots 30-6 & 30-7 for FY 08 -- Lot 5 on Plan Book 612/9				LAND	59,000	102,800
St Ind	AVERAGE	O				BUILDING	0	0
Infl	AVERAGE	T				DETACHED	0	0
		E				OTHER	0	0
						TOTAL	59,000	102,800

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO
								03/18/2008
								

BUILDING	CD	ADJ	DESC	MEASURE
MODEL				LIST
STYLE				REVIEW
QUALITY				
FRAME				

YEAR BLT	NET AREA	\$NLA(RCN)	SIZE ADJ	DETAIL ADJ	OVERALL	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION ELEM	CD
CAPACITY			UNITS	ADJ																
EFF. YR/AGE																				
COND																				
FUNC																				
ECON																				
DEPR																				
% GD																				
RCNLD																				

Key: 14095

Town of BREWSTER - Fiscal Year 2023

9/22/2022

2:56 pm

SEQ #: 9,406

LEG
A
L

L
A
N
D

D
E
T
A
C
H
E
D


B
U
I
L
D
I
N
G

CURRENT OWNER										PARCEL ID				LOCATION				CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD		
EASTWARD MBT, LLC TRUSTEE EASTWARD HOMES BUS TRUST 155 CROWELL ROAD CHATHAM, MA 02633										138-79-0				0 MAIN STREET				3900	100	COM DEV LAND					1 of 1		
										TRANSFER HISTORY				DOS	T	SALE PRICE	BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
										EASTWARD MBT, LLC TRUSTEE				03/31/2021	V	525,000	33963-211		TAXABLE			17	CHG TO TAXAB		08/22/2018		100
OUTER CAPE HEALTH SERVICE				10/31/2014	V	699,000	28483-144			03/01/2018		20	3ABC				0	0									
BREWSTER ORLEANS PROP LLC				04/30/2004	F		18532-333					12	CYCLICAL NON		03/12/2008	JH	100	100									

CD	T	AC/SF/UN	Nbhd	St Ind	Infl	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE					
103	S	21,892	CIM	1.00	A	1.00	A	1.00	75,250	1.58	75	0.25	C02	1.00			59,620

TOTAL	21,892 SF	ZONING	VB	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	CIM	N Subdivision of M30 Lots 30-6 & 30-7 for FY 08 -- Lot 6 on Plan Book 612/9				LAND	59,600	103,800
St Ind	AVERAGE	O				BUILDING	0	0
Infl	AVERAGE	T				DETACHED	0	0
						OTHER	0	0
						TOTAL	59,600	103,800

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO
								03/18/2008



BUILDING	CD	ADJ	DESC	MEASURE
MODEL				LIST
STYLE				REVIEW
QUALITY				
FRAME				

YEAR BLT	NET AREA	\$NLA(RCN)	SIZE ADJ	DETAIL ADJ	OVERALL	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION ELEM	CD
CAPACITY			UNITS	ADJ																

EFF. YR/AGE	
COND	
FUNC	
ECON	
DEPR	% GD
RCNLD	

Key: 14096

Town of BREWSTER - Fiscal Year 2023

9/22/2022 2:56 pm SEQ #: 9,407

LEG
AL

LAND

DET
ACHED

BUILD
ING

CURRENT OWNER		PARCEL ID		LOCATION				CLASS	CLASS%	DESCRIPTION			BN ID	BN	CARD
EASTWARD MBT, LLC TRUSTEE EASTWARD HOMES BUS TRUST 155 CROWELL ROAD CHATHAM, MA 02633		138-80-0		0 MAIN STREET				3900	100	COM DEV LAND					1 of 1
TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)		PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st %	
EASTWARD MBT, LLC TRUSTEE		03/31/2021	V	525,000	33963-211		TAXABLE		17	CHG TO TAXAB		08/22/2018		100 100	
OUTER CAPE HEALTH SERVICE		10/31/2014	V	699,000	28483-144				20	3ABC				0 0	
BREWSTER ORLEANS PROP LLC		04/30/2004	F		18532-333				12	CYCLICAL NON		03/12/2008	JH	100 100	

CD	T	AC/SF/UN	Nbhd	St Ind	Infl	ADJ BASE	SAF	Topo	Lpi	VC	CREDIT AMT	ADJ VALUE										
103	S	21,738	CIM	1.00	A	1.00	A	1.00	75,250	1.59	75	0.25	C02	1.00								59,540

TOTAL	21,738 SF	ZONING	VB	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	CIM	N Subdivision of M30 Lots 30-6 & 30-7 for FY 08 -- Lot 7 on O Plan Book 612/9				LAND	59,500	103,700
St Ind	AVERAGE	T				BUILDING	0	0
Infl	AVERAGE	E				DETACHED	0	0
						OTHER	0	0
						TOTAL	59,500	103,700

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO
								03/18/2008



BUILDING	CD	ADJ	DESC	MEASURE
MODEL				LIST
STYLE				REVIEW
QUALITY				
FRAME				

YEAR BLT		SIZE ADJ		ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	
NET AREA		DETAIL ADJ														CONDITION ELEM	CD
\$NLA(RCN)		OVERALL															
CAPACITY		UNITS	ADJ														
EFF. YR/AGE																	
COND																	
FUNC																	
ECON																	
DEPR																	
% GD																	
RCNLD																	

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-31-2021 @ 01:56pm
ct1#: 803 O F F Doc#: 22246 L
Fee: \$1,795.50 Cons: \$525,000.00

BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE COUNTY REGISTRY OF DEEDS
Date: 03-31-2021 @ 01:56pm
ct1#: 803 O F F Doc#: 22246 L
Fee: \$1,795.50 Cons: \$525,000.00

N O T N O T
A N QUITCLAIM DEEDA N
Property Address: 0 Main St, Route 6A and West Pond Ave, Brewster, MA
C O P Y C O P Y

Outer Cape Health Services, Inc., a Massachusetts nonprofit corporation, with a mailing address of 3073 State Highway Route 6, Wellfleet, Massachusetts 02667, ("Grantor"),

in consideration of FIVE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 (\$525,000.00) DOLLARS PAID,

grants to Eastward MBT, LLC, Trustee of Eastward Homes Business Trust, u/d/t dated December 26, 2000 and amended by First Amendment dated March 14, 2001 and by Restatement and Second Amendment dated December 17, 2003 and recorded with Barnstable County Registry of Deeds in Book 19475, Page 184, see also Trust Certificate recorded as Document 1,021,104 with the Barnstable Land Court, with an address of 155 Crowell Road, Chatham, MA 02633, ("Grantee"),

with *quitclaim covenants*,

The land, with any buildings and improvements thereon, located in Brewster, Barnstable County, Massachusetts, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 and 8 on the plan entitled "Plan Showing a Division of Lots 1-7, Plan Book 607, Page 80 situated in Brewster, Ma. Prepared for Brewster Orleans Properties, LLC, Scale 1" = 40', Date: July 5, 2006, Ryder & Wilcox, Inc., P.E. & P.L.S., So. Orleans, MA" and recorded with the Barnstable County Registry of Deeds in Plan Book 612, Page 9. Said premises contains 4.74± acres.

Said premises is conveyed subject to and together with all rights, rights of way, easements, restrictions and reservations of record insofar as the same are in full force and effect.

This conveyance does not constitute a sale of all or substantially all of the corporation's assets within the Commonwealth of Massachusetts.

Being the same premises conveyed to the Grantor in the Deed recorded with the Barnstable County Registry of Deeds in Book 28483, Page 144.

N O T A N O F F I C I A L N O T A N O F F I C I A L

For Authority to execute this document see Corporate Vote recorded herewith.

N O T A N O F F I C I A L N O T A N O F F I C I A L
SIGNATURES ON FOLLOWING PAGE L
C O P Y C O P Y

NOT AN OFFICIAL COPY Executed as a sealed instrument this 24th day of March, 2021.

NOT AN OFFICIAL COPY

NOT AN OFFICIAL COPY OUTER CAPE HEALTH SERVICES, INC. COPY

Patricia A. Nadle
By: Patricia Nadle, CEO

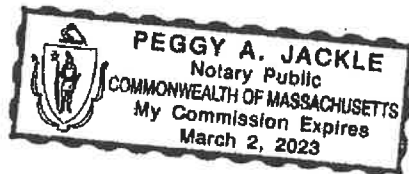
COMMONWEALTH OF MASSACHUSETTS

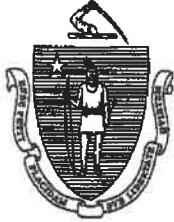
Barnstable County, ss.

On this 24th day of March, 2021, before me, the undersigned notary public, personally appeared Patricia Nadle as aforesaid, personally known to me or proved to me through satisfactory evidence of identification, which was driver's license, to be the individual whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Outer Cape Health Services, Inc.

Peggy A. Jackle
Notary Public
My commission expires: 03/02/2023

5099526.1





William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
N O T A N
O F F I C I A L O F F I C I A L
C O P Y
State House, Boston, Massachusetts 02138

N O T A N
O F F I C I A L O F F I C I A L
C O P Y
Date: March 16, 2021

To Whom It May Concern :

I hereby certify that according to the records of this office,
OUTER CAPE HEALTH SERVICES, INC.

is a domestic corporation organized on **December 29, 1972**

I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 180 section 26 A, for revocation of the charter of said corporation; that the State Secretary has not received notice of dissolution of the corporation pursuant to Massachusetts General Laws, Chapter 180, Section 11, 11A, or 11B; that said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

Secretary of the Commonwealth

Certificate Number: 21030440420

Verify this Certificate at: <http://corp.sec.state.ma.us/CorpWeb/Certificates/Verify.aspx>

Processed by: ili

**DISCUSSION WITH BREWSTER HISTORICAL COMMISSION
REGARDING A POTENTIAL DEMOLITION DELAY BYLAW**

RECEIVED

To: Brewster Planning Board; Old Kings Highway Committee

From: Brewster Historical Commission

June 2023

JUL - 7 2023

BREWSTER PLANNING BOARD
ZONING BOARD OF APPEALS

Demolition Delay By-Law Consideration

The Brewster Historical Commission has considered the question of whether or not Brewster needs a Demolition Delay By-Law to further protect the historical nature and setting of the town. In our research:

- We commissioned a survey of all houses and structures built before 1925. We further commissioned a Form B for each identified property. A Form B is an architectural and social narrative highlighting the structure and history of the house.
- We identified all the historical houses inside the Old Kings Highway Historic District and all those not included in the district. We looked at the history and current guidelines of the Old Kings Highway and their role in the issuance of a Demolition Certificate.
- We researched the Demolition Delay By-Laws of other towns on the Cape.
- We followed through with the Cape Cod Commission to gain a deeper understanding of how effective such by-laws were over the years.
- Finally, we focused on all the properties outside of the Old Kings Highway Historic District and discussed in detail advantages and disadvantages of how a Demolition Delay By-law would further preserve the historic style and setting of Brewster.

Attached is the summary of our findings and recommendations.

Preservation of Historically Significant Buildings and Structures

Brewster Historical Commission Research and Recommendations

Brewster residents participated in workshops, surveys and interviews where they strongly indicated that they wanted to “*sustain and foster Brewster’s historic setting, rural nature and small town feel and social inclusive spirit.*” However, residents were also aware that the future will bring change to the town but were clear about the need for the town to manage this change.

Current Picture

The town has a large number of significant historic properties, with a great majority located along 6A, Stony Brook Road, Lower Road, Long Pond Road, Tubman Road and several smaller connecting roads. Most of these properties are under the Old Kings Highway Historic District and therefore subject to its rules and regulations. However, there are also a small number of historic houses and structures that do not fall under the protection of the Old Kings Highway.

In 2016 the Brewster Historical Commission engaged a consultant to identify all the historic houses (pre-1925). The survey identified 359 historic houses. Of the total 317 are in the historic district with 42 not in the district. In addition, there are 8 additional historic houses not included in the survey. These 50 houses include a number of former cottages in Brewster Park, Pineland Park and other houses on some of the smaller roads scattered throughout the town (see attached map).

Challenges

The critical challenge facing the Historical Commission is how to find ways to maintain the town’s historic heritage and style at a time when pressure for change is growing. The need for affordable housing for young families and seniors was identified as very important by residents. Real estate prices, transactions and development continue to impact the look of the town.

The Historic Commission has identified a number of possible actions that can find balance between maintaining the town’s historic look and the need to manage future changes that will inevitably occur.

Demolition Delay By-law

Most towns on the cape, with the exception of Brewster, Mashpee and Sandwich, have a Demo Delay Bylaw. These by-laws protect historic houses requiring the owner who requests demolition to wait between 6 and 18 months before the house can be demolished. In that time the town and owner may try to find other options from partial demolition to moving the house. Over the years towns have reported saving only about a total of 20% of the houses where demolition was requested.

Brewster has 50 historic houses (built before 1925) that do not have the protection of the Old Kings Highway. The Old Kings Highway committee can refuse or approve any request for demolition of a historic house. Houses outside of the Old Kings Highway area could be subject to a Demo Delay By-law. Any by-law would need to be developed by the town, require a 51% vote at town meeting and require a process and procedure to implement.

The town could ask to change the parameters of the Old Kings Highway area to include the entire town but this would require agreement from the state. Or the town could also ask that a Demo Delay By-law cover all the historic houses both in and out of Old Kings Highway but that too would require regional and/or state agreement.

The Commission does not recommend a Demo Delay By-law as a way forward as we believe that the number of houses that would be covered does not warrant such actions. We do, however, recommend other options to meet the challenge of sustaining our historical heritage and style.

Education, Partnerships and Awards

In the 2018 Vision Plan residents indicated that they wanted *“more opportunities for current and new residents and tourists to learn about the history of Brewster.”* And to *“maintain the town’s historical heritage and style.”* While some actions have occurred others can be enhanced or developed:

- Communicate and work with a home owner of those houses not covered by the Old Kings Highway when a Certificate for Demolition is requested so that the owner is aware of the historical significance of their property and options that may be explored.
- Strengthen the partnership with The Brewster Historical Society and develop technology that covers the history from the early settlements, the people and development of the town emphasizing the importance of the town’s history and its many historical structures.
- Consider historical markers throughout the town. The Select Board has approved the Commission’s creation of an Historic Preservation Award highlighting residents who have recently restored their historic homes. This is a first step in highlighting the town’s historical buildings. There are other opportunities for historical markers.
- Continue to build partnerships with the Building Department, other town committees, especially the Old Kings Highway Historic District, and non-profits. The Commission worked with the Historical Society and the Conservation Trust to identify and preserve the 1850 Schoolhouse on 6A. This partnership was able to preserve this important building.

- Continue to work in partnership with the Stony Brook Mill Sites Committee, Historical Society, The Ladies Library, Chamber of Commerce, the Conservation Commission, Crosby Mansion and other interested parties to create a Brewster Historic Day.
- Continue to share Form B and other research with the Old Kings Highway committee to aid in their decision-making process. Through working together, the commission and the committee were able to save a historic barn on Long Pond Road.
- Support the Town Clerk on projects to preserve historic town records and archives in the town's custody and control
- Continue to contribute short articles on the history of Brewster through a variety of channels such as the Town Warrant, the town website and local press.
- Continue to participate in the development of the Local Comprehensive Plan to ensure the prominence of Brewster's history as part of Community Character

We believe that in today's challenging environment an active partnership between the town committees and other groups concerned with preserving our history is the best way forward.

The Brewster Historical Commission looks forward to further championing Brewster's history.

Attachments:

1. List of Definitions
2. Map of Brewster Historical Houses

June 2023

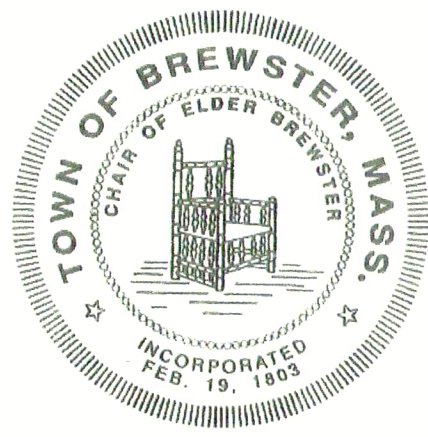
Definitions

Demolition Delay Bylaw seeks to prevent unnecessary demolition of important historic buildings by requiring a waiting period before demolition can take place. The goal is to prevent unnecessary demolition of important historic buildings, not to review design or architecture.

Old Kings Highway Historic District (OKHHD) is the Town of Brewster's Historic District Committee and is an elected committee that reviews applications for demolition of any historic structure within their area and can prevent demolition by a majority vote. The committee acts to preserve and maintain structures with historic, literary and aesthetic tradition of the town.

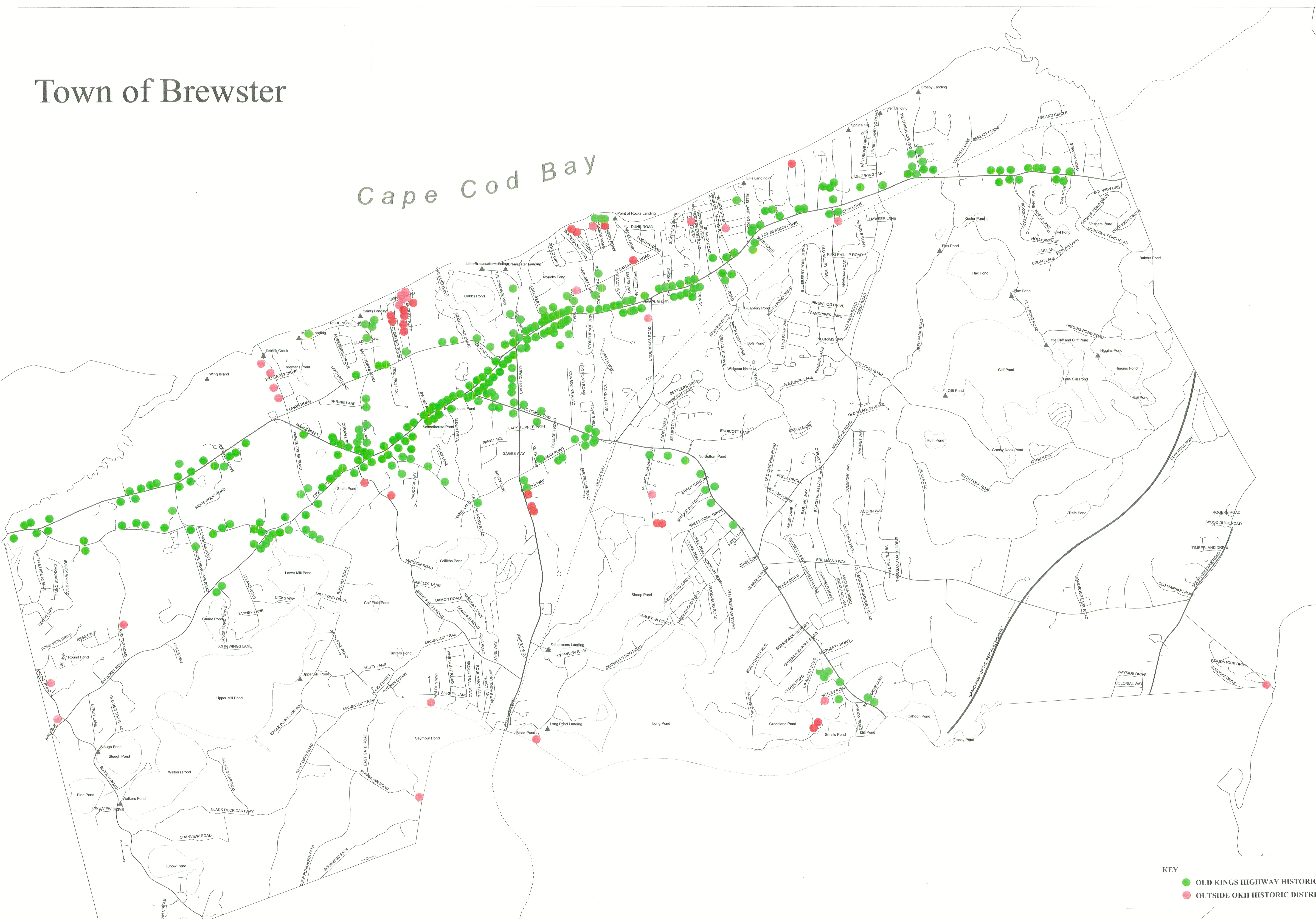
Form B is the Architectural Description and Historical Narrative of each of the historic houses in Brewster. Completed Form Bs can be found in the reference section of the Brewster Ladies Library and on the Massachusetts Cultural Site (MACRIS).

Form A is the Architectural Description and Historical Narrative of a historic neighborhood or community. In Brewster a Form A has been completed for Brewster Park and Ellis Landing Cottage Community.



Town of Brewster

Cape Cod Bay



- KEY**
- OLD KINGS HIGHWAY HISTORIC DISTRICT
 - OUTSIDE OKH HISTORIC DISTRICT

Prepared in 2018 by Brewster Historical Commission based on
Brewster Survey Plan 2016

APPROVAL OF MEETING MINUTES DATED JUNE 28, 2023



**Brewster Planning Board
2198 Main Street
Brewster, MA 02631-1898
(508) 896-3701 x1133
brewplan@brewster-ma.gov
MEETING MINUTES
Wednesday, June 28, 2023 at 6:30 pm
Brewster Town Office Building**

**Approved:
Vote:**

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

6:32 PM PUBLIC ANNOUNCEMENTS AND COMMENT

No citizen comments.

6:33 PM PLANNING DISCUSSION

Planning Board Committee Assignments.

The Planning Board discussed nominations for recommendations to the Select Board for Planning Board appointments to the Water Quality Review Committee and Community Preservation Committee. Michaels agreed to continue as the Planning Board's representative to the Water Quality Review Committee. **Motion by Degen to Nominate Rob Michaels as the Planning Board Member Recommended to the Select Board for Appointment to the Water Quality Review Committee. Second by Freitas. Roll call vote: Wentworth-yes; Michaels-yes; Degen-yes; Hillis-Dineen-yes; Freitas-yes; Taylor-yes; and Bebrin-yes. Vote: 7-0-0.**

Taylor agreed to continue as the Planning Board's representative to the Community Preservation Committee. **Motion by Hillis-Dineen to Nominate Elizabeth Taylor as the Planning Board Member Recommended to the Select Board for Appointment to the Community Preservation Committee. Second by Degen. Roll call vote: Wentworth-yes; Michaels-yes; Degen-yes; Hillis-Dineen-yes; Freitas-yes; Taylor-yes; and Bebrin-yes. Vote: 7-0-0.**

6:35 PM PUBLIC MEETING

Public listening session on accessory dwelling units.

Documents:

- 06/28/23 ADU Listening Session slide presentation
- Information received from Cynthia Stead regarding universal design

Donna Kalinick, Assistant Town Manager and Jill Scalise, Housing Coordinator were present and participated in the discussion.

Bebrin outlined the structure of the listening session. Bebrin stated that she filed a disclosure with the Town Clerk. She stated that she works at the Community Development Partnership (CDP) and part of their mission is to encourage towns to promote pro-housing strategies and policies. She further stated that she believes she can participate in this process fairly and equitably.

Idman began the presentation stating that an ADU is an accessory single-family dwelling unit regulated by zoning. It is not independent but an accessory use to the main home. An ADU is described as having self-contained living (cooking, sanitary, sleeping) facilities. THE ADU is located on the same lot as the main dwelling. Idman reviewed the existing zoning for ADUs including size requirements (40% of main home or 900 SF), an ADU can be attached, detached or within

the main dwelling, year-round owner occupancy is required, a 12-month lease is required, additional parking spaces are required, and no more than two bedrooms are allowed. Under Brewster zoning, a maximum of two dwelling units, including the ADU, are allowed per lot. There is an annual ADU/ACDU permit cap of 20. Other provisions of the ADU section of the zoning bylaw include that no boarding/lodging is allowed, the ADU design must be subordinate to the main house, and ZBA approval is required in water protection overlay districts and on lots less than 30,000 SF.

Idman reviewed typical considerations in ADU zoning bylaws including a purpose clause, owner occupancy, tenancy, lot size/dimensional regulations, ADU size, design requirements, special permit requirements, enforcement/administration, annual permit cap, and reference to related laws and regulations such as health and building. Idman noted that Brewster's current ADU zoning does not include a purpose clause. There is an implied purpose that ADUs are intended to bolster year-round housing. Idman asked for comments from the Planning Board and public on a purpose statement.

Degen stated that it made sense to include a purpose statement in ADU zoning. Degen suggested the purpose statement would be to provide year-round housing as is clearly needed. Michaels asked the Planning Board to focus on the problem that ADUs were intended to help solve and create a purpose statement based on the problem. He asked the Planning Board to consider whether the problem was year-round housing, increased density, or generational transition.

Kalinick stated that the Select Board has begun a review of their policies and they are intentionally adding purpose statements to policies that do not currently have them. She thought it was a good idea that the ADU provisions include a purpose statement and suggested that the statement include increasing year-round housing choices.

Cynthia Stead, an employee of Catholic Charities and an elected housing commissioner in the Town of Dennis, spoke about universal design in ADUs. She provided the Planning Board with information on universal design. She stated she looked at census data on Brewster and older women are a large cohort in town although standard units do not necessarily work for them and need to be retrofitted. Stead stated that one purpose of the ADU bylaw is to create housing stock that benefits all people. She suggested that incentives such as abatements could be given so those building ADUs to a universal design that would be accessible to more people. Stead discussed the history of the Dennis ADU bylaw.

Freitas stated that the purpose of ADUs should also be to help people stay in their homes. ADUs can be designed to be more accessible than the main home could provide a homeowner with financial support.

Fran Manion, Lower Road, stated that she believed the purpose statement should reference the Housing Production Plan. It is a plan that includes goals and strategies for housing and references ADUs. She stated that experts worked on the plan and have stated that ADUs are good for Brewster.

The Planning Board reviewed current owner occupancy requirements including that the owner must occupy one of the two dwellings for a continuous 12-month period. There is no express bona fide absence clause. Part time residents cannot have an ADU. Freitas asked what the requirements are for residents to vote at the Town Meeting and Kalinick responded that residents must be registered to vote in Brewster and therefore Brewster must be their primary residence. Kalinick stated that this requirement gives up an opportunity for some year-round housing. Kalinick stated that 42% of dwelling units in Brewster are not year-round. She stated she believed the intention of the owner occupancy requirement was to discourage short-term rentals. Hillis-Dineen stated that one of the units should be occupied year-round. She suggested owner occupancy for 10 months.

Talitha Abramsen of the Community Development Partnership's ADU Resource Center stated that owner occupancy is a hurdle she sees in creating ADUs. She mentioned that owner occupancy requirements have been lessened or eliminated in the West where more development is occurring. There are not short-term rental issues like there are here. Abramsen stated that there is one town on Cape Cod in which you can rent one unit for twelve months and rent the

other unit on a short-term basis. She stated that it is common that 40% of properties in a town on the Cape are not year-round and housing opportunities are being missed. She recognized that there could be monitoring issues and neighborhood issues.

Michaels stated that the Brewster Association of Part Time Residents is a group the Planning Board may want to reach out to for feedback. Scalise stated that she has received inquiries from part-time Brewster residents interested in having an ADU on their property. She has also heard from residents who are not here year-round who would like to have someone stay at their property when they are not there to watch over the property. Wentworth stated that eliminating the owner occupancy requirement may allow for more short-term rentals. Idman stated that there was the possibility of creating safeguards through special permit requirements. Special permits could be required for part-time residents to have an ADU or could be used to allow year-round rental of both the ADU and main home on a property.

The Planning Board discussed tenancy requirements. Bebrin stated that currently ADU zoning requires a 12-month lease. She asked whether a 12-month lease equaled year-round housing. Idman asked the Planning Board to consider whether year-round round housing equals one tenancy for one person for 12 months. Idman stated in Harwich ADUs must be used as year-round housing, but a minimum of a 6-month lease is required. Michaels stated that a 6-month lease may be more inclusive and could help provide workforce housing. Freitas stated that the bylaw needs to be flexible not punitive. If a property owner is not able to secure a 12-month lease it should not mean that an ADU is not possible. Hillis-Dineen expressed concern that changes to these provisions would create investment properties not affordable ADUs.

Rick Draper, 288 Whiffletree Avenue, stated that he believed one of the two units on the property should be occupied year-round but that a 12-month lease was not necessary. He suggested a provision that the ADU be rented for an extended period of not less than three months to avoid short-term rentals. Michaels agreed with Draper and stated that he believed the 12-month lease period was put in the bylaw to deter short-term rentals. Wentworth also agreed and stated that reducing the lease to 6 months would not have a negative impact on the bylaw and would help to prevent short-term rentals. Abramsen stated that she is aware of a bylaw in Colorado which uses a different tenancy model that allows for rentals by students and workers. She will provide more information on this model.

Freitas stated that short-term rental properties are required to be registered through the state. There is a database available of these registered properties that Brewster could access to see if an ADU was being used as a short-term rental. Kalinick responded to comments by Freitas stating that the town does have the ability to access the DOR database. She also stated that the purpose of the 12-month lease when the bylaw was drafted in 2018 was to provide year-round housing. Kalinick liked the idea of shorter-term leases but tying them to other requirements such as work or school terms. She also noted a problem in Brewster in which people have short-term leases and are asked to leave the rental in the summer so even more people are looking for housing during that time. Kalinick stated that the ADU provisions should consider all scenarios and must not be so restrictive that people do not want to create ADUs.

Freitas asked Scalise for clarification on homes available for ADU rentals and how many were winterized. Scalise clarified that 42% of homes in Brewster are seasonal or used on a part-time basis according to 2020 census data. She will look further to see if the data provides information on available winterized homes. Scalise stated that a purpose statement was provided in 2018 as part of an ADU fact sheet. The purpose was to allow for development of accessory dwelling units that will provide more year-round rental options and home ownership opportunities. The fact sheet further stated that this community housing strategy was recommended by the 2017 Housing Production Plan and the 2018 Vision Plan. The intent of the bylaw is to diversify the housing stock to meet community needs. Scalise further stated that she was hearing concerns about short-term rentals and suggested the Planning Board may want to consider expressly prohibiting short-term rentals in the ADU bylaw.

Degen asked if it was possible to fine property owners for renting ADUs on a short-term basis. Idman responded that it is possible to establish fines. The Building Commissioner is the enforcement officer of the zoning bylaw. Idman stated

that fines and injunctions could be used by the Building Commissioner. Idman stated that the Building Commissioner could require the cooking facilities of one of the two units on the property be removed. Bebrin stated that there are other mechanisms such as fees instead of fines that property owners could be assessed for using an ADU as a short-term rental. The Planning Board would have to consider what an appropriate fee would be in the event a property owner decides to rent the ADU on a short-term basis and not for the intended long term rental purpose.

Wentworth asked if it was possible for the town to create an online database related to ADUs in which property owners could upload leases or letters of vacancy for the town to monitor. Michaels stated that the requirement of a 12-month lease does prevent short-term rentals so he wonders if the requirement should remain. Freitas said the 12-month lease requirement and year-round occupancy requirement are the two biggest deterrents to creating ADUs.

The Planning Board discussed the lot size and dimensional regulations included in the ADU provisions. Bebrin stated that a special permit from the ZBA was needed to create an ADU on a lot less than 30,000 SF. There is no historical zoning of this lot size but there has been 25,000 SF and 15,000 SF lot sizes. Bebrin also noted that the current zoning bylaw only references setbacks for attached ADUs. There is no mention of other dimensional requirements such as coverage or height and no mention of setbacks or dimensional requirements for detached buildings. The bylaw refers to "conforming" setbacks for the zoning district pursuant to Table 2, Area Regulations, of the zoning bylaw. Brewster zoning has setbacks on a per lot (not district) basis that refers to when the lot was created. Bebrin said this speaks to the complexity of creating an ADU because those interested must research the history of their lot and relevant regulations at the time the lot was created. Idman suggested language to clarify this section of the bylaw by stating that ADUs shall be subject to the dimensional requirements of the property. Wentworth agreed and stated that there were already dimensional requirements in place for lots so additional specific language for ADUs is not needed and could create more limitations. Michaels agreed and stated that the language as drafted adds to the complexity of creating an ADU. Freitas stated that the restriction of a special permit invites neighbors to oppose a project with or without reason. He stated there should be more opportunity for ADUs by right.

Vanessa Greene, Tracy Lane, a member of the Housing Partnership and the Affordable Housing Trust stated that there are existing regulations elsewhere in the zoning bylaw that do not need to be included in the ADU regulations as it makes it seem more restrictive. Greene stated that allowing ADUs by right with the right process and regulations would be beneficial. She noted that residents may feel intimidated when having to appear before a town board or committee and therefore may opt not to pursue a permit.

Michaels inquired about the 30,000 SF lot size requirement. He stated he believed the requirement was a "guard rail" and asked whether it was needed. Kalinick responded that the 30,000 SF lot size requirement was a compromise when the bylaw was originally drafted. At the time, there were some Planning Board members who wanted to see a 15,000 SF or 20,000 SF requirement and others who wanted to see a 40,000 SF lot size requirement so they compromised at 30,000 SF. Kalinick stated that as Idman previously mentioned this requirement is not aligned with other sections of the zoning bylaw. Kalinick stated that she is impressed with the Planning Board's open mindedness and thoughtfulness in revising the bylaw. Bebrin stated that the Planning Board needs to consider at what point or what size it is appropriate to require a special permit. A special permit requires a public hearing and allows for public comment on the project. Idman stated that it is difficult to find lots in Brewster that are 30,000 SF because that size has not been required through zoning. Abramsen stated that by right ADUs are a tool used in the West to streamline the ADU process. Manion commented that lot size was the first hurdle she faced with her ADU project as her lot is 29,845 SF.

The Planning Board discussed size requirements for ADUs. Currently, the bylaw requires the ADU to be the lesser of 40% of habitable space of the main house or 900 SF. Idman noted that "habitable" is not defined in the zoning bylaw but under state building code excludes bathrooms, halls, closets, and utility spaces. The percentage approach advantages larger existing homes and can be confusing and difficult to calculate. Idman provided examples of the 40% ADU size requirement. He noted a 40% ADU within a 1,500 SF dwelling is approximately 400 SF. A 40% ADU detached or in addition to a 1,500 SF dwelling is approximately 600 SF. If an ADU is proposed as an addition or detached building, the

existing dwelling would need to be 2,250 SF for a 900 SF ADU. If the existing dwelling is less than this size an addition to the existing dwelling would need to be created to create an ADU of 900 SF. Idman asked the Planning Board to consider whether ADU size requirements need to include both a percentage calculation and size requirement. Michaels stated that the 40% requirement is complicated, but it was probably included to make sure the ADU fits with the character of the main dwelling. Michaels agreed that larger existing homes receive an advantage. Michaels stated he thought there should be less guard rails for ADUs within homes or above garages because these spaces already exist. Bebrin stated that having a flat size like 900 SF could help with development costs and may allow people to access pre-existing plans. Bebrin noted that when the bylaw was originally drafted there was a concern that there would be rampant development and that was one of the reasons for the size restrictions.

The Planning Board discussed ADU design. Idman noted that the bylaw states that an ADU must be “clearly subordinate” to the main home. Idman asked whether the focus should be on keeping the property as single-family residential in nature. In Brewster, accessory buildings with bedrooms are allowed without any design criteria. The “clearly subordinate” criteria can challenge the Building Commissioner. Stead asked if the design would be reviewed by the OKH District Committee. Idman stated that if the property was in the Historic District, it would be reviewed but their focus is preservation not necessarily architectural design. Wentworth suggested that with an ADU size such as 1000 SF plans could be kept and shared with applicants to save on design costs. Abramsen stated that ADU Resource Centers she works with out West do have standard plans available to those looking to construct an ADU. It is a tool used to help reduce the costs of creating an ADU. Freitas stated that ADUs would be less restrictive if a standard size was used. Abramsen stated that one of the pre-existing plans could be created with universal design principles.

The Planning Board discussed special permits for ADUs. Bebrin stated that currently the zoning bylaw requires a special permit for an ADU if the lot is less than 30,000 SF or is in the Herring River Watershed, DCPC (Zone II and Pleasant Bay Watershed). Water overlays occupy the entire south part of Brewster. Zoning in the DCPC includes ground water protection provisions for nitrogen. Idman noted that an applicant building in the DCPC goes through an administrative review with the Health and Building Departments in addition to the special permit process. Bebrin asked the Planning Board to consider whether they should be the special permit granting authority. The ZBA currently reviews special permits for ADUs. She also asked the Planning Board to consider whether unique special permit standards should be adopted for ADUs. Historically, lot sizes in Brewster have been 15,000 SF and 25,000 SF.

Michaels stated that about 40% of Brewster is covered by the DCPC. The Planning Board discussed whether it was necessary to require a zoning special permit for an ADU. They discussed the additional costs associated with a special permit and the additional time and resources applicants had to expend. Idman stated that he has seen proposed ADUs not make it past administrative review because standards cannot be met. Idman also noted that the DCPC is made up of both a groundwater protection overlay and an estuarine resource. Taylor stated that she believes the 30,000 SF lot size requirement should be changed. If the Board of Health is already reviewing the nitrogen and DCPC requirements, additional review by the ZBA does not seem necessary. Idman stated that in 2021 there was a zoning change that made the nitrogen loading regulation applicable to all development in the DCPC. Taylor also stated that setback requirements need to be reviewed and it may be easier to have one set of setbacks for ADUs.

Scalise stated that when the original bylaw was drafted the water protection provisions were put in as guard rails. In the last 5 years, Brewster has not seen ADU development in these districts causing issues with water. Hillis-Dineen stated that there was fear of rapid development of tiny houses in 2018 that did not happen. Michaels mentioned recently enacted state law related to Title 5 and suggested the Planning Board may want to pause on water protection provisions to see what towns do in response to the new law.

The Planning Board discussed the option the zoning bylaw currently allows to create accessory buildings with bedrooms without any size restrictions. Idman stated that the accessory buildings could not have cooking facilities. Freitas stated that people would still be able to rent them short-term as most renters would not care about the cooking facilities. Bebrin stated that there will always be bad actors, but the Planning Board cannot draft to restrict bad acts. Abramsen

asked the Planning Board to consider bumpers for short-term rentals while widening the path for ADUs to be more easily created.

The Planning Board discussed enforcement and administration of ADUs. Enforcement is handled by the Building Commissioner. An annual affidavit is required but there is no existing tracking or registration mechanism. In some cases, a certificate of occupancy or building permit may not be required under the state building code. Bebrin noted that there is a 20-permit cap per year which has not been reached to date. There is also reference to other laws and regulations such as Title 5 and the state building code in the zoning bylaw. Idman stated that part of the purpose statement could be that ADUs are not intended for short-term rentals even though that will be difficult to enforce. Michaels asked whether it was necessary to require an annual affidavit if it was not being tracked. Idman responded that removing the affidavit requirement does not mean that there is no zoning enforcement. He referenced Orleans as a town which had an affidavit requirement at one time but no longer has that requirement. Idman suggested that there are mechanical challenges with the current affidavits. He stated that if Brewster is going to require affidavits, the Building Commissioner should have discretion as the enforcement agent as to what should be included in the affidavit. Idman also stated that there is no good tracking mechanism right now at the front end because ADUs are a zoning concept and not a building concept. For purposes of the zoning bylaw, a zoning permit could be issued for ADUs and tracked. Wentworth stated that the current affidavit system is not working. He stated that tracking ADUs is important not just for enforcement but for informational purposes so it can be determined how many exist and if they're working.

Scalise stated that she reviewed how many units were created each year since the bylaw's inception in 2018. She reviewed special permits, building permits, and certificates of occupancy for accessory apartments and ADUs. The following units were created: 2019-6; 2020-7; 2021-5; 2022-2; and 2023 (to date)-5. These were not necessarily built but were permitted. Kalinick stated that she is hopeful that with revisions to the ADU bylaw, to make it more accessible and easier to use, more units will be created. She stated that she does not believe a cap is necessary. Taylor agreed that there should not be a cap. She asked about e-permitting options.

Draper stated that he is pleased with the steps Brewster is taking to create new housing including working on revisions to the ADU bylaw and the opening of the housing complex on Brewster Road. Draper stated that in addition to finding new ways to create housing, the town needs to find a way to attack the problem of short-term rentals. He asked the Planning Board to consider options such as requiring rental properties to be registered so that entities could not be allowed to own more than one rental property. He mentioned higher taxes on properties where the owners do not actually live on the property. Draper suggested community preservation funds or other sources could be used to purchase deed restrictions.

Greene stated that she thought accessory commercial dwelling units (ACDUs) should be handled separately and in a separate bylaw from ADUs. She thought the audience for ACDUs was different. Bebrin stated that the current focus of the Planning Board is on revisions to the ADU provisions of the bylaw and ACDUs will be considered later.

Bebrin reviewed the next steps including a draft revision to the ADU provisions and additional listening sessions to discuss that draft. The Planning Board will also work on targeted outreach.

8:42 PM APPROVAL OF MEETING MINUTES

Approval of Meeting Minutes: June 14, 2023.

The Board reviewed the June 14, 2023 meeting minutes. **Motion by Degen to Approve June 14, 2023 Meeting Minutes, as amended. Second by Michaels. Roll call vote: Taylor-yes; Freitas-yes; Hillis-Dineen-abstained; Degen-yes; Michaels-yes; Wentworth-yes; and Bebrin-yes. Vote: 6-0-1.**

8:44 PM COMMITTEE REPORTS

Degen summarized the Select Board meeting of June 26th which included discussion with the School Committee on appropriating special education stabilization funds, appointment of liaisons, announcement of the new Fire Department

contract, discussion on state regulations on Title 5 effective July 7th, and feedback on the Ponds Summit. Wentworth stated that the Vision Planning Committee (VPC) met on June 26th and welcomed member Fran Schofield back. The VPC discussed outreach materials and a timeline for outreach to the public. Deadlines were also discussed in preparation for the Fall Town Meeting. The next VPC meeting is on July 17th. The Bay Property Planning Committee was presented with the data from the first public forum and survey. A total of 1500 people participated between the forum and survey. Themes such as coastal protection, passive recreation, community center and community programming, housing, and re-use of structures were part of the responses. The committee is planning a second forum on Saturday, August 5th. The community pool has been opened.

8:50 PM FOR YOUR INFORMATION

The Planning Board received notice of recent decisions issued by the Harwich Planning Board. The Select Board recently reorganized and Ned Chatelain is the new liaison to the Planning Board. Bebrin thanked Hoffmann for her service as the liaison and for all her work on the Planning Board.

8:51 PM MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

None.

Motion by Michaels to Adjourn. Second by Freitas. Roll call vote: Taylor-yes; Michaels-yes; Degen-yes; Hillis-Dineen-yes; Freitas-yes; Wentworth-yes; and Bebrin-yes. Vote: 7-0-0. The meeting adjourned at 8:52 PM.

Next Planning Board Meeting Date: July 12, 2023.

Respectfully submitted,

Lynn St. Cyr, Senior Department Assistant, Planning

FOR YOUR INFORMATION

Abutter Notification of a Public Hearing

You have been identified as an abutter and/or an abutter to an abutter within 300 feet, a property across the roadway or a party of interest to the referenced parcel(s). The hearing, as noted, will provide an opportunity for you to review the proposal and offer comments, either in person or in writing addressed to the Planning Board.

**HARWICH PLANNING BOARD
PUBLIC MEETING NOTICE**

The Harwich Planning Board will hold public hearings beginning no earlier than **6:30 PM, Tuesday, July 25, 2023** in the Don B. Griffin Room, Town Hall, 732 Main Street, Harwich, MA 02645 to consider the following matters. Any member of the public is invited to attend and provide comments to the Board. Written comments may also be submitted to the Board prior to the hearing by mailing them to the Planning Department, Town Hall, 732 Main Street, Harwich, MA 02645 or by emailing them to the Planning Assistant, Shelagh Delaney at sdelaney@harwich-ma.gov (**SEE ATTACHED FORM**)

Case # PB2023-22 Eastward Companies, through its agent, Susan Ladue has applied for a determination and endorsement of an 8-lot Preliminary Residential Grid Subdivision. The application is pursuant to MGL CH 41 § 81K-GG. The property is located at 1594 and 1598 Orleans Road, Assessor's Map 107, Parcels S2-1 and S2-2 in the Residential Rural (RR) Zoning District and Zone II Drinking Water Resource Protection District (DWRPD).

Case # PB2023-23 John Canducci, through his agent, Attorney William Crowell, has applied for an Alternate Access. The application is pursuant to the Code of the Town of Harwich §325-18K and MGL CH 40A sec 9. The property is located at 32 Deer Run., Assessor's Map 35, Parcels P1-2 in the Residential Medium Density (RM) and the Commercial Highway (CH1) Zoning Districts.

Case # PB2023-24 LaBarge Engineering & Contracting, Inc. has applied for a Site Plan Review and a Special Permit in order to build a 163 sf. addition. The application is pursuant to the Code of the Town of Harwich §325-55 and §325-51 and MGL CH 40A sec 9. The property is located at 237 Route 28, Assessor's Map 12, Parcel N1-1 in the Commercial Highway (CH-1) Zoning District.

Documents and plans related to these applications may be viewed on the Planning Board's home page: www.harwich-ma.gov/planning-board and are on file with the Town Clerk and may be viewed at the Planning Department, Town Hall, 732 Main Street, Harwich, MA 02645 during regular Town Hall hours. For additional information contact the Planning Assistant, Shelagh Delaney, at sdelaney@harwich-ma.gov.
Duncan Berry, Chair

RECEIVED

JUL - 6 2023

BREWSTER PLANNING BOARD
ZONING BOARD OF APPEALS



TOWN OF HARWICH PLANNING BOARD

Duncan Berry Chair, Craig Chadwick Vice Chair, David Harris, Mary Maslowski, Anne Clark Tucker and Emily Brutti, Harry Munns Members; Alt. Member Allan Peterson

To All Neighbors Receiving Public Hearing Abutter Notices:

The Harwich Planning Board has a policy on the submission of letters and information in connection with all applications submitted to the Planning Board.

The Planning Board requires that all written comment letters from interested parties and their representatives, on projects requesting a Special Permit or Subdivision approval scheduled to be discussed at a Tuesday evening Board meeting be submitted to the Board no later than 9:00AM on the preceding Thursday.

This will enable the staff sufficient time to copy the comment letters for the Planning Board meeting packets and provide the Board with time to review the information over the weekend, in advance of the Tuesday evening meeting.

Any information submitted after the Thursday morning deadline might not be included in Board meeting packets and may not be given full weight and consideration during deliberations. You are welcome to attend the public hearing to provide oral testimony.

Your comments on the projects being reviewed are important to the Planning Board. The Planning Board asks for your consideration and cooperation on this matter.

Sincerely

Duncan Berry, Chair
Harwich Planning Board

Lynn St. Cyr

From: Talitha Abramsen <talitha@capecdp.org>
Sent: Thursday, June 29, 2023 12:11 AM
To: brewplan
Subject: Crested Butte CO ADU bylaws

Dear Brewster Planning Board members and Jon,

Thank you for your thoughtful presentation and the opportunity for the public to weight in and share perspectives on ADU bylaws this evening.

Below is a link giving an overview of the Crested Butte CO ADU bylaws I alluded to in my comments to the board.

<https://crestedbuttenews.com/2023/05/cb-council-outlines-regs-for-new-adu-renters/>

I was inspired by the great questions posed by the board at the listening session and am excited for what conversations are ahead for your community.

Best,
Talitha Abramsen
CDP | ADU Resource Center

Get [Outlook for iOS](#)

CB COUNCIL OUTLINES REGS FOR NEW ADU RENTERS

🕒 May 10, 2023 👁 2,838 Views

Two tiers based on taking town money...or not

By Mark Reaman

In an effort to diversify its affordable housing portfolio, the Crested Butte town council is shying away from putting strict regulations on the future Accessory Dwelling Unit (ADU) rental pool. The idea is to address workers first through other workforce housing-oriented projects so that, with respect to future ADUs, the focus would be on community longevity as an eligibility qualification for renting an ADU.

The council directed staff to come up with a two-tiered system, placing property owners who build an ADU but who do not take financial subsidies from the town in the first tier and those who do take subsidies in tier two. Those subsidies include the potential of waived water and sewer tap fees, along with building permit fees, worth almost \$40,000. The council will be considering even more robust financial incentives to get ADUs built and have generally discussed the idea of paying as much as \$200,000 to get such units constructed. The staff has yet to flesh out details of that potential subsidy, but it will be discussed as part of the budget process in the fall.

Under this system, tier one homeowners building an ADU would be able to rent to anyone who has lived in the community for at least five years. In the second tier, if a homeowner does take the town subsidy, they would be required to rent to either someone working 1,200 hours a year in the valley (about 20 hours per week), a full-time Western Colorado University student, someone getting a trade license (like an electrical apprentice) or someone who is retired but worked at least 1,200 hours a year locally for four years before retiring. All ADU rentals in both tiers would have to be for at least six months with no allowance for any short-term rentals or personal/guest use.

"For me with the new ADUs, it's less about work and more about community building," said mayor Ian Billick.

"I come down more on the work side," countered councilmember Chris Haver. "But I don't want restrictions to be so stringent that it inhibits the ability to rent them."

"We have to be aware of the bureaucratic burden on the owner," said Crested Butte housing director Erin Ganser. "We should make sure we have something that is easily understood and administered.

"ADUs, philosophically to me, fill a niche other than strictly workforce housing," said councilmember Anna Fenerty.

"It seems to me an incentive to the homeowner that is considering building an accessory dwelling unit would be to have a bigger pool of possible renters," said councilmember Mallika Magner. "Maybe this is the place to be slightly more generous with fewer restrictions."

Crested Butte community development director Troy Russ said that any new regulations would apply only to new ADUs and not the 93 existing units.

"We are talking about restricting more from where we currently are, while keeping it pretty loose," said councilmember Beth Goldstone. "But I thought the whole point was to focus on the workforce. A concern is that we allow remote workers to come in and rent ADUs and that results in higher rents for those units."

"ADUs are an opportunity to be more flexible," said Billick. "Given some of the conditions that come with the federal money we hope to get for other projects for example, there will be plenty of restrictions."

"Crested Butte is not the standard, traditional work-style type of place," noted Magner who pushed back at the staff's original recommendation that renters must work at least 1,500 hours a year, or about 30 hours a week. "Many of us didn't come here to work and just make money."

"A lot of restaurant workers don't work 30 hours a week, 50 weeks a year," pointed out Fenerty, who suggested the hour threshold be reduced to 1,200 hours a year. "They work during the seasons and can make a lot of money not working those hours. Plus, we still want an opportunity for ski bums in this town who would be happy to work 20 hours a week and just get by."

Billick and Magner said that given real estate prices in town, the tap and permit fee waivers of about \$40,000 would probably not be enough incentive to entice the wealthier demographic to add an ADU to their new home. Russ pointed out that there were still some homes in town owned by working locals that might be incentivized to add on an ADU given the possible financial incentives.

Councilmember Gabi Prochaska suggested the two-tier system to allow long-term community members of at least five years as the only restriction to rent a new ADU if no town subsidies are used.

Russ said the town had never received an application for an ADU that did not include the request for the fee waivers, which until last year were only a portion of the tap fees, or about \$18,000. Town manager Dara MacDonald added that some restrictions would be appropriate given taxpayer dollars were being used to subsidize the ADU cost. Ganser reminded the council that ADUs were not a use by right but rather a conditional use in town.

"I like the idea because we will learn something," said Billick, noting it would be interesting to see if anyone turns down the subsidies to avoid the tighter work restrictions for renters but nevertheless builds an ADU.

Town staff will develop details of the direction set by the council and a public hearing on the issue is scheduled to take place May 15. Haver voted against setting the ordinance for second reading.



ADU LISTENING SESSION

Brewster Planning Board

June 28, 2023



MEETING TOPICS/ PUBLIC INPUT

- Discuss Existing Zoning Bylaw
- Discuss General ADU Criteria
- Discuss potential amendments
- General observations, experiences, comments & suggestions





WHAT IS AN ADU?

- Regulated by zoning
- Accessory single- family dwelling unit
- Accessory use to main home- not independent
- Self-contained living (cooking, sanitary, sleeping) facilities
- Same lot as main dwelling



EXISTING ADU ZONING



- Size: lesser of 40% main home or 900 sq ft
- Can be attached, within or detached
- Owner occupancy req'd- 12 mos.
- Lease term 12 mos.
- Additional parking spaces req'd
- No more than 2 bedrooms
- Max 2 dwelling units per lot, incl. ADU
- Annual ADU permit cap- 20
- No boarding/ lodging
- Design subordinate to main house
- ZBA approval req'd in water protection overlay districts and on lots >30,000 sf





TYPICAL CONSIDERATIONS-ZONING

- “Purpose” clause (intent)
- Owner occupancy
- Tenancy
- Lot size/ dimensional regulations
- ADU Size
- Design requirements
- Special permit?
- Enforcement/ administration
- Annual permit cap
- Reference to related laws and regs (health, bldg, etc)

"PURPOSE" CLAUSE

- Brewster ADU Zoning does not currently have one
- Inclusion could bolster year-round housing intent



OWNER OCCUPANCY

- Required currently for continuous 12 mo. period (either unit)
- No express bona fide absence clause
- Part time residents can't have an ADU under current language



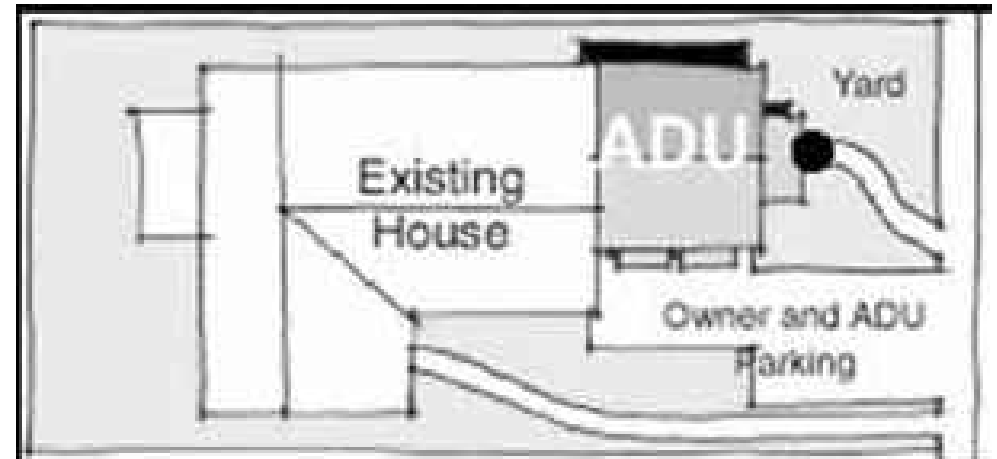
TENANCY

- Must be 12 mo. lease currently
- Does year-round housing = 12 mo. lease?



LOT SIZE/ DIMENSIONAL REGS

- ZBA Special Permit for less than 30000 sq ft lot- (historical zoning in Brewster was 25k or 15k)
- ZBL currently only references setbacks for attached ADUs (not other dimensional reqs. like coverage, height, etc. or detached buildings)
- Refers to 'conforming' setback for district (ZBL Table 2)
- Brewster Zoning has unique setbacks- "per lot" not district- back to when lot was created



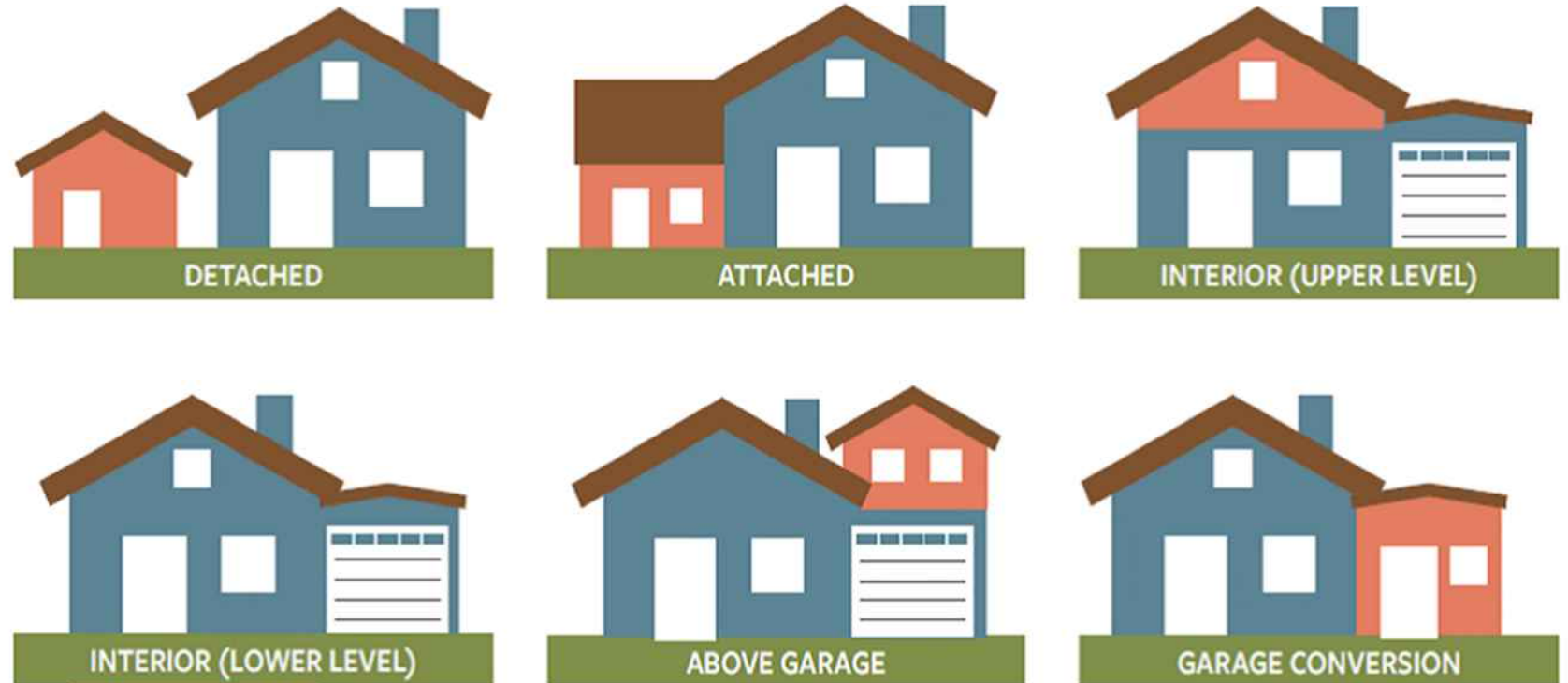
ADU SIZE

- 40% habitable space of main house or 900 sq ft, whichever is less
- 'Habitable' not defined under the ZBL- under SBC excludes bathrooms, halls, closets, utility spaces
- % approach advantages a) larger existing homes, and b) can be confusing and difficult to calculate.
- Examples:
 - 40% ADU WITHIN an existing 1500 sq ft dwelling= approx. 400 sq ft ADU allowed
 - 40% ADU within a DETACHED building accessory or ADDITION to an existing 1500 sq ft dwelling= approx. 600 sq ft ADU
 - Existing 2250 sq ft home necessary to get max 900 sq ft ADU based on 40% rule (if ADU proposed as an addition or detached building)



DESIGN

- “Clearly subordinate” to main house
- Is this a use or design provision?
- Focus on single-family residential character of property?



ADU SPECIAL PERMIT

- Zoning Board of Appeals (ZBA) approval req'd:
 - Lots less than 30,000 sq ft
 - Herring River Watershed
 - DCPC (Zone II & Pleasant Bay Watershed)
 - Water overlays occupy entire south part of Town
 - See GIS map:
<https://www.mapsonline.net/brewsterma/index.htm>
|
 - DCPC zoning includes groundwater protection provisions re: Nitrogen
- Planning Board SPGA?
- Adopt unique Special Permit standards for ADUs?
- 15k & 25k sq ft historic lot sizes under zoning



ENFORCEMENT/ ADMINISTRATION

- Building Commissioner
- Annual affidavit required (currently ZBL prescribes content)
- No existing tracking or registration mechanism
- In some rare cases, a CO or construction permit under the SBC might not be required
- Existing permit cap of 20/ year
 - Haven't been close to approaching
- Other laws and regulations are referenced in the ZBL (Title 5, SBC, etc.)



GENERAL OBSERVATIONS, EXPERIENCES, COMMENTS & SUGGESTIONS



- THANK YOU! YOUR INPUT IS VALUED!

