

Town of Brewster Planning Board

2198 Main St., Brewster, MA 02631 brewplan@brewster-ma.gov (508) 896-3701 x1133

AMENDED PLANNING BOARD MEETING AGENDA

2198 Main Street October 11, 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.

Amended 10/06/23, to add new agenda item #7.

- 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. Special Permit and Site Plan Review Decision #2019-01 MOD1:
 - Applicant/Owner: Stephen Brown, Trustee of the Brown Realty Trust, through his representative David Schlesinger, has requested an extension to Special Permit and Site Plan Review Decision #2019-01 issued pursuant to Brewster Zoning Bylaw Chapter 179-5E and 179-51. The special permit allows for the construction of a new building containing retail and office uses at 2624 Main Street, Tax Map 89, Parcel 14. The Planning Board will consider and potentially vote whether to approve the extension request.
- 7. The Planning Board will review, discuss, and potentially vote whether to submit written testimony in support of House Bill No. 3858, An Act Relative to Incentivizing Multi-Family Housing through Redevelopment.



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. Approval of Meeting Minutes: September 27, 2023
- 9. Committee Reports.
- 10. For Your Information.
- 11. Matters Not Reasonably Anticipated by the Chair.
- 12. Next Meetings: October 25, 2023 and November 8, 2023.
- 13. Adjournment.

Date Posted: 10/05/23

Date Revised: 10/06/23

Received by Town Clerk:

BREWSTER TOWN CLEAK

23 OCT 6 9:23 on

SPECIAL PERMIT AND SITE PLAN REVIEW DECISION #2019-01 MOD1

APPLICANT: STEPHEN BROWN, TRUSTEE OF THE BROWN REALTY TRUST

PROPERTY: 2624 MAIN STREET



Town Of Brewster

Office of: Planning Department

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

MEMORANDUM

Date: October 4, 2023To: Planning BoardFrom: Town Planner

Re: PB#2019-01 MOD1, Special Permit/ Site Plan Approval Decision Extension Request

Owner/ Applicant: Stephen Brown, Trustee, Brown Realty Trust

David Schlesinger, Representative

Property: 2624 Main Street, East Brewster (Map 89 Parcel 14)

The owner/applicant, through his representative, has submitted a request to extend the above-referenced decision, which permitted redevelopment of the property with a commercial building and associated site improvements for retail and office uses.

The Brewster Zoning Bylaw provides that a special permit decision expires in two years if not exercised or extended.

The decision has been extended once (for a one-year term) by the Planning Board and by virtue of state law under the COVID-19 emergency declaration (additional 462-day extension). After the collective extensions, the decision is now set to expire this month.

The standard to allow extension of a decision under the state zoning act (GL Ch. 40A, Section 9) is 'for good cause shown.' Under state zoning law and the Brewster Zoning Bylaw, an extension request is essentially handled as a decision modification.

In considering the extension, the zoning relative to the property is essentially the same as was in place when the permit was granted, so allowing the proposed development under the terms and conditions of the decision does not represent a departure from current zoning rules.

The Planning Board cannot extend at any one time for longer than the original permit term (2 years).

I'd recommend that the Planning Board inquire into the reasons why the decision has not yet been exercised and why it should be extended, as well as the requested term of the extension. The Planning Board may also want to consider whether it appears reasonably likely that the applicant (or successor) has the resources and intends to exercise the permit or if it appears extension requests are likely to perpetually return to the Board.



Town of Brewster Planning Board Ch. 179 Application Cover Sheet

FOR TOWN OFFICIAL USE ONLY TOWN CLERK RECEIVED:



PERMIT NUMBER ASSIGNED:

Project Location:	2019-01 Extension.
2624 Main St	Brewster Ma 026
Street Address	
Assessors Map(s) and Parcel(s)	Deed/ Title Reference
Zoning District(s)	
Applicant:	
David Schlesinge	1, Brown Realty trust
2628 Main St	
Mailing Address	
774-994-7963	Davy Boy 808 @ gmmilie
Phone Number	Email Address
Property Owner (if different than Applicant):	í
Brown Realty	Trust do
2628 Main S	+
Mailing Address	
508-896-6003 Phone Number	Email Address Son 2628@ Yahoo. Con-
Professional Representative:	
David Schlesinser	
	- Troperty Many cor
Name	- Troperty Manager
	Troperty Manager

Special Permit (Zoning Bylaw Section 179-51 or list other or different Zoning Bylaw Sections, as applicable, below) Site Plan Review (Zoning Bylaw Section 179-63) Decision Modification (Provide relevant case number/s below) Decision Extension (Provide relevant case number/s below) Other (List Zoning Bylaw Section/s below) Brief Project Description: Special Permit # 2019-01 was SSO (ed May 22nd 2019 Due to Colid it has been delayed and extended. The Property will be sold soon and the permit adds. The Property will be sold soon and the permit adds ualve. We want to keep it in place to have a signatures Professional Representativy (as applicable) Professional Representativy (as applicable) For Royal Declaration of the permit and sold so was a signature of the new owners. Professional Representativy (as applicable) For Royal Declaration of the permit and sold sold sold sold sold sold sold sol	Type of Application (Check as applicable):
Site Plan Review (Zoning Bylaw Section 179-63) Decision Modification (Provide relevant case number/s below) Decision Extension (Provide relevant case number/s below) Other (List Zoning Bylaw Section/s below) Brief Project Description: Special Permit #2019-01 was SSUCED May 22nd 2019 Due to Covid it has been delayed and extended. The Property will be sold soon and the permit odds value, we want to keep it in place is the new owners. Signatures Dand Schemen Brusentia Medication. Property Owner (If different than Applicant) Date Date	Special Permit
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Property Owner (if different than Applicant) Date 8/30/23	Dail Sc/ 8/30/23
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Dml S = 8/30/23	
Professional Representative (as applicable) For Brown Results Tours Land Start Brown	Property Owner (if different than Applicant) Date
Professional Representative (as applicable) For Brown Results Tours Land Start Region 1	
Professional Representative (as applicable) For Brown Results Tours Land Stall Brown	Dml 5 = 8/30/23
161 Die realifficosi and Diegren Die	Professional Representative (as applicable) For Brown RealtyTrust and Stephen Brown
If the Applicant is not the Owner, the Application materials shall include the Owner's written consent or \ See email	

authorization to make application, or evidence that the Applicant's interest in the property is sufficient to make application (e.g. lease, P&S Agreement, etc.).

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

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

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

Submit to:

Brewster Planning Department Town Offices-2198 Main Street Brewster, Massachusetts 02631-1898 (508) 896-3701 x 1133

brewplan@brewster-ma.gov

Lynn St. Cyr

From:

stephen brown <ginkgo2628@yahoo.com>

Sent:

Tuesday, September 5, 2023 11:26 AM

To:

Lynn St. Cyr; David Schlesinger

Cc:

stephen brown

Subject:

From stephen

Hi Lynn!

You are the only person at town hall that I miss! Hahaha

Davey says I need to send you a note saying that I approve of an extension of the Collaborative Health Center Plan that was approved and extended until October. I am flying back from visiting my son and g'daughter in Colorado on Thursday, so if I need to sign something I can do so on Friday or Monday.

TO whom it may concern,

The Planning Board has my permission to extend the approval previously granted for the construction of a Collaborative Health Center at 2624 Main Street, Brewster.

Thank you— STEPHEN BROWN, 2624 Main St, Brewster, Ma.



Town Of Brewster

Planning Board
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 ext. 133

Special Permit & Site Plan Review Decision # 2019-01

APPLICANT/OWNER:

Stephen Brown

LOCATION:

2624 Main Street

MAP/PARCEL:

Assessors' Map 98, Lot 14

APPLICATION FILED:

December 10, 2018

DECISION DATE:

May 22nd, 2019 (Special Permit) & June 12th, 2019 (Site Plan)

APPLICATION:

The Applicant filed for a Special Permit under Brewster Zoning Bylaw Chapter 179-5E, 179-51, and 179-66, to expand an existing commercial use from the Village Business (V-B) zoning district into the Residential Medium Density (R-M) zoning district and to construct a new building for use as an Apothecary, which will contain retail and medical office uses.

JURISDICTION:

The Planning Board shall be the Special Permit Granting authority for the Application per Brewster Zoning bylaw Section 179-51 (Special Permit), and 179-63 (Site Plan Review). A public hearing was held on February 13, 2019, March 13, 2019, April 10, 2019 (continuance), May 8, 2019 (continuance), May 22nd 2019, and June 12, 2019 at Brewster Town Hall, and advertised in the January 25th and February 1st 2019 editions of the Cape Codder. Notice was also duly posted in a conspicuous place in Town Hall for all parties interested. Abutters were notified on January 22, 2019. Deed of property is recorded in the Barnstable County Registry of Deeds Book 23445 Page 350.

MATERIALS SUBMITTED TO THE RECORD:

- Site Plan, prepared by Stephen Brown, dated May 16, 2019.
- Parking Detail, prepared by Stephen Brown, dated May 16, 2019 (as revised June 3, 2019).
- Proposed building rendering, prepared by Aline Architecture, received June 3rd, 2019.

TESTIMONY:

Karen North-Wells (Brewster resident), Donna Wright (Great Cape Herb Shop employee), Manuel Ainzuain (Snowy Owl coffee shop owner), and Eli Woods (Brewster resident) spoke in favor of the project.

Findings of Special Permit & Site Plan #2019-01

- 1. The proposed use is consistent with the purpose and intent of the Town of Brewster's Comprehensive Plan.
- 2. The location, type, character and size of the use/building will be in harmony with the visual character of the neighborhood.
- 3. The site is suitable for the proposed use.
- 4. Access and circulation around the proposed building will be provided for the purpose of fire protection, police protection and other emergency equipment.
- 5. The streets serving the proposed use are adequate (width, grade, construction, overall safety and design capacity) to carry all prospective traffic and adequate provision is made for entering and leaving the proposed site such that no undue hazard to traffic congestion will be created.
- 6. Adequate parking and loading facilities are provided in accordance with §179-22.
- 7. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property.

- 8. The proposed use has an adequate method of sewage disposal, source of water and drainage.
- 9. Adequate utilities and other public services will be provided.
- 10. The proposed use will not result in the degradation of groundwater quality or coastal water quality off site.
- 11. The location and design of buildings, roads, parking and loading areas will not cause avoidable damage to wildlife habitats or corridors or to any plant species listed as endangered, threatened or of special concern by the Massachusetts Natural Heritage and Endangered Species Program.
- 12. The proposed use complies with all applicable provision of the Zoning Bylaw.

Condition of Special Permit & Site Plan #2019-01

- 1. Traffic circulation around the existing and proposed new building, as shown on the approved site plan, will be kept free of vehicles, equipment and accessory structures to maintain circulation.
- 2. The proposed dumpster shall be enclosed. Parking spaces adjacent the dumpster will be blocked on trash pick-up days.
- 3. All exterior lighting shall be downward casting, shielded and installed so as not to illuminate areas off the property. The lighting fixture facing upward shall be repaired prior to issuance of a building permit.
- 4. Parking spaces shall be 10' x 20' and maintained and limited to those shown on the parking detail plan.
- 5. Any activity within the 100' wetland buffer requires approval by the Conservation Commission.

Based on the plans and information submitted to the record, a motion was made by Paul Wallace and seconded by Madalyn Hillis-Dineen to approve the Special Permit. (Vote: 6-0-0)

Based on the plans and information submitted to the record, a motion was made by Roberta Barrett seconded by Paul Wallace to approve the Site Plan. (Vote: 6-0-0)

The Planning Board certifies that copies of this Decision and all plans referred to in it have been filed with the Planning Board and the Town Clerk. This decision shall be recorded in the Barnstable County Registry of Deeds and proof of the filing provided to the Planning Department of Brewster, Massachusetts.

Signed:	raddy Holin Nin	6/25/19		19
$\frac{1}{M}$	ladalyn Hillis-Dineen, Chairperson	Date		

Appeal from this decision may be made pursuant to Massachusetts General Laws Chapter 40A Section 17, within 20 days of the filing with the Town Clerk.

Filed with: Yayare SU.
TOWN CLERK:
DATE RECEIVED: SURE 25, 2019

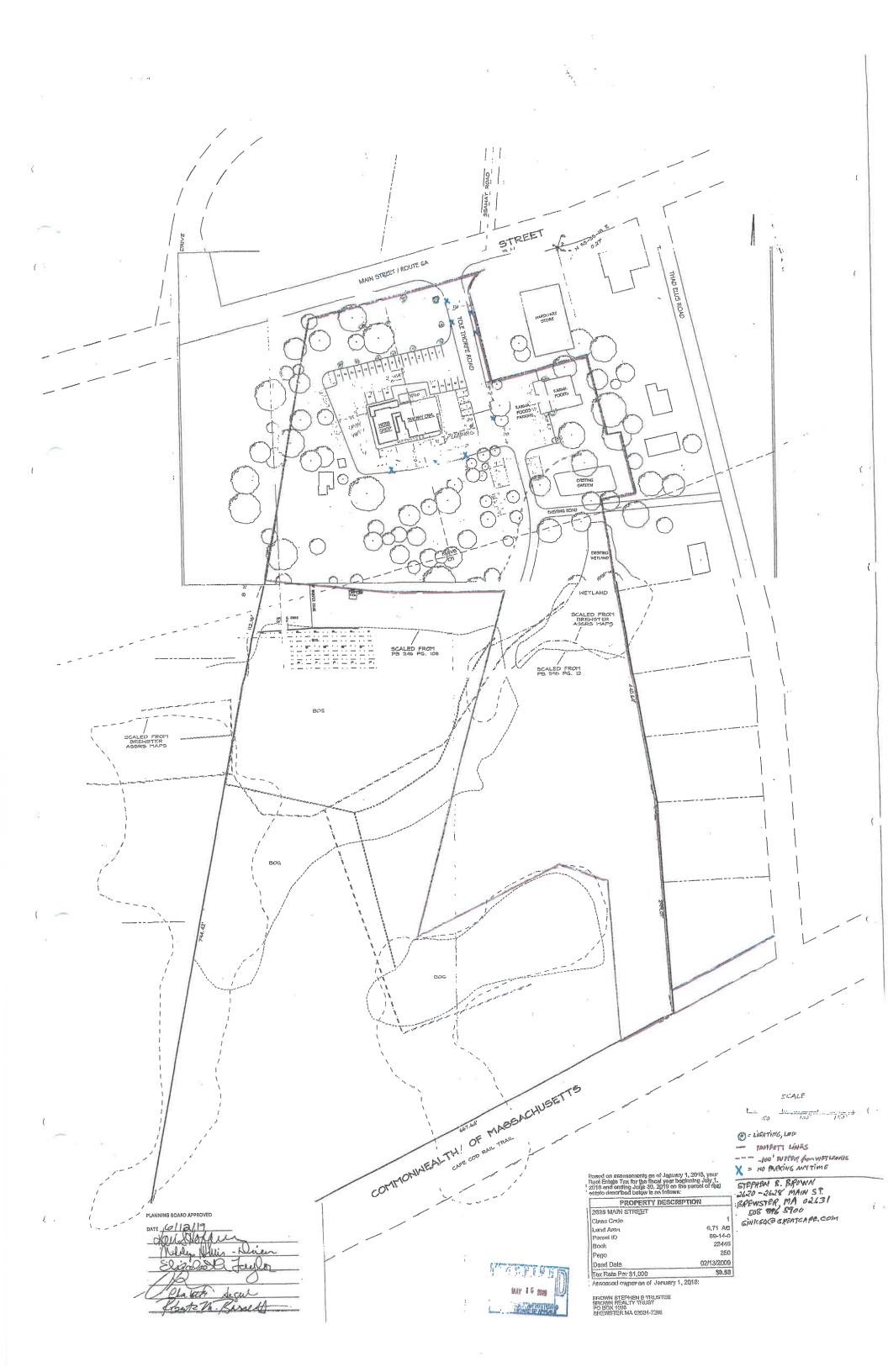
DATE: I hereby certify that the 20 day appeal period has lapsed, no special of an appeal was taken on the Special Permit #2019-01.

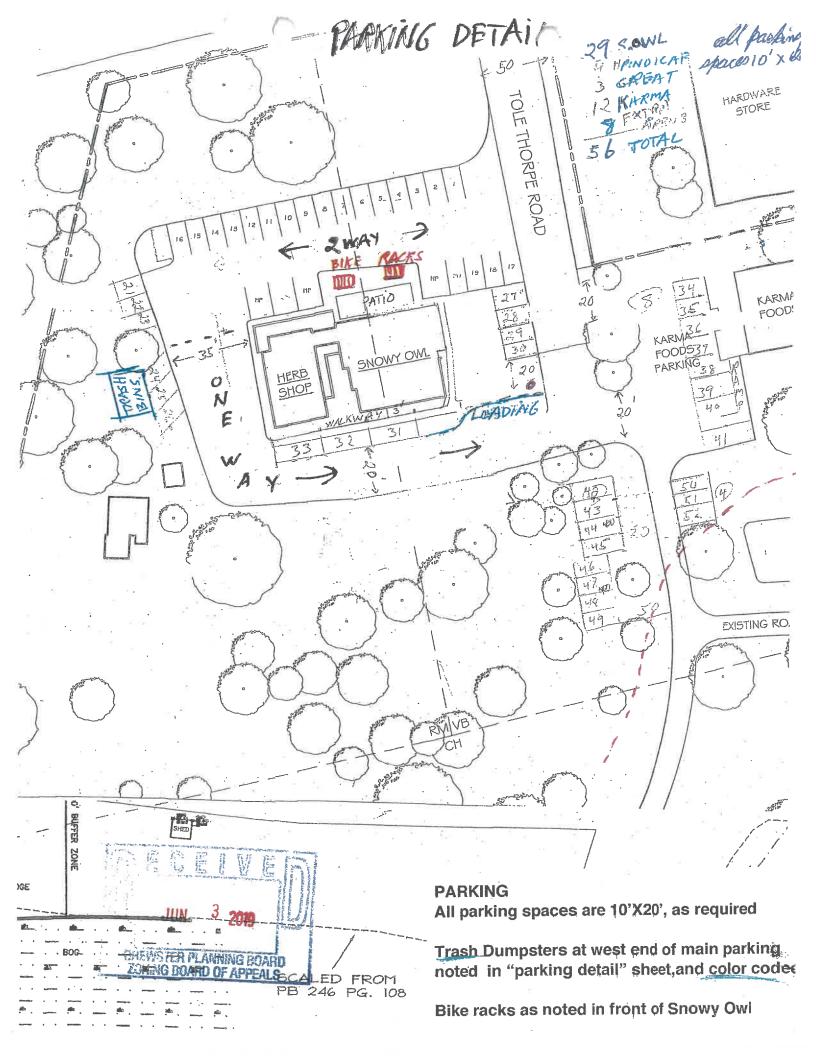
Color Clerk

This permit is not valid until recorded in the Barnstable County Registry of Deeds and proof of the filing is received by the Town Clerk of Brewster, Massachusetts.

THIS SPECIAL PERMIT WILL LAPSE 2 YEARS FROM THE DATE OF RELEASE BY THE TOWN CLERK FOLLOWING THE APPEAL PERIOD IF THE SPECIAL PERMIT IS NOT EXERCISED.

BARNSTABLE REGISTRY OF DEEDS
John F. Meade, Register











PLANNING BOARD DISCUSSION: HOUSE BILL NO. 3858, AN ACT REALATIVE TO INCENTIVIZING MULTI-FAMILY HOUSING THROUGH REDEVELOPMENT

Lynn St. Cyr

From: Jonathon Idman

Sent: Thursday, October 5, 2023 5:49 PM

To: Lynn St. Cyr

Subject: Fwd: Joint Committee on Revenue hearing 10.11.23

Attachments: 233051.docx

Get Outlook for iOS

From: Butler, Courtney (HOU) < Courtney. Butler@mahouse.gov>

Sent: Wednesday, October 4, 2023 4:08:56 PM **To:** Jonathon ldman < jldman@brewster-ma.gov>

Cc: Flanagan, Christopher - Rep. (HOU) < Christopher. Flanagan@mahouse.gov>

Subject: Fw: Joint Committee on Revenue hearing 10.11.23

Hello,

Rep. Flanagan has filed a bill - H3858, An Act relative to incentivizing multi-family housing through redevelopment. This bill will be heard on 10/11 by the Joint Committee on Revenue. As a supporter of housing and municipal planning, we want to invite you to provide testimony.

The bill would Direct the Department of Housing and Community Development to provide builders, developers, and property owners in rural in suburban areas tax incentives in the form of deductions or credits for repurposing and redeveloping existing structures for multi-family housing production.

Information on providing testimony is below, and the bill language is attached.

Thank you!

Respectfully, Courtney A. Butler

Courtney A. Butler | Legislative Aide

Office of State Representative Christopher Flanagan
First Barnstable District – Serving the Cape Cod communities of Brewster, Dennis, and Yarmouth
Courtney.Butler@mahouse.gov
She/her/hers

From: Sterling, Ryan (HOU) < Ryan. Sterling@mahouse.gov>

Sent: Tuesday, October 3, 2023 12:24 PM

To: HOU-ALL-DL <HOU-HouseofRepresentatives-DL@mahouse.gov>; SEN-ALL-DL <SEN-Senate-DL@masenate.gov>

Subject: Joint Committee on Revenue hearing 10.11.23



The Commonwealth of Massachusetts

Joint Committee on Revenue

STATE HOUSE, BOSTON 02133-1053

Representative
Mark J. Cusack
House Chair

Senator
Susan L. Moran
Senate Chair

HEARING NOTICE

Wednesday, October 11, 2023 11:00AM – 1:00PM Hearing Room A-2

The Joint Committee on Revenue will hold a hybrid public hearing to solicit <u>written and oral</u> <u>testimony</u> in-person and virtually on the following bills:

Docket / Bill No.	Document Title	Sponsor
H2730	An Act establishing a real estate transfer fee upon the transfer of property in the town of Concord	Cataldo, Simon (HOU)
H2793	An Act relative to real estate transfer fees and senior property tax relief	Fluker Oakley, Brandy (HOU)
H2801	An Act establishing a real estate transfer fee upon the transfer of property in the town of Arlington	Garballey, Sean (HOU)
H2915	An Act establishing a real property transfer fee in the town of Chatham	Peake, Sarah K. (HOU)
H2916	An Act authorizing the town of Provincetown to impose a 0.5% real estate transfer fee	Peake, Sarah K. (HOU)
н3734	An Act establishing a real estate transfer fee upon the transfer of property in the city known as the town of Amherst	Domb, Mindy (HOU)
H3736	An Act authorizing the town of Truro to impose a 0.5% real estate transfer fee	Peake, Sarah K. (HOU)
H3845	An Act authorizing the city of Somerville to impose a real estate transfer fee	Connolly, Mike (HOU)
H4063	An Act authorizing the city of Cambridge to impose a real estate transfer fee	Decker, Marjorie C. (HOU)
S2419	An Act authorizing the town of Wellfleet to establish a real estate transfer fee	Cyr, Julian (SEN)

S2421	An Act expanding the exemption for residential property in the town of Wellfleet	Cyr, Julian (SEN)
H2747	An Act granting a local option for a real estate transfer fee to fund affordable housing	Connolly, Mike (HOU)
H2788	An Act empowering cities and towns to impose a mansion fee to support affordable housing	Fernandes, Dylan A. (HOU)
S1786	An Act relative to a local option real estate transfer fee to create and preserve housing	Cyr, Julian (SEN)
S1771	An Act granting a local option for a real estate transfer fee to fund affordable housing	Comerford, Joanne M. (SEN)
S1762	An Act authorizing a local affordable housing surcharge	Brownsberger, William N. (SEN)
H3665	An Act authorizing the town of Wellfleet to establish a real estate transfer fee	Peake, Sarah K. (HOU)
H2879	An Act authorizing a local affordable housing surcharge	Livingstone, Jay D. (HOU)
H2936	An Act relative to the revenue to the stabilization fund	Rogers, John H. (HOU)
H2918	An Act supporting small public charities	Peisch, Alice Hanlon (HOU)
H2890	An Act providing for line-of-duty death benefits for firefighters	McMurtry, Paul (HOU)
H2888	An Act ensuring consistent reimbursement of PILOT funding	McKenna, Joseph D. (HOU)
H2875	An Act to establish a commission to report on the moral budget	Livingstone, Jay D. (HOU)
H2864	An Act to enhance child care relief	LaNatra, Kathleen R. (HOU)
H2862	An Act to ensure timely restitution payments to victims of crime	Kilcoyne, Meghan (HOU)
H2843	An Act requiring a waiting period for new taxes	Jones, Jr., Bradley H. (HOU)
H2774	An Act relative to tax abatement for Gold Star Widow Josephine Parella	Donato, Paul J. (HOU)
12760	An Act providing for settlements of tax liability	Day, Michael S. (HOU)
H2757	An Act relative to state reporting obligations of health plan coverage	Cutler, Josh S. (HOU)
12748	An Act facilitating housing for all	Connolly, Mike (HOU)
H2734	An Act restoring the harbors and inland waters maintenance fund	Chan, Tackey (HOU)
H2707	An Act providing for a donation check-off box on state tax returns for the Massachusetts Youth & Government program	Ayers, Bruce J. (HOU)
51915	An Act relative to taxes and fee transparency	O'Connor, Patrick M. (SEN)
51893	An Act increasing fairness in distribution of local aid generated by the state lottery	Moran, Susan L. (SEN)
	Benefaced by the state lotter,	
51892	An Act taxing the mental health impacts of social media	Moran, Susan L. (SEN)

\$1883	An Act relative to equalizing the Department of Revenue interest rates	Moore, Michael O. (SEN)
S1864	An Act related to a universal basic income pilot	Lewis, Jason M. (SEN)
S1859	An Act providing for settlements of tax liability	Lewis, Jason M. (SEN)
S1834	An Act to support educational opportunity for all	Gomez, Adam (SEN)
S1824	An Act relative to state reporting obligations of health plan coverage	Finegold, Barry R. (SEN)
S1820	Resolve to establish a commission to report on the Moral Budget	Feeney, Paul R. (SEN)
Н3666	An Act relative to creating manufacturing and economic development in the Commonwealth	Soter, Michael J. (HOU)
H3858	An Act relative to incentivizing multi-family housing through redevelopment	Flanagan, Christopher Richard (HOU)
H2749	An Act to improve oversight of state government	Connolly, Mike (HOU)
S1802	An Act abolishing the death tax	Fattman, Ryan C. (SEN)
S1934	An Act relative to the curatorship program	Tarr, Bruce E. (SEN)
S1829	An Act to ensure timely restitution payments to victims of crime	Gobi, Anne M. (SEN)
H2824	An Act to support educational opportunity for all	Higgins, Natalie M. (HOU)
H2894	An Act providing for climate change adaptation infrastructure and affordable housing investments in the Commonwealth	Montaño, Samantha (HOU)
S1799	An Act providing for climate change adaptation infrastructure and affordable housing investments in the commonwealth	Eldridge, James B. (SEN)

Please be advised that the schedule and agenda are subject to change at the discretion of the Chairs.

The Chairs reserve the right to call public officials out of turn. Oral testimony whether virtual or in-person will be limited to 3 minutes. Written testimony is encouraged.

Written testimony can be submitted via email at JointCommittee.Revenue@malegislature.gov

Virtual and in-person oral testimony sign-up via email to Ryan Sterling at ryan.sterling@mahouse.gov

For Oral Testimony please include:

- 1. Name;
- 2. In-person or virtual oral testimony;
 - 3. Bills testifying on;
 - 4. Whether support or oppose;
- 5. Whether on behalf of yourself or an organization.

If you have any questions regarding the hearing, legislation, or the format of the hearing, please email: Ryan Sterling at (ryan.sterling@mahouse.gov) or Steve Maher at (stephen.maher@masenate.gov). You can also reach either office via telephone: (617) 722-2320 (House Chair Cusack's Office) or (617) 722-1330 (Senate Chair Moran's Office).

FILED ON: 1/19/2023

HOUSE No. 3858

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher Richard Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to incentivizing multi-family housing through redevelopment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Christopher Richard Flanagan	1st Barnstable	1/19/2023
James C. Arena-DeRosa	8th Middlesex	2/8/2023

HOUSE No. 3858

By Representative Flanagan of Dennis, a petition (accompanied by bill, House, No. 3858) of Christopher Richard Flanagan and James C. Arena-DeRosa for legislation to provide tax credits for certain certified rural housing redevelopment projects. Revenue.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

An Act relative to incentivizing multi-family housing through redevelopment.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- SECTION 1. The General Laws are hereby amended by inserting after chapter 40Y the
- 2 following chapter:-
- 3 Chapter 40Z. RURAL HOUSING DEVELOPMENT INCENTIVE PROGRAM
- 4 Section 1. As used in this chapter, the following words shall, unless the context clearly
- 5 requires otherwise, have the following meanings:
- 6 "Certified rural housing development project", the substantial rehabilitation of a rural
- 7 housing development project that has been approved by the department for participation in the
- 8 rural housing development incentive program.
- 9 "Department", the department of housing and community development as established by
- 10 chapter 23B.

"Rural housing development project", a multi-unit residential rehabilitation project that is located in a rural area and once substantially rehabilitated, shall contain at least 80 per cent market rate residential units.

"Qualified project expenditure", an expenditure directly related to substantial rehabilitation of a rural housing development project, including the cost of site assessment and remediation of hazardous materials, but excluding the purchase of the property, provided, however, that: (i) the department has certified that the proposed project meets the definition of rural housing development project; (ii) prior to construction, the department has certified that all or a portion of the project costs are for substantial rehabilitation; and (iii) after the project has been completed, the department has certified that the project has been completed in compliance with this chapter and the requirements and conditions of any prior certifications.

"Rural area", an area with a low concentration of residential housing as determined by the department.

"Substantial rehabilitation" and "substantially rehabilitated", the redevelopment, repair and renovation of a property, including site assessment and remediation of hazardous materials, but, excluding the purchase of the property, as determined by the department of housing and community development.

Section 2. The department may from time to time designate 1 or more municipalities as a rural area and take any and all actions necessary or appropriate to such a designation, upon receipt of a municipal application requesting such designation and representing in its application that the municipality, based on its own independent investigation, has determined that the area proposed for designation has a low concentration of residential housing and has a need for multi-

- unit residential properties. The application shall include a plan that shall include a description of the activities, public and private, contemplated for such area as of the date of the adoption of the designation, including information as the department may require in written guidelines.
 - Section 3. (a) A project may be eligible to be a certified rural housing development project under this chapter if the project:
 - (i) contains 2 or more residential units;

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- (ii) is located in a designated or proposed rural area as determined by the department;
- (iii) contains at least 80 per cent market rate units upon completion of the substantial rehabilitation, to be sold or leased; and
 - (iv) involves the substantial rehabilitation of an existing property.
- (b) The department may from time to time certify 1 or more rural housing development projects, located in rural areas designated pursuant to section 2, as certified rural housing development projects under this section and take any and all actions necessary or appropriate to such a designation, upon compliance with the following:
- (i) receipt of a project proposal for such a designation requesting such designation from the municipality, submitted in a timely manner, in such form and with such information as the department prescribes, supported by independently verifiable information and signed under the penalties of perjury by a person authorized to bind the sponsors;
- (ii) receipt of an agreement executed by the municipality that is approved by the department that the project as described in the proposal and all documentation submitted with the proposal:

(A) is consistent with and can reasonably be expected to benefit significantly from the municipality's plans relative to the project;

- (B) together with all other projects previously certified and located in the same project rural area, shall not overburden the municipality's supporting resources; and
- (C) together with the municipal resources committed to the project, shall, if certified, have a reasonable chance of increasing residential growth, diversity of housing supply, supporting economic development and promoting neighborhood stabilization in the designated rural area as advanced in the proposal; and
- (iii) receipt with such written approval by the municipality of a request for a designation of the project as a certified rural housing development project for a specified number of years, which shall be not less than 5 years and not more than 20 years.
- (c) The department shall evaluate and either grant or deny any project proposal not later than 90 days from the date of its receipt of a complete project proposal and failure to do so by the department shall result in approval of such project for a term of 20 years. Approval of a project
- due to the department's failure to act within 90 days shall not constitute approval by the department of any tax incentives provided under chapter 62.
- (d) The department may impose a fee for the processing of applications for the certification of any project under this section.
- (e) The certification of a project may be revoked by the department if: (i)(A) the municipality that approved the project proposal files a petition that satisfies the authorization requirements for a municipal application or the petition of the director of the department; and (B)

the department determines, after an independent investigation, that representations made by the sponsors in its project proposal are materially different from the conduct of the sponsors subsequent to the certification and such difference is found to frustrate the public purposes that the certification was intended to advance; or (ii) the project no longer meets the criteria in this section. Upon revocation, the commonwealth and the municipality may bring a cause of action against the sponsors for the value of any economic benefit received by the sponsors prior to or subsequent to such revocation. Under this section, revocation shall take effect on the first day of the tax year in which the department determines that a material variance commenced. The commissioner of revenue may, as of the effective date of the revocation, disallow any credits, exemptions or other tax benefits allowed by the original certification under this section. The commissioner shall issue regulations to recapture the value of any credits, exemptions or other tax benefits allowed by the certification under this section.

(f) Annually, on or before the first Wednesday in December, the department shall file a report detailing its findings of the review of all certified housing development projects that it evaluated in the prior fiscal year to the commissioner of revenue, to the joint committee on revenue and the joint committee on housing and community development. The report shall include, but not be limited to: (i) a list of municipalities with approved rural areas; (ii) a list of rural housing development projects that have received certification; (iii) information about each certified rural housing development project, including the site address, project sponsor, range of rents of the residential units, type of residential units, number of each type of residential unit, number of affordable rental units for persons whose income is not more than 60 per cent of the area median income and the number of affordable owner-occupied units for persons whose income is not more than 80 per cent of the area median income; and (iv) the total amount of

qualified project expenditures for which a tax credit was issued or reserved for each rural housing development project, the year the credit was issued and the completion or estimated completion year of the housing development project.

SECTION 2. Section 6 of chapter 62 of the General Laws is hereby amended by adding the following subsection:-

(dd)(1) A credit shall be allowed against the tax liability imposed by this chapter, to the extent awarded by the department of housing and community development as established by chapter 23B, for a certified rural housing redevelopment project, as defined in chapter 40Z, in an

amount up to 25 per cent of the cost of qualified project expenditures of the market rate residential units within the certified rural housing development project, as those terms are defined in said chapter 40Z. The credit under this subsection shall be allowed for the taxable year in which the department gives the commissioner written notification of completion of the certified rural housing redevelopment project.

(2) Taxpayers eligible for the this credit may, with prior notice to and under regulations adopted by the commissioner, transfer the credits, in whole or in part, to any individual or entity, and the transferee shall be entitled to apply the credits against the tax with the same effect as if the transferee had incurred the qualified project expenditures itself. If the sponsor of the certified rural housing development project is a partnership or a limited liability company taxed as a partnership, the credit, if transferred must be transferred by the partnership or the limited liability company. If the credits allowed to a partnership, a limited liability company taxed as a partnership or multiple owners of property are not transferred they shall be passed through to the persons designated as partners, members or owners, respectively, pro rata or pursuant to an

executed agreement among the persons designated as partners, members or owners documenting an alternative distribution method without regard to their sharing of other tax or economic attributes of the entity. Credits passed through to individual partners and members are not transferable.

- (3) If the credit allowable for any taxable year exceeds the taxpayer's tax liability for that tax year, the taxpayer may carry forward and apply in any subsequent taxable year, the portion, as reduced from year to year, of those credits which exceed the tax for the taxable year; provided, however, that in no event shall the taxpayer apply the credit to the tax for any taxable year beginning more than 10 years after the taxable year in which department gives the commissioner written notification of completion of the rural housing redevelopment project. If the credit is transferred by the taxpayer, the carry over provisions applicable to the transferee apply.
- (4) A transferee shall use the credit in the year it is transferred. If the credit allowable for any taxable year exceeds the transferee's tax liability for that tax year, the transferee may carry forward and apply in any subsequent taxable year, the portion, as reduced from year to year, of those credits which exceed the tax for the taxable year; provided, however, that in no event shall the transferee apply the credit to the tax for any taxable year beginning more than 10 years after the taxable year in which the department gives the commissioner written notification of completion of the certified rural housing development project.
- (5) For any rural housing redevelopment project, qualified project expenditures applicable to this credit shall be treated for purposes of this subsection as made on the date that

the department gives the commissioner written notification of completion of the rural housing redevelopment project.

(6) The total amount of credits that may be authorized by the department in a calendar year pursuant to this subsection shall not exceed \$10,000,000 and shall include: (i) credits granted during the year pursuant to this subsection; and (ii) carry forwards of credits from prior years pursuant to this subsection, to the extent that such credit carry forwards are estimated by the

commissioner to offset tax liabilities during the year. Any portion of the \$10,000,000 annual cap not awarded by the department in a calendar year shall not be applied to awards in a subsequent year. The department shall provide the commissioner with any documentation that the commissioner deems necessary to confirm compliance with the annual cap and the commissioner shall provide a report confirming compliance with the annual cap to the secretary of administration and finance and the secretary of housing and economic development.

(7) The commissioner, in consultation with the department, shall prescribe regulations necessary to carry out this subsection.

APPROVAL OF MEETING MINUTES DATED SEPTEMBER 27, 2023



Brewster Planning Board
2198 Main Street
Brewster, MA 02631-1898
(508) 896-3701 x1133
brewplan@brewster-ma.gov
MEETING MINUTES
Wednesday, September 27, 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, Madalyn Hillis-Dineen, Tony Freitas, Rob Michaels, Elizabeth Taylor, and Alex Wentworth. present. Also participating: Jon Idman, Town Planner, and Lynn St. Cyr, Senior Department Assistant. Bebrin declared that a quorum of the Planning Board was present. The Meeting Participation Statement and Recording Statement were read.

6:32 PM PUBLIC ANNOUNCEMENTS AND COMMENT None.

6:33 PM JOINT PUBLIC HEARING WITH SELECT BOARD

The Planning Board and Select Board will review, discuss, and potentially vote on the final revised draft 2023 Local Comprehensive Plan (LCP) prepared and recommended by the Vision Planning Committee. There will be an opportunity for public comment on said LCP.

Documents:

- 09/25/23 Draft Local Comprehensive Plan
- 09/27/23 Presentation: Brewster's Local Comprehensive Plan

Motion by Wentworth to Open Public Hearing. Second by Hillis-Dineen. Vote: 7-0-0.

Select Board Chair Ned Chatelain declared that there was a quorum of the Select Board with Cindy Bingham, Mary Chaffee, Kari Hoffmann, and Dave Whitney present. **Motion by Chaffee to Open the Public Hearing. Second by Bingham. Vote: 5-0-0.**

Sharon Tennstedt, Chair of the Vision Planning Committee (VPC), gave an overview of the Local Comprehensive Plan (LCP). She stated that an LCP describes Brewster today and where Brewster wants to go in the future. An LCP provides direction to help guide town decisions particularly related to land use. Tennstedt stated that the LCP is not a law or regulation and does not create any mandates or requirements for the town. Tennstedt stated that the LCP was prepared by the VPC with guidance from the Cape Cod Commission (CCC).

Tennstedt reviewed the status of the LCP. She stated that following the outcomes of the 2022 Fall Town Meeting and 2023 Special Town Meeting, the LCP was sent back to the VPC for further study and drafting related to concerns regarding a proposed Wing Island boardwalk project. In April 2023, following a revised charge from the Select Board, the VPC began work again to review and revise the draft LCP to reflect Town Meeting outcomes. Tennstedt reviewed revisions to the LCP including: updated text and data to reflect events and timelines since Fall 2022; simplified language for improved comprehension; aligned language about proposed Wing Island boardwalk project and Drummer Boy Park master plan with results and actions taken after, and in accordance with, 2022 Fall Town Meeting and 2023 Special Town Meeting; clarified the term "town centers" for consistency with the 2018 Vision Plan; edited the Action Plan for clarity and comprehension and to establish specificity for goals, purposes, and actions; and edited to further emphasize the importance of public engagement/two-way communication between government and residents, businesses, organizations, and other stake holders.

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Tennstedt reviewed the public's involvement in the LCP process. She noted that this was not a plan drafted by a consultant but by the VPC. Tennstedt stated that the LCP is based on the 2018 Vision Plan and its Building Blocks provided the framework for the LCP. She stated that the LCP is a product of Brewster residents. The VPC consists of resident volunteers who drafted the plan. In February 2022, the Next Steps public survey was conducted and there was a 25% response rate. She also stated that drafts of the LCP were reviewed by community organizations and town departments and were posted on the town website for public comment. A public hearing was held in 2022 in addition to the current public hearing. The formatted plan was recently posted on the town website for review. Community outreach and education has continued through the Summer and Fall 2023 and will continue through to Town Meeting.

Tennstedt reviewed the composition of the LCP including its various sections. She pointed out Section 4, the Action Plan. Tennstedt stated that the LCP includes a Vision Statement which is a statement of community values based on the Vision Statement from the 2018 Vision Plan with updates based on recent events and trends. Updates include a commitment to address climate change which was not included in the 2018 Vision Statement. She reviewed the Building Blocks which she stated are the framework of the LCP. Two additional Building Blocks have been added since 2018 - climate mitigation & adaptation and solid waste management. The Building Blocks are based on and have been updated from the Vision Plan Summary Papers which provide an overview of existing conditions for each Building Block as well as background, recent actions by the town, and key issues moving forward. Tennstedt stated that the Building Blocks are not silos but complement and reinforce each other. Tennstedt stated that the Action Plan is the heart of the LCP. It lays out goals, purposes, and actions to achieve the community's vision for each Building Block for the next 10+ years. The Action Plan is based on goals and actions from the Vision Plan, results from Brewster's Next Steps survey, recommendations from community stakeholders on current needs, and recommendations from Summary Papers. She stated that the Action Plan must be representative of the will of Brewster residents and circumstances present and going forward. The Action Plan is not binding, exclusive or exhaustive and represents a menu of possible options.

Tennstedt reviewed how the LCP will be used in decision-making. She stated that the LCP has been clarified so residents will have a better understanding of how the LCP will be used. Tennstedt stated that once adopted, the LCP will become an integral part of the town decision-making process and will be implemented through town boards, committees, departments, and community organizations. To date, the Select Board has been using the Building Blocks from the 2018 Vision Plan to organize its Strategic Plan. Tennstedt noted that a Capital Facilities Plan is included in the LCP and that any major capital expenditure will need to go to Town Meeting for approval. There will be annual reporting on LCP implementation. Tennstedt stated that LCP implementation does not change any public decision-making approval processes otherwise required. For example, capital expenditures and bylaw/code amendments will still require Town Meeting approval.

Tennstedt reviewed the next steps of the LCP process. She stated that the VPC voted to recommend adoption of the revised draft to the Select Board and Planning Board on September 5, 2023 subject to staff formatting, editorial corrections, and data and information updates. The formatted LCP has been posted to the LCP project page on the town website. The Planning Board and Select Board's role is to decide whether to endorse the revised draft and recommend it to Fall Town Meeting for possible adoption. The VPC will continue to work on public outreach until Fall Town Meeting in November. Tennstedt thanked the VPC members: Amanda Bebrin, Vice Chair, Andi Genser, Patricia Hess, Suzanne Kenney, Fran Schofield, Alex Wentworth, and Kari Hoffmann, Select Board Liaison. Schofield was present at the hearing. Genser, Hess, and Kenney joined the hearing via Zoom. She also thanked Town Planner Jon Idman and Administrative Assistant Ellen Murphy.

Members of the Planning Board thanked Tennstedt for her presentation and thanked the VPC for all their work on the LCP and their public outreach and engagement efforts. Bebrin, Vice Chair of the VPC, noted a conversation the VPC had with their consultant regarding implementation and requirements to implement certain actions in the plan within a certain time. Bebrin stated that the VPC pushed back because they do not see implementation as prescriptive but open ended and meant to work with the Select Board's Strategic Plan and the Capital Facilities Plan. She stated that the Action Plan is the heart of the LCP and asked residents to review the Action Plan.

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Members of the Select Board thanked the VPC for their work on the LCP and for their public engagement efforts. Chaffee noted that the LCP is not a mandate but provides direction. She also stated that the plan was prepared by the VPC based on input from Brewster residents. Hoffmann thanked members of the public who have participated in the LCP process. Hoffmann noted that the VPC is still working on public outreach and education and thanked them for their continued efforts.

Tennstedt thanked Hal Minis, former VPC Chair, for all his work in the vision planning process and on the LCP.

Mark Martino, 337 Lund Farm Way, stated he believes the economy will improve because of the LCP.

Ben McKelway, 1802 Main Street, stated that he wished the Planning Board and Select Board would not endorse the LCP. He sees the plan as pro-growth and pro-development and an attempt to lure more people to Brewster which in his opinion is already busy enough. McKelway stated that he understands the LCP is just guidance, but it is not the type of guidance he wants the Select Board and other town boards to have. He does not support a town center, complete streets program, zoning changes to allow for more multi-family units, or encouraging more business in Brewster.

Motion by Chaffee to Close the Public Hearing. Second by Hoffmann. Vote: 5-0-0.

Motion by Wentworth to Close the Public Hearing. Second by Michaels. Vote: 7-0-0. Taylor noted that Brewster's last Local Comprehensive Plan was is 1970.

Motion by Wentworth to Endorse the Revised Local Comprehensive Plan and Recommend It to Town Meeting for Adoption, subject to Additional Editorial Corrections. Second by Hillis-Dineen. Vote: 7-0-0.

Motion by Hoffmann to Endorse the Revised Local Comprehensive Plan and Recommend It to Town Meeting for Adoption, subject to Additional Editorial Corrections. Second by Whitney. Vote: 5-0-0. Motion by Chaffee to Adjourn the Select Board. Second by Hoffmann. Vote: 5-0-0. Select Board adjourned at 7:08 pm.

7:08 PM APPROVAL OF MEETING MINUTES

Approval of Meeting Minutes: September 13, 2023.

The Board reviewed the September 13, 2023 meeting minutes. Motion by Wentworth to Approve September 13, 2023 Meeting Minutes. Second by Degen. Vote: 6-0-1 (Freitas abstained).

7:09 PM COMMITTEE REPORTS

Taylor reported that the Open Space Committee is researching ownership of land in town through the Registry of Deeds. Michaels stated that the Water Quality Review Committee is continuing its discussion on their mission and committee charge. Bebrin announced the First Annual Volunteer Fair scheduled for Saturday, September 30th from 10 am -12 pm.

7:11 PM FOR YOUR INFORMATION

The Planning Board received information on the Brewster Communications Community Survey and a community forum and survey on climate adaptation for Pleasant Bay.

Motion by Wentworth to Adjourn. Second by Michaels. Vote: 7-0-0. The meeting adjourned at 7:13 PM. Next Planning Board Meeting Date: October 11, 2023.

Respectfully submitted,

Lynn St. Cyr, Senior Department Assistant, Planning

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FOR YOUR INFORMATION



HARWICH PLANNING BOARD PUBLIC HEARING NOTICE

0CT - 5 2023

BREWSTER PLANNING BOARD

The Harwich Planning Board will hold public hearings beginning no earlier than 6:30 PM, Tuesday, October 10, 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

Case # PB2023-29 157 Route 137 LLC, Owner, through their agent Attorney Michael Ford are seeking a waiver for a Special Permit or alternatively, waiver of Special Permit Site Plan Review, pursuant to the Harwich Zoning Bylaw Sections 325-51. The proposed expansion is to create additional office space. The property is located at 157 Route 137, Map 87, Parcel U2-1 in the Commercial Highway 2 (CH-2) and Water Recharge (Zone II) Zoning Districts.

Case # PB2023-30 The Royal Apartments LLC, Owner, through their agent James Bustamante seek a modification to a site plan special permit case number PB2019-45 pursuant to the Harwich Zoning Bylaw Sections 325-51. The proposed modification is to change exterior lighting and light poles. The property is located at 328 Bank Street, Map 41, Parcel N4 in the Multi-Family Residential Low (MRL) Harwich Center, and Harwich Historical District Zoning Districts.

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		
	Ψ.	
Cape Cod Chronicle Print Dates: Septem	nber 21 and September 28, 2023	

2024 Planning Board Schedule			
Filing Deadline	Meeting Date	Advertisement Dates	
November 29	January 10	December 22, 29	
December 13	January 24	January 5, 12	
January 3	February 14	January 26, February 2	
January 17	February 28	February 9, 16	
January 31	March 13	February 23, March 1	
February 14	March 27	March 8, 15	
February 28	April 10	March 22, 29	
March 13	April 24	April 5, 12	
March 27	May 8	April 19, 26	
April 10	May 22	May 3, 10	
May 1	June 12	May 24, May 31	
May 15	June 26	June 7, 14	
May 29	July 10	June 21, 28	
June 12	July 24	July 5, 12	
July 3	August 14	July 26, August 2	
July 17	August 28	August 9, 16	
July 31	September 11	August 23, August 30	
August 14	September 25	September 6, 13	
August 28	October 9	September 20, 27	
September 11	October 23	October 4, 11	
October 2	November 13	October 25, November 1	
October 30	December 11	November 22, November 29	

Note: Your appearance on a meeting date is not guaranteed. The timeframe in which to hold meetings is governed by Massachusetts General Law Chapters 40A and 41, Sections 81K-81GG.

The Planning Board meets on the 2nd and 4th Wednesdays of each month unless noted.