



Town of Brewster Select Board

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

SELECT BOARD MEETING AGENDA

2198 Main Street

September 11, 2023 at 7:00 PM

Select Board

Ned Chatelain
Chair

Mary Chaffee
Vice Chair

Kari Hoffmann
Clerk

Cynthia Bingham

Dave Whitney

Town Manager
Peter Lombardi

**Assistant Town
Manager**
Donna Kalinick

Project Manager
Conor Kenny

**Executive
Assistant**
Erika Mawn

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:890 9291 0526 Passcode: 509224

To request to speak: Press *9 and wait to be recognized.

Zoom Webinar: <https://us02web.zoom.us/j/89092910526?pwd=WHM2V3hrVkhSTloWWhVU09kanUzQT09>

Passcode: 509224

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).

Please note that for any item listed in this section the Select Board may take official action including votes.

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 Select Board on matters not on the meeting's agenda for a maximum of 3-5 minutes at the Chair's discretion. The Select Board will not reply to statements made or answer questions raised during public comment but may add items presented to a future agenda.
6. Select Board Announcements and Liaison Reports
7. Town Manager's Report (pages 3-11)
8. Consent Agenda (pages 12-77)
 - a. Meeting Minutes: August 10, 2023, and August 17, 2023
 - b. Appointment to the Golf Commission: James Juras
 - c. Items Declared as Surplus: Department of Public Works
 - d. Facility Use Applications: Drummer Boy Park 2024 Craft Shows and Upper Mill Boat Ramp
 - e. One Day Liquor License Applications: Chamber of Commerce (2), Cape Cod Museum of Natural History (Date change request), Treats Catering Enterprises LLC, Brewster Ladies Library Association (with fee waiver request), Eldredge Farm Foundation (with fee waiver request) and Brewster Sportsman's Club (2)
 - f. One Day Entertainment License: Eldredge Farm Foundation (with Fee Waiver Request)
 - g. Special Event Application: Eldredge Farm Foundation
 - h. Fee Waiver Request: Conservation Commission Notice of Intent Filing Fee Waiver for Millstone Road Improvements
 - i. Acceptance of Gifts and Donations: Golf Commission and Town of Brewster



Select Board

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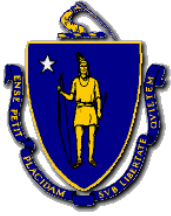
9. 7:10PM Public Hearing: Seasonal All Alcohol Liquor License, The Peacemaker Inc., 2149 Main Street (pages 78-118)
10. 7:20PM Public Hearing: Fiscal Year 2024 Tax Rate Classification Hearing, Discussion, and Vote - Deputy Assessor James Gallagher (pages 119-136)
11. Update on Local Tax Relief Options & Discuss Next Steps (pages 137-156)
12. Report on FY23 Free Cash Certification (pages 157-163)
13. Vote on Fall Special Town Meeting Date of November 13, 2023
14. Vote to Open Fall 2023 Special Town Meeting Warrant & Discuss Article Overview (page 164)
15. Update on Millstone Road Improvement Project Financing Options and Vote on Preferred Plan (pages 165-194)
16. Vote to Refer Accessory Dwelling Unit (ADU) Bylaw to Planning Board for Public Hearing (pages 195-219)
17. Discuss and Vote on Water Resource Task Force Recommendation to Apply for Exemptions for Bass River and Swan Pond Watershed Permits and Submit Notice of Intent for Herring River Watershed (pages 220-256)
18. Discuss and Vote on Request for Construction of Building Addition for Freemans Way Industrial Park Lot #5 (pages 257-264)
19. Discuss Town Manager Performance Evaluation Results and Vote on FY24 Merit Increase (pages 265-279)
20. Discuss and Vote on FY24 Town Manager Goals (pages 280-282)
21. FYIs (pages 283-305)
22. Matters Not Reasonably Anticipated by the Chair
23. Questions from the Media
24. Next Meetings: September 18, September 27 (Joint Meeting with Planning Board on Local Comprehensive Plan), October 2, and October 16, 2023
25. Adjournment

Date Posted:
9/07/2023

Date Revised:

Received by Town Clerk:

BREWSTER TOWN CLERK

10 SEP 7 11:03AM



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus, Jr., Secretary

July 28, 2023

Mr. Ned Chatelain
Chair, Select Board
Town of Brewster
2198 Main Street
Brewster, MA 02631

Dear Mr. Chatelain:

On behalf of Governor Maura T. Healey and Lt. Governor Kimberley Driscoll, I am pleased to award the Town of Brewster an FFY 2022/2023 Community Development Fund grant in the amount of up to \$1,700,000 from the Massachusetts Community Development Block Grant (CDBG) Program. Congratulations on being one of the successful applicants.

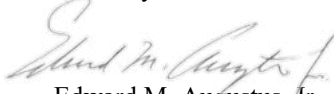
This award is contingent upon the execution of a CDBG grant contract between the Executive Office of Housing and Livable Communities (EOHLC), formerly Department of Housing and Community Development (DHCD), and the U.S. Department of Housing and Urban Development, as well as on the Town of Brewster's execution of a grant contract with EOHLC and the satisfaction of its special conditions and requirements. We will send your grant contract to the contact with signatory authority to complete the Adobe sign process and thereby execute the contract on behalf of the municipality. The Town of Brewster may incur pre-agreement costs for administrative and other start-up costs not subject to 24 CFR Part 58, Environmental Review, as of July 1, 2023.

All grantees will be provided guidance regarding grant administration and contract requirements. This will help ensure that all grantees understand their contractual and regulatory obligations before proceeding with activities for which EOHLC has authorized grant funding. If you have any questions concerning this award, please contact Kathryn McNelis, Community Development Manager, Division of Community Services, at kathryn.mcnelis@mass.gov.

Finally, please note that public announcement of this award is embargoed until the Administration has had the opportunity to formally announce it through a local event and/or media release. Please refrain from sharing or publicizing news about this award outside of your organization until it is officially announced.

Congratulations once again. I look forward to working with you to address the Town of Brewster's community development needs.

Sincerely,


Edward M. Augustus, Jr.
Secretary, EOHLC

cc: State Representatives Chris Flanagan, Sarah Peake
State Senator Julian Cyr



TO: Donna Kalinick, Jill Scalise, Town of Brewster
FROM: Cassie Boyd Marsh, Bailey Boyd Associates, Inc.
DATE: September 5, 2023
RE: FY21 Brewster CDBG Program Monthly Update

Administration:

The administration of the grant continues to go well, with funds moving steadily and EOHLC reports submitted on time with positive feedback.

Both programs are thrilled at the news that the FY22/23 application was funded. Knowing another year of funding is coming is a relief to many on the waitlist, or in need of additional childcare support.

Housing Rehabilitation:

The Housing Rehab program is doing well, and continuing to progress on schedule. Currently, there are 20 projects approved in the pipeline, in all stages of the process. 11 homes are complete and 3 are under construction. 3 are out to bid for construction and another 3 are having site visits prior to the bidding process. There are 4 applications pending review, dependent on the funds remaining after the current projects are encumbered.

After actively seeking out new qualified contractors, TRI has successfully added 2 seasoned GCs to the program. This leads to a more competitive bidding process and the ability to put more projects out to bid simultaneously, which are great for both the homeowners and the program in general. TRI will continue to seek new contractors, however, they're thrilled with this addition.

The projects this year, to date, are spread as follows: Brewster: 6, Dennis: 8, Wellfleet: 6, and repairs are primarily focused on septic systems, barrier removal (accessibility issues), siding & windows. Elderly homeowners represent approximately 80% of the beneficiaries and there are two families with children.

Childcare Subsidy Program:

The Childcare Subsidy Program continues to progress steadily. We've received 32 family applications, of which 20 have been approved. As the school year approaches, many families apply to this program for their younger children who need to start preschool or daycare as well. While many recipients this year have utilized their full

funding, they're thrilled to hear that new funds will become available this fall. 30 children are utilizing funds, encumbering 88% of the program funds. The breakdown of children by town of residence is:

Brewster: 15

Dennis: 14

Wellfleet:1

From: adecarvalho@mma.org

Mail received time: Wed, 23 Aug 2023 13:51:50

Sent: Wed, 23 Aug 2023 13:50:15 GMTContent

To: Peter Lombardi

Cc:

jmitchell@mma.orgjilayne.mitchell@cabotrisk.comthomas.depaulo@cabotrisk.comConor_Kennylchabra@mma.org

Subject: Your FY24 MIIA Grant Award- Brewster

Importance: Normal

Sensitivity: None

Attachments: [fy24_grant_invoice_processing_6-30-23_jb.pdf](#) [GrantStatement.pdf](#)

[Communication Equipment for Forestry and DPW_Quote.pdf](#) [GPS Tracking](#)

[Software_Quote.pdf](#) [Confined Space Entry Equipment_Quote.pdf](#) [Thermography Camera](#)

[& Moisture Meter_Quote.pdf](#) [GrantApplication.pdf](#)

Archived: Wednesday, September 6, 2023 2:26:27 PM

DATE

Dear Member,

Congratulations on your MIIA grant award. We are confident that your grant award will assist in your community's ongoing risk management efforts.

The FY24 grant criteria focused on property, cyber, and safety with respect to your municipality's loss experience. We appreciate all your efforts as you deal with the challenges protecting employees and municipal assets. Thank you for consulting with your Risk Manager to assure your grant submission met the program guidelines and the needs of your municipality.

Attached to this award letter, is a grant status report detailing the grant(s) submitted by your municipality and for those item(s) approved, the funding that has been provided. Those items not funded will also be listed.

If you have been awarded funding for thermographic cameras, MIIA will order, pay, and ensure delivery of equipment to you.

If you were awarded either trench/shoring, confined space or lockout/tagout equipment, you are required to have a written detailed program and applicable training per OSHA regulations enforced by the Massachusetts Department of Labor Standards. If you need assistance in developing a program you may consult the DLS Worker Safety and Health Program website at <https://www.mass.gov/service-details/safety-programs-for-the-public-sector> and/or your MIIA Risk Manager.

Grant invoices must be submitted within 60 days of the grant approval letter. By submitting your grant invoice(s) as soon as possible, you will provide the maximum benefits to your employees, municipal operations, and your community. If at all possible, we prefer that you submit vendor invoice(s), with vendor's W9 for payment instead of requests for reimbursement. Please note that projects, services, and purchases must be completed and invoices submitted to miagrantinvoices@mma.org by May 14, 2024. Invoice Process: https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwwww.emiia.org%2ffiles%2finvoice_process_fy23.pdf&c=E,1,i8ANeBjgO_Wu-w5wIYm1ZCqPADIUCgxLG_UKuxV9h76K7HXarBq_ScwliZc28IO1Jm0F11TCHpDu60V83_sAixwPuiZ4h9zvtpPwH01ZJPgXLQ,,&typo=1

We request with the submission of your final grant, that you send us a brief description of how this grant has benefited your risk management efforts and a corresponding picture if possible. Below is a link to a document

detailing the grant submittal process for all MIIA grant award invoices.

Disclaimer:

All products and services awarded under this grant program must be installed, utilized, and maintained in accordance with the manufacturer's specifications and applicable regulatory requirements.

Proper training must be provided to all users and those individuals affected by the use of such equipment or services. Training must meet applicable regulatory requirements as well as manufacturer's specifications.

If you have any questions, please feel free to reach out to your MIIA Risk Manager, or to Ana De Carvalho, at (774) 294-6937, adecarvalho@mma.org or me, Lin Chabra, (617) 838-5941.

Sincerely,

Lin Chabra
MIIA
Senior Risk Management Manager
lchabra@mma.org
(617) 838-5941

MIIA Grant Statement

Brewster

Grand Total: **\$9,259.33** **\$9,259.33**

Grant ID	Department	Category	Purpose	Status	Requested Amt	Awarded Amt
RM 10	Select Board	Thermography cameras and moisture meters to assist in identifying hidden and remote areas vulnerable to arctic air intrusion.	- FLIR TG165-X Thermal Camera (1) - General Tools Moisture Meter MMD950 (1)	Yes	\$615.36	\$615.36
RM 10	Select Board	GPS Tracking software	- Verizon Connect (16 vehicle trackers and 4 equipment trackers for a 12 month subscription)	Yes	\$3,540.00	\$3,540.00
RM 10	Select Board	Communication equipment for forestry and DPW	- Tufftalk Intercom Communication Hard Hat Mount (6) - TuffTalk Intercom Communication Lite Over the Head (1) - Tufftalk Intercom Communication Helmet Mount (2)	Yes	\$3,203.97	\$3,203.97
RM 10	Select Board	Confined Space Entry Equipment - tripod/rescue, multi-gas monitor, calibration kit, blower, guardrails†	- GasAlertMax XT II Multi Gas Detector (2)	Yes	\$1,900.00	\$1,900.00

MIIA Grant Statement

Brewster

Grand Total: \$445.99 \$445.99

Grant ID	Department	Category	Purpose	Status	Requested Amt	Awarded Amt
RM 23	Town Administration	Thermography cameras and moisture meters to assist in identifying hidden and remote areas vulnerable to arctic air intrusion.	FLIR TG165-X Thermal Camera (1)	Yes	\$445.99	\$445.99

FOR IMMEDIATE RELEASE

Tuesday, Sept. 12, 2023

Media Contact: Peter Lombardi
Phone: 508-896-3701
Email: plombardi@brewster-ma.gov

Town of Brewster Launches Community Survey to Gather Feedback on Communications Efforts

[To Take the Community Survey Click Here](#)

BREWSTER -- Town Manager Peter Lombardi announces that the Town of Brewster has launched a new Community Survey today aimed at gathering residents' feedback about the Town's overall communications efforts.

The online, 20-question survey will be accepting responses until 5 p.m. on Tuesday, Oct. 10. To take the survey visit: <https://forms.gle/p91ZSSNFizydnTEy5>.

The survey asks community members their thoughts and opinions about how Town leaders communicate with residents, how residents would prefer to receive their news, what social media platforms they use, and how Town officials can improve communications.

"Brewster Town leaders have prioritized our community outreach and education efforts the past few years. We are committed to continuing to evaluate and improve how we communicate," Town Manager Lombardi said. "The purpose of this survey is to understand how well we're communicating with residents and stakeholders and identify areas where we can do better. This includes our new website, social media presence, day-to-day communications, and crisis communications."

This survey is being conducted by John Guilfoil Public Relations and the results will be shared by Town officials after it is complete.

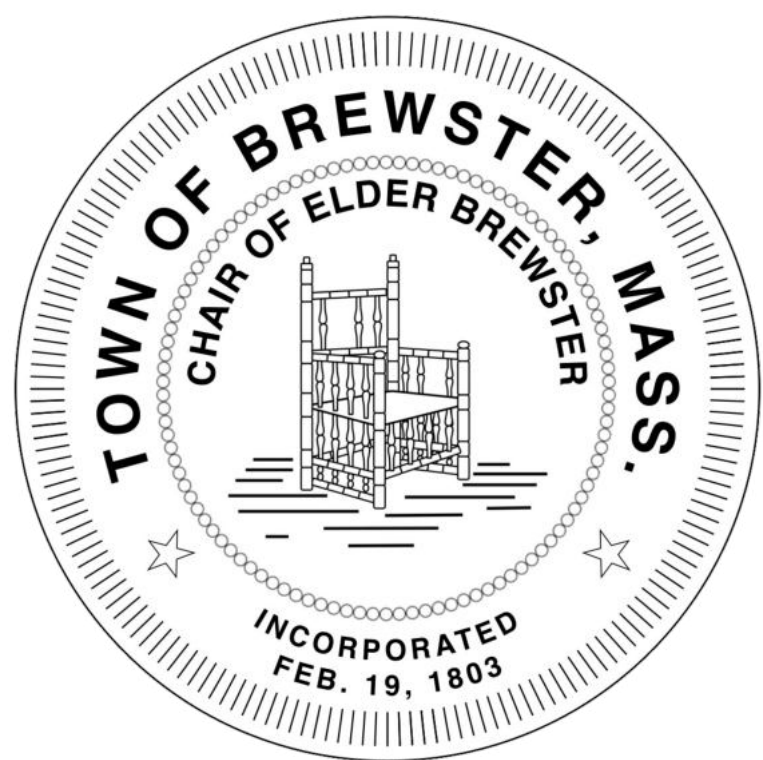
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Town of Brewster Communications Community Survey

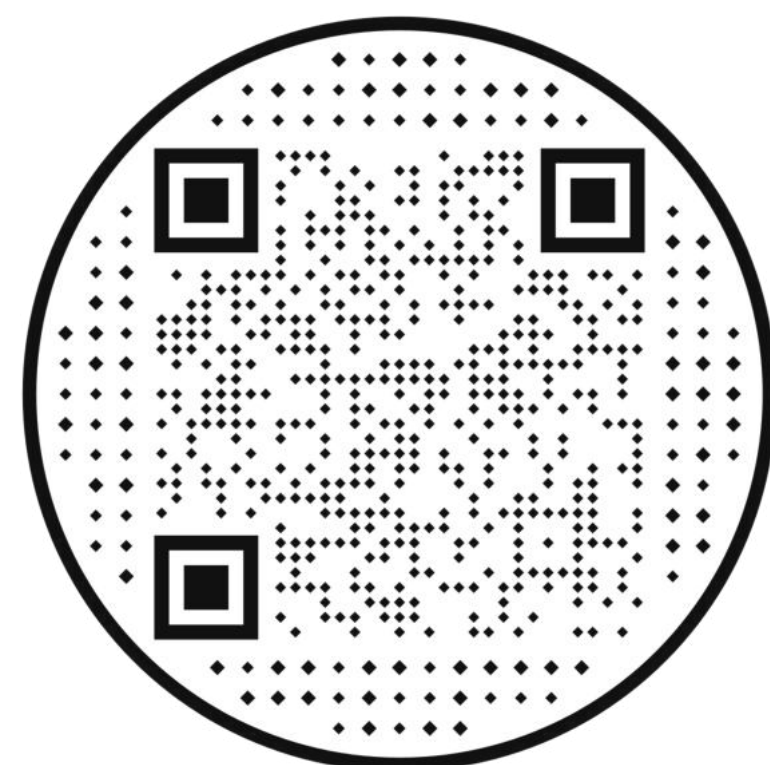
TELL US HOW WE'RE DOING!

The Town of Brewster wants to hear from you about ways we can improve our overall communications efforts with residents and community members!

Please take our 20-question survey.



We're reviewing our:
Overall Communications
Social Media
Day-to-Day Communications
Crisis Communications &
Internal Communications



Your feedback is very important to us and will be taken into consideration.

Deadline:
Tuesday, Oct. 10

Scan QR code or visit:
www.brewster-ma.gov

Consent Agenda Cover Page

a. Meeting Minutes: August 10, 2023, and August 17, 2023

Draft meeting minutes from the Select Board regular session meeting on August 10, 2023, and the Local Preference Information Session on August 17, 2023, have been submitted for approval.

Administrative Recommendation:

We recommend the Board approve these draft minutes.

b. Appointment to the Golf Commission: James Juras

James Juras had submitted his application and followed the Select Board appointment policy for the vacant member position on the Golf Commission. The Select Board liaison and Chair of the commission interviewed the applicant and recommended Mr. Juras for appointment. This is for a 3-year term that will end on June 30, 2026.

Administrative Recommendation:

We recommend the Board approve this appointment.

c. Items Declared as Surplus: Department of Public Works

The DPW is requesting permission to declare a 1991 Bobcat mower as surplus for sale. The mower has been replaced with another model for use.

Administrative Recommendation:

We recommend the Select Board approve this request.

d. Facility Use Applications: Drummer Boy Park 2024 Craft Shows and Upper Mill Pond Boat Ramp

Please see the memo for Department feedback regarding these applications.

Terry Mullen, Castleberry Fairs and Festivals, has submitted an application to host a seasonal arts and crafts show at Drummer Boy Park for the 2024 season. Ms. Mullen has held these craft shows at Drummer Boy Park for several years and is in good standing. The event will be from 6am – 6pm, this includes set up and break down. The event is expected to attract about 2,500 people throughout the weekend with up to 250 at any one time. The application, certificate of liability, site map and deposit check have all been received. The request is to hold the 12th Annual Brewster Summer Arts & Craft Festival on August 23 (set up day), 24 and 25, 2024.

Patricia Daley, A Different Drummer Craft Event, has submitted applications to host craft fairs at Drummer Boy Park for the 2024 season. This will be the third season that Ms. Daley hosts her events in Brewster and is in good standing. All applications, certificate of liability, site map and deposit checks have been received. The event is scheduled from 7am – 6pm, which includes set up and break down by the fifty vendors. Ms. Daley expects up to 2,000 people over the 2 days of each event and 150-200 at any one time. The date of the event is September 20 (set up day), 21, and 22, 2024.

Bob Bugle, of By the Bay Shows has submitted applications to host seasonal arts and crafts shows at Drummer Boy Park for the 2024 season. Mr. Bugle has held his art shows at Drummer Boy Park for several years and is in good standing. The application, certificate of liability, site map and deposit check have all been received. The 2024 date request is August 30 (set up day), 31, and September 1, 2024.

Ne Bassin Cape Cod Kayak is requesting use of Upper Mill Pond Boat ramp as a launching point for a Kayak Bass fishing tournament to be held on Sunday September 17, 2023. The event is scheduled to be from 6am until 2pm and they expect 12 people total to take part in the tournament. We have received a certificate of liability as required, this is a rain or shine event.

Administrative Recommendation:

We recommend the Board approve the facility use applications for use of Drummer Boy Park 2024 and Upper Mill Pond Boat ramp with the conditions outlined by Department Heads.

- e. **One Day Liquor License Applications: Chamber of Commerce (2), Cape Cod Museum of Natural History (date change request), Treats Catering Enterprises LLC, Brewster Ladies Library Association (with fee waiver request), Eldredge Farm Foundation (with fee waiver request) and Brewster Sportsman’s Club (2)**

Please see the memo for Department feedback regarding these applications.

Brewster Chamber of Commerce has submitted applications for the following:

- Thursday September 21, 2023, from 5pm-7:30pm to serve beer and wine to an anticipated 40 attendees for a Member Networking Event to be held at Gibson Sotheby’s International Realty, 240 Main Street.
- Thursday October 19, 2023, 2023, from 5pm -7:30pm to serve beer and wine to an anticipated 40 attendees for a Member Networking Event to be held at Vintage Traders of Brewster, 1791 Main Street.

The Cape Cod Museum of Natural History was approved for a One Day Liquor License by the Select Board on August 21, 2023, to serve beer and wine at a fundraising event for the Alzheimer’s Family Support Center that was supposed to be held on October 15, 2023. The Museum is requesting a change of date for the same event that will be held on Sunday November 12, 2023.

Treats Catering Enterprises LLC is requesting a One Day Liquor Licenses for Saturday September 16, 2023, for a wedding that will be held at Crosby Mansion from 2:30pm until 6:30pm. They expect 95 guests and would like to serve beer and wine.

The Brewster Ladies Library Association will be hosting the Nickerson Memorial Lecture on Saturday September 16, 2023, from 7pm – 9pm and would like to serve beer and wine to their anticipated 50 attendees. They are also requesting a fee waiver of the \$35 One Day Liquor License fee.

The Eldredge Farm Foundation will be hosting their annual fundraiser on Saturday September 30, 2023, from 1pm – 11pm at 24 Eldredge Cartway. They expect 150-250 guests and would like to serve beer and wine. They have hired a professional bartending service for the event. They are also requesting a fee waiver of the \$35 One Day Liquor License fee.

The Brewster Sportman’s Club is requesting two One Day Liquor Licenses for events that will be held at their property at 280 Tubman Road. They request to serve beer and wine as follows:

- Friday September 15, 2023, from 5pm – 10pm for a wedding rehearsal party for 60 guests.
- Saturday September 23, 2023, from 2pm – 10pm for a wedding for 120 guests.

Administrative Recommendation:

We recommend the Board approve these applications with the conditions proposed by Department Heads.

f. One Day Entertainment License Applications: Eldredge Farm Foundation

Please see the memo for Department feedback regarding these applications.

Eldredge Farm Foundation has submitted a One Day Entertainment License Application to have a live band and disc jockey Saturday September 30, 2023, from 1pm – 11pm at their fundraising event. The event will be held at 24 Eldredge Farm Cartway and they expect 150-250 throughout the event. They are also requesting a \$35 fee waiver for the Entertainment License.

Administrative Recommendation:

We recommend the Board approve this application with the conditions proposed by Department Heads.

g. Special Event Application: Eldredge Farm Foundation

Please see the memo for Department feedback regarding these applications.

The Eldredge Farm Foundation is hosting their 11th Annual fundraiser on Saturday September 30, 2023, from 1pm – 11pm at 24 Eldredge Cartway. This event is invitation only and will have music, food, kids’ activities, auctions and more. The application has been reviewed by numerous department heads who have provided feedback. The applicant has also requested a fee waiver for the tent permit, in addition to the waivers for the one-day entertainment and liquor licenses.

Administrative Recommendation:

We recommend the Board approve this application with the conditions proposed by Department Heads and fee waiver request.

h. Fee Waiver Requests: Conservation Commission Notice of Intent Filing Fee Waiver for Millstone Road Improvements

The Department of Public Works Director is requesting a fee waiver in the amount of \$1,250.00 to cover the costs for a Notice of Intent (NOI) that was submitted on August 24, 2023. The NOI is required due to the presence of an isolated wetland adjacent to the existing roadway in the Millstone Road Improvements project.

Administrative Recommendation:

We recommend that the Board approve the fee waiver.

i. Acceptance of Gifts and Donations: Golf Commission and Town of Brewster

The Director of Golf Operations is requesting approval to accept gifts offered to the Captains Golf Course that have been approved by the Golf Commission. The first gift is a memorial bench in honor of a long-time member at the golf course. The second is an upgraded clock to replace an existing one near the putting green behind the pro shop from the Friends of the Captains.

Consistent with MGL Ch. 44 Sec 53A, the Select Board is required to regularly vote to accept gifts made to the Town. The enclosed spreadsheet details donations made to the Town for various purposes between April 1, 2023 to June 30, 2023.

Administrative Recommendation:

We recommend that the Board approve the acceptance of gifts and donations.



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
www.brewster-ma.gov

Office of:
Select Board
Town Manager

MINUTES OF THE SELECT BOARD MEETING

REGULAR SESSION

DATE: August 10, 2023
TIME: 6:00 PM
PLACE: 2198 Main Street

PARTICIPANTS: Chair Chatelain, Selectperson Whitney, Selectperson Bingham, Selectperson Hoffmann, Selectperson Chaffee, Town Manager Peter Lombardi, Assistant Town Manager Donna Kalinick, Attorney Gregg Corbo, Police Sgt. Freddie O'Neal, Animal Control Officer Lynda Brogden-Burns, Parisis Filippatos, Britta Cleveland, Tonia St. Germain

Call to Order, Declaration of a Quorum, Meeting Participation Statement and Recording Statement

Chair Chatelain called the meeting to order at 6:00pm, read the meeting participation, the recording statement and declared a quorum.

Public Announcements and Comment

None

Select Board Announcements and Liaison Reports

Selectperson Chaffee, on behalf of the Bay Property Planning Committee, thanked those who were a part of "Da Hedge" to support the Pan Mass Challenge riders.

Dangerous Dog Hearing (MGL Ch 140 Sec 157): Parisis G Filippatos & Britta Cleveland, 303 Red Top Road

Selectperson Hoffmann moved to open the Dangerous Dog Hearing, MGL Ch. 140 Sec. 157 with Parisis Filippatos and Britta Cleveland of 303 Red Top Road and read the advertisement that was in the Cape Codder on July 28 and August 4, 2023. Seconded by Selectperson Chaffee. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

Chair Chatelain declared that the notice has been formally read into the record, it was published, posted, and served as required by law. The hearing has been requested by the complainant Tonia St. Germain and the evidentiary portion of the hearing will be conducted by Gregg Corbo of K P Law in his capacity as the attorney for the Town of Brewster. Chair Chatelain reviewed the format of the hearing and limited testimony to issues directly related to whether the dogs in question should be declared dangerous or nuisance animals. Adding that only one person will be permitted to speak at a time and that all discussion will go through the Chair, with presentation of evidence to be limited to 15 minutes for each party total.

Attorney Corbo shared that his role is to assist the Board in collecting evidence relative to the matters under the Board's consideration and to advise the Board to the applicable law. The purpose of the hearing is for the Board to conduct an investigation into the complaint that was made and determine whether the dogs at issue are nuisance or dangerous dogs as these terms are defined in the statute. If the answer is in the affirmative, then to decide what if any remedy should be given to abate the nuisance or dangerous



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Office of:
Select Board
Town Manager

condition. Attorney Corbo continued that if the Board finds the dogs nuisance dogs, they have broad discretion to determine what remedies to impose. If the determination is that the dogs are dangerous dogs, the remedies are described in the statute and the conditions that the Board may impose separately or in combination may include ordering that the dogs be euthanized. Attorney Corbo reviewed the process for the hearing, noting that this is not a trial, this is a serious proceeding and expect people to conduct themselves accordingly.

Those who intended to testify were sworn in by Attorney Corbo.

Ms. Tonia St. Germain provided her testimony to the Select Board stating that the case is about irresponsible dog owners who made a reckless decision to let three dogs off leash in the conservation area. Ms. St. Germain proceeded to explain in detail the events that took place when her and her leashed dog was attacked without provocation. She continued that the dog owners at the scene did not take responsibility for their negligence or the serious wounds that resulted from it. Ms. St. Germain stated that in her evidence packet she presented her 911 call, the chronology of the attack, photos of her wounds, and her dog, Oakley's rabies certificate. Also included is background research on how dog packs attack, Dr. Dunbar's dog bite scale (which one of her wounds was a level 4 on the scale), and a letter from the Director of the facility that her husband works in that states Oakley has been a comfort dog for the developmentally disabled adults they serve as a great success for two years. Ms. St. Germain maintains that the large brown and white dog delivered the level 4 bite. She provided her ideas on the dog owner's evidence package, noting that none of the persons that provided material were present at the attack. Ms. St. Germain presented as evidence Oakley's adoption certificate stating his breed as boxer/beagle mix. She noted the hypothetical scenario that her dog bit her is unreasonable as neither of the owners were there to see the attack or the bites. Ms. St. Germain continued that the dog owners have the right to appeal, the Board needs to know the facts as they directly impact the credibility of the dog owner's testimony and their evidence. She continued that the photo of her dog obtained on Aug 7th was while the dog owner harassed her on Red Top Road and began to explain the encounter.

Attorney Corbo stopped the testimony as in his opinion the alleged behavior of the dog owners is not relevant to the determination to this hearing whether the dogs are nuisance or dangerous dogs and encouraged the Chair not to allow the discussion to go further.

Ms. St. Germain continued that she made the decision on June 19th to bring the complaint to the Select Board due to the severity of her dog bite and that this could potentially happen to a child. She doesn't want any other person to have to go through what she has been through in this 8-week period. Ms. St. Germain wants to feel safe from the dog owners and their dogs on the street in her neighborhood and in the conservation area. She relayed that the Select Board is in a position to help her reclaim the peace of mind that this vicious attack has stolen from her. Ms. St. Germain has offered to help prioritize her safety and the safety of any member of the public who encounters these owners or their dogs.

Attorney Corbo provided Ms. St. Germain with a photo of the dogs from the packet and asked if she



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recognized the dogs as the ones that were involved in the incident. Ms. St. Germain responded yes. Attorney Corbo asked if the large brown and white dog that bit you is in the pictures. Ms. St. Germain was unable to tell the size of the dogs from the pictures so was not sure which dog it was. Attorney Corbo asked if either of the dog's bit her, she responded that she can't tell from the photo, but she knows that the largest of the brown and white dogs that was in the group of three was the one that bit her, but she can't tell from the photo provided.

The Select Board had the opportunity to question Ms. St. Germain, Selectperson Chaffee asked Ms. St. Germain to provide a statement under oath of exactly what happened at the time of the incident and what happened up until she called 911. Ms. St. Germain read from the chronological report that she submitted which she wrote 4-5 days after the event. She noted that at the time she wrote this, she had not received the police report. Ms. St. Germain stated that she is afraid of these dogs and tried to put a tree between herself, her dog and the other three dogs. Ms. St. Germain showed the wound on her thigh to the Select Board. She testified that she saw the large brown and white dog "clamped" on her thigh. She also testified that she remembers the dog owner pulling their dog off and she was hysterically upset. Ms. St. Germain stated her recollection of the interaction between herself and the male dog owner. Adding that the dogs were leashed behind the man by the women owner. Selectperson Chaffee asked if her dog ever has ever bitten anyone, Ms. St. Germain answered no.

Selectperson Bingham asked if her dog had been leashed the entire time, Ms. St. Germain answered yes. Ms. St. Germain then clarified that the dog bite was a level 4 out of Dr. Dunbar's dog bite scale of 1-6 levels.

The attorney representing the dog owners, David Lawler, asked through the Chair that Ms. St. Germain confirm that when speaking to the police officers she provided them with a thorough and truthful story. Ms. St. Germain answered yes. Attorney Lawler stated that at that time she specifically stated that she was unaware of which dog bit her and did not mention, simultaneously when the incident occurred, that it was the larger of the two dogs that bit her. Ms. St. Germain answered at the time she didn't realize she had the second bite, only the bite that was bleeding. She continued that the officer had just arrived when she was upset, she was just talking, didn't really know if she was answering each question that was being asked. Attorney Lawler asked if she could provide a timeline from the time that when she first saw the dogs until the time, she first saw the dog owners. Ms. St. Germain stated that time feels to stand still when you have a frightening moment and that it felt like forever when she was being attacked but can't say for sure how long it was. Attorney Lawler asked the witness when she walks her dog if she uses the large prong collar as revealed in the photograph. Ms. St. Germain answered yes, she always uses that collar.

Selectperson Hoffmann asked Ms. St. Germain to describe the situation when the attack was happening and which of the dog owners were present. Ms. St. Germain only saw the male dog owner pull the most aggressive of the dogs away from her. Selectperson Hoffmann asked Ms. St. Germain to describe what it looked like when the owner's took control of the dog. Ms. St. Germain observed the dog being pushed away and looked up and saw the man. Selectperson Hoffmann asked if she noticed any of the dogs being put back on a leash, the answer was no.



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Attorney Corbo asked if anyone present would like to give testimony in favor of the dogs being found a nuisance or dangerous. No one testified.

Attorney Corbo asked the responding officer, Sergeant O'Neal, to testify. Sgt. O'Neal provided a brief synopsis of his response. Sgt. O'Neal shared that Ms. St. Germain changed out of her long pants and he observed what appeared like dog bite puncture wounds and she relayed to him the sequence of events. Sgt. O'Neal stated at the time, Ms. St. Germain was unsure if the dog purposely bit her or if they were going after her dog. She indicated at the time that she was unsure which dog it was that bit her. Attorney Corbo asked if Sgt. O'Neal spoke to the dog owners, he shared that another officer met with the dog owners while he stayed with Ms. St. Germain. Selectperson Hoffmann asked if there was any question of what the substance was on her pants, Sgt. O'Neal said when he saw the stain it was growing in size, so it was clear to him it was blood. Selectperson Hoffmann asked if Sgt. O'Neal asked Ms. St. Germain at the time if it was her own dog that bit her, he responded no as he allowed her to tell her story. Selectperson Chaffee confirmed the puncture wounds provided in the police report were taken by Sgt. O'Neal. Selectperson Whitney asked if Sgt. O'Neal heard the assessment of the medics if the wounds were consistent with a dog bite. Sgt. O'Neal answered no, the treatment was consistent with what was called in, a dog bite.

Attorney Lawler noted that the training Sgt. O'Neal has received is to take detailed and copious reports and, in the report, Sgt. O'Neal stated that "she pulled her dog close, and they began attacking." Sgt. O'Neal responded that this is accurate. Attorney Lawler confirmed with Sgt. O'Neal that Ms. St. Germain at the time was unsure if the dog was attacking her or her dog. Attorney Lawler confirmed that Sgt. O'Neal is aware of the dog bite bylaw, noting that it is important to understand which of the dog's bit her and confirmed that Sgt. O'Neal asked the question on at least one occasion. Sgt. O'Neal stated that he probably asked at least twice as there were concerns about rabies, however both responses were that she was unsure.

Ms. St. Germain had no questions.

Attorney Corbo asked that the animal control office testify, Linda Brogden-Burns. Ms. Brogden-Burns shared that she was on vacation when the incident occurred. In her absence, the Brewster Health Inspector, Sherri McCullough placed the dogs in a 10-day quarantine which is protocol. Ms. Brogden-Burns, on her return to duty, made sure that all four dogs had been vaccinated and noted that none were licensed in the Town at the time. Ms. Brogden-Burns released the dogs from quarantine and spoke with the owners about licensing the dogs, the three that reside in Brewster have since been licensed. Attorney Corbo asked Ms. Brogden-Burns of the behavior of the dogs when she released them from quarantine. Ms. Brogden-Burns replied that all were alive and well and responded appropriately. Ms. Brogden-Burns stated that there was a complaint on July 11, 2022, about Mr. Filippatos's dogs that there was barking from inside the house. There have been no complaints regarding Ms. St. Germain's dog. Attorney Lawler confirmed with Ms. Brogden-Burns that the Town is uncertain which of the four dogs bit Ms. St. Germain.

Attorney Lawler introduced the dog owners, Mr. Filippatos who stated that he has owned the dogs their entire lives and has never noticed either dog being violent. It was confirmed that the third dog belongs to his



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daughter who was visiting at the time. Mr. Filippatos confirmed that both dogs are always taken on walks together and in response to the complainant's reference of "pack behavior", has never seen them be violent when together. Mr. Filippatos shared that they take their dogs to the Brewster Dog Park weekly, where leashes are not allowed and there have never been any incidents.

Attorney Lawler inquired about the incident that Ms. St. Germain mentioned that occurred prior to the incident in question. Mr. Filippatos stated that when in the conservatory they allow their dogs off leash and were unaware of the leash rule at the time. Mr. Filippatos provided a review of the incident of the encounter between his wife and Ms. St. Germain on the path that occurred previous, it was noted that Ms. Cleveland had fallen but kept hold of the dogs who were on leash. Attorney Lawler then requested that Mr. Filippatos provide detailed events of what transpired on the day of the incident in question. In his testimony he stated that about 20 feet before the bend in the path he heard screaming, he was able to see his wife, Britta on the path, but not the dogs that were in front of her. When he came around the bend, approximately 3-6 seconds after he last saw the dogs, he heard Britta calling the dogs back. At this point there were about 10 feet from Britta, he saw Ms. St. Germain and on the other side of her, her dog Oakley tight at her right side. Mr. Filippatos stated that all the dogs were barking at each other, it was 2-3 seconds before his dogs were leashed with the help of Britta. Mr. Filippatos testified that he never had to pull one of his dogs off Ms. St. Germain. Ms. Cleveland confirmed that her husband's testimony was clear and accurate.

Attorney Corbo reviewed the way in which he understood the testimony and asked how far ahead the dogs were from Ms. Cleveland. She approximated that the dogs were no more than 10-15 feet ahead of her. Ms. Cleveland stated that the dogs were in her eyesight, except when they went around the bend, this is when she heard the screaming and immediately called all three dogs back. Ms. Cleveland testified that the dogs bounded back to her, Stevie had already been close, and all were barking. Ms. Cleveland confirmed that she did not see the interaction between her dogs and Ms. St. Germain and her dog. Mr. Filippatos stated that he absolutely did not see any of his dogs bite Ms. St. Germain. Ms. Cleveland shared that the screaming was very loud and distracting, creating the dogs to freak out, but the dogs came right back when called. Attorney Corbo asked Mr. Filippatos what his understanding of under control in the restraint law is. Mr. Filippatos stated that his understanding is that one must be able to control the dogs and they have to come back when called in most circumstances. Mr. Filippatos also stated that he was in the wrong as their dogs were off leash, though they did not know it was a rule at the time. He added that they did the best that they could to control the dogs as quickly as possible under the circumstances, which were very unfortunate. Mr. Filippatos stated they feel very badly about Ms. St. Germain being bitten, however based on what they saw, heard and experienced, they are all most certain that it was not one of their dogs that bit her.

Attorney Corbo inquired if something like this has happened before while the dogs were off the leash. Ms. Cleveland stated that when the dogs see other dogs, they go towards them, but not aggressively, it is what they do when they want to meet other dogs. Attorney Corbo stated that clearly Mr. Filippatos and Ms. Cleveland acknowledge there was a negative interaction that their dogs were involved in and asked what they intend to do to prevent it from ever happening again? Mr. Filippatos answered that they contacted a dog trainer and have completed a training course, which has helped a lot, especially with the barking. He



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also referenced a letter in the packet from a neighbor regarding his dogs chasing after chickens, though this was never brought to their attention, they have since fenced in their entire property. They also intend to abide by the law and no longer walk their dogs off leash on the trail. Attorney Corbo asked if the dogs are permitted to be outside on their property without them present. Mr. Filippatos responded no and confirmed that Stevie is not their dog and does not reside with them in Brewster.

Attorney Lawler addressed the Board and asked that they review the police report in which Ms. St. Germain indicated that when the dogs approached her, she pulled her dog in very close. In looking at the picture of her dog, noting that there may be some issues with the type of spike collar that Oakley wears, for the smaller doodles (Raki and Remi) to get at her inner thigh where the bites occurred, it is not conceivable if holding her dog tight to her body. Attorney Lawler expressed that what may have occurred is that the dogs came up to say hello to her dog, who in turn got upset, he may have lunged at the doodles, or as expert reports state, Oakley could have vented and lashed out and bite Ms. St. Germain. Attorney Lawler stated that this is Ms. St. Germain's burden to prove and there is more than enough evidence to overcome the burden. He continued that his client's acknowledge that their dogs were supposed to be on leashes and accepts responsibility, as they have taken numerous actions. Attorney Lawler stated that the dog that delivered the bite has not been identified. He also mentioned that he has numerous videos of the doodles at the Brewster Dog Park, all with positive interactions with no signs that they are violent dogs. Attorney Lawler mentioned that documented submitted by Ms. St. Germain that states her dog has been brought to a care home with no issues, noting that these interactions are with people only and that certain dogs may be great with people, but not with other dogs.

Attorney Corbo stated that there needs to be sufficient evidence in the record for the Board to make a finding that the dogs owned or kept by the owners are nuisance or dangerous dogs based on their behavior. The video was not viewed by the Select Board.

Members of the Select Board had the opportunity to question the dog owners. Selectperson Hoffmann described the time when the owners did not see their dogs, as they were around the bend, and at that point heard the screaming. Filippatos responded no and reviewed his timeframe of the incident again. The owner's answered that they did not see Oakley, or any dog bite Ms. St. Germain, in fact they did not see any dogs touching Oakley or Ms. St. Germain. Selectperson Hoffmann asked that during the time when the owner's lost sight of the dogs, do they know where they were in relation to Ms. St. Germain. Mr. Filippatos answered that he could only estimate the distance and time it took to round the corner, which was seconds. He stated that it is inconceivable to him that there could have been a dog fight in that time frame. Ms. Cleveland stated that their dogs are allowed to be in the yard when they are present, often their dogs would visit with the neighbor's dog and vice versa and with no issues.

Chair Chatelain confirmed that there were no injuries to the dogs after the incident.

Ms. St. Germain was provided the opportunity to ask questions, she stated that her experience with these dog owners has not been pleasant since the beginning. She feels confident that she has written and stated



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everything she can remember as truthfully as she can and trusts that the Board will be fair and do the right thing.

Selectperson Hoffmann moved to close the evidentiary portion of the hearing. Seconded by Selectperson Bingham. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

Attorney Corbo stated that the Board will enter the deliberation phase as to the issues before them. Noting that there are two things to complete. Decide whether the dogs are nuisance dogs or dangerous dogs, if the answer is yes, then they must decide any remedies to impose to abate the nuisance or danger. Attorney Corbo stated that since the dog known as Stevie does not reside in Brewster, the complaint against this dog should be dismissed.

Selectperson Chaffee stated that at its core, we are gathered here about public safety, and a Brewster resident has sustained puncture wounds to her legs, who was the only party to witness the actual events surrounding the dog bites. There has been testimony that the dogs at the heart of this hearing were not under the owner's control at the time of the incident. Selectperson Chaffee believes that if the dogs had been leashed, Ms. St. Germain would not have sustained these injuries, and thinks there is evidence to find the dogs as nuisance dogs.

Selectpersons Bingham and Hoffmann agree with Ms. Chaffe and believe that the owners have made progress and appropriate remedies thus far.

Selectperson Chaffee offered some possible remedies that would be helpful based on public safety. Attorney Corbo reviewed the definitions of dangerous dogs and nuisance dogs according to the statute. Adding that the difference in his opinion is that a dangerous dog is one that sets out and attacks in a circumstance in which you wouldn't expect a dog to attack versus a nuisance dog that would react in a way that you would expect a dog to react, not usually or inherently dangerous. Noting that based on the facts and the Boards determination of the credibility of the witnesses, does the evidence support a conclusion that the dogs fit into one of these categories. Attorney Corbo reviewed the disputed version of the events, sharing that what we know for sure is that the dogs were unleashed in the Conservation area, they were walking ahead of their owners and that at a certain point in time there was curve, when the dogs went around something happened. The only real evidence we have is the testimony of the other dog owner that says that one of the three dogs' bit her, however there was further testimony that the owners of the three dogs (or at least two of them) called them back right away and they came. Attorney Corbo shared that there is nothing to suggest the dogs continued with this behavior beyond being called back by the owners and the dogs were taken away at that time. It is up to the Board to decide is the evidence of the individual who was bitten is credible as to what has happened, if it is, is it sufficient to justify a finding that these dogs are nuisance or dangerous.

Selectperson Whitney agrees with the finding of a nuisance dog. It was clarified by Attorney Corbo that the statute is open ended, and the Board can order anything necessary to abate the nuisance.



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Chair Chatelain declared that we only have one witness and is concerned that although there is no doubt that Ms. St. Germain was bitten by a dog, it has not been determined as to which dog bit her. Chair Chatelain does not support the orders that have been suggested by the Board and does not support a designation on either of the dogs.

Selectperson Chaffee moved that the Select Board dismiss the complaint against the dog known as Stevie, because the dog is not kept or owned in the Town of Brewster, that the Select Board find the dogs known as Raki and Remi owned by Parisis Filippatos and Britta Cleveland are nuisance dogs based on the evidence in the record including testimony under oath by the dog bit victim who was the only witness to the attack and who stated it was the dogs Raki and Remi who attacked her, the photographic evidence of the puncture wounds on the victims thighs taken by the victim and the Brewster' Police Department, the Brewster Police report dated 14 June 2023 by Sgt. O'Neal documenting that the owner informed officer Frisbee that he lets his dogs run off leash in the conservation area or had in the past, the owner's testimony that the dogs at this time were off leash and out of sight at the time of the incident and that the owner's described an earlier incident where Ms. Cleveland was not able to control the dogs on leash and that the victim required health services to address her injuries. Selectperson Whitney seconded. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-no. The Board vote was 4-Yes, 1-No.

Selectperson Chaffee moved that in the matter of Raki and Remi owned by Parisis Filippatos and Britta Cleveland having been found to be nuisance dogs by the Brewster Select Board, the Board issues the following order:

- Anytime the dogs, Rocky and Remi, are taken to a place open to the public, they shall be securely and humanely muzzled and secured on a leash not to exceed 6 feet in length.
- No more than one of the dogs should be walked by one person at a time.
- The leash shall be held by an adult capable of controlling the dog.
- The owners shall comply with all rules, regulations, and requirements of a property owner when on the property owned by another.
- The owners provide documented proof of not less than \$100,000 of insurance for claims resulting in intentional or unintentional acts by these dogs or of reasonable efforts to obtain such insurance if a policy has not been issued within 30 days.

Selectperson Whitney seconded the motion.

There was a question if nuisance dogs are allowed at the Brewster Dog Park. Attorney Corbo noted that regulations state that dangerous dogs are not permitted, but there is no mention of nuisance dogs.

There was discussion on the orders presented, Chair Chatelain stated that he does not support this motion, as he thinks it is excessive. He believes a lighter sanction would be appropriate, as muzzling is a significant inconvenience to the dogs and the owners. Selectperson Bingham and Selectperson Hoffmann agree that



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muzzling should not be required but want to keep the leash requirement. Selectperson Whitney expressed his concern about future encounters between the parties as Hay Conservation is local to both and it in everyone's best interest to avoid another incident.

Selectperson Chaffee provided an update of her motion of the orders:

- Anytime the dogs, Raki and Remi, are taken to a place open to the public, they shall be secured on a leash not to exceed 6 feet in length.
- No more than one of these dogs should be walked by any one person at a time.
- The leash shall be held by an adult capable of controlling the dog.
- The owners shall comply with all rules, regulations, and requirements of the property owner when on the property owned by another.
- The owners provide documented proof of not less than \$100,000 of insurance as previously stated.

Selectperson Bingham seconded the motion.

The Board discussed options for leash requirements and the order requiring the dogs to be walked one at a time. Attorney Lawler noted that walking the dogs one at a time would create a tremendous inconvenience. Selectperson Chaffee noted that what is most important regardless of the specific order that is agreed on, is that it is clear that any violation that brings these dogs back to the Board is going to result in a much more difficult hearing.

Selectperson Chaffee made the following amended motion:

- No more than two dogs shall be walked by one person at a time.
- The leash shall be held by an adult capable of controlling the dogs.
- Anytime the dogs, Rocky and Remi, are taken to a place open to the public, except fenced dog parks where no leash is a requirement, they shall be secured on a leash.
- The owners shall comply with all rules, regulations, and requirements of the property owner when on the property owned by another.
- The owners provide documented proof of not less than \$100,000 of insurance as previously stated.

Selectperson Whitney seconded the motion. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-no. The Board vote was 4-Yes, 1-No.

Selectperson Hoffmann moved to close the public hearing. Selectperson Whitney seconded the motion. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

Attorney Corbo will prepare a proper notice of the decision including notice to all interested parties including any right of appeal.



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Discuss and Vote on Award of Contract for Rehabilitation Work at 212 Yankee Drive and Waiver of Building Permit Fees

Ms. Kalinick stated that the single-family residence is on the Town’s subsidized housing inventory (SHI), which is under the care, custody, and control of Brewster Affordable Housing Trust. The Town has been working through the process of remediating the home due to water damage, the house has been taken down to its studs. An invitation for bid to complete the rehabilitation work was recently issued, the Town received two bids, however one was disqualified. On August 3rd the Affordable Housing Trust voted to recommend an award to the Pearl Company from Mashpee and their bid of \$240,672. Ms. Kalinick shared that both she and Ms. Scalise, the Housing Coordinator, have had multiple meetings with Town Counsel to review the list of work needing to be completed and most is Community Preservation eligible. A grant was received in the amount of \$500K to work on homes on the Town’s SHI list that require support or intervention to keep them on the list. After the work is completed, an affordable housing fair market lottery will be held through the Housing Assistance Corporation to be resold to an eligible buyer. The Town will be able to recoup some of the funds that have been put into his project through the resale of the house, it is costing approximately \$100K to preserve the home. Ms. Kalinick shared that the building permit fees are between \$1800-\$2000.

Selectperson Bingham moved to approve \$240,672 and to waive all permit fees. Selectperson Whitney seconded the motion. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

FYIs- No comments

Matters Not Reasonably Anticipated by the Chair- None

Questions from the Media- None

Adjournment

Selectperson Hoffmann moved to adjourn at 8:27pm. Selectperson Bingham second. A roll call vote was taken. Selectperson Chaffee-yes, Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

Respectfully submitted by Erika Mawn,
Executive Assistant

Approved: _____ Signed: _____
Date Selectperson Hoffmann, Clerk of the Select Board

Accompanying Documents in Packet: Agenda, Dog Hearing Information, 212 Yankee Drive Documents, FYIs



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MINUTES OF THE LOCAL PREFERENCE INFORMATION SESSION

DATE: August 17, 2023
TIME: 6:00 PM
PLACE: 2198 Main Street

PARTICIPANTS: **Housing Partnership-** Chair Jillian Douglass, Lisa Forhan, Vanessa Greene, Sarah Robinson, Steve Seaver, **Select Board-** Chair Chatelain, Selectperson Bingham, Selectperson Hoffmann, Selectperson Whitney, **Affordable Housing Trust-** Chair Timothy Hackert, Vanessa Greene, Donna Kalinick, Ned Chatelain, Maggie Spade-Aguilar, **Town Manager** – Peter Lombardi, **Housing Coordinator-** Jill Scalise

REMOTE PARTICIPANTS: **Housing Partnership-** Ralph Marotti. **Affordable Housing Trust-** Tony Freitas and Paul Ruchinkas. **Finance Committee-** Chair Pete Dahl, Robert Tobias, Alex Hopper, Andy Evans, Bill Hency, Frank Bridges. **Community Preservation Committee-** Chair Faythe Ellis, Sarah Robinson, Sharon Marotti, Elizabeth Taylor, Bruce Evans, Peggy Jablonski, Paul Ruchinkas

Call to Order, Declaration of a Quorum, Meeting Participation Statement and Recording Statement

- Select Board Chair Chatelain called the meeting to order at 6:03pm and declared a quorum with all members present except for Selectperson Chaffee.
- Housing Partnership Chair Douglass called the meeting to order at 6:03pm and completed a roll call vote.
- Affordable Housing Trust Chair Hackert called the meeting to order at 6:04pm and completed a roll call vote.
- Finance Committee Chair Dahl called the meeting to order at 6:05pm at completed a roll call vote.
- Community Preservation Committee Chair Faythe Ellis called the meeting to order at 6:05pm and completed a roll call vote.

Select Board Chair Chatelain read the meeting participation statement and the recording statement.

Presentation by Donna Kalinick, Assistant Town Manager and Jill Scalise, Housing Coordinator

Ms. Kalinick shared that the State recently notified the Town that the Housing Production Plan was certified for the third time in the last five years. The Town had an increase in the number of units on the Subsidized Housing Inventory (SHI), in 2017 there were 250 units or 5.2% of the required 10% and currently we have 372 units that have been certified, an increase to 7.2%. Ms. Kalinick thanked all the committees for contributing to the housing program.

Ms. Scalise provided her definition of local preference, a priority for people who live, work, or have a child attending school in a locality. Local preference doesn't exist on its own, it includes the guidelines for G.L. C. 40B Comprehensive Permit Projects for Subsidized Housing Inventory, Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines. Any affordable unit on the Subsidized Housing Inventory (SHI) has to go through the Affirmative Fair Housing process and local preference fits as one part of the process.



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For a local preference to be part of the process, the municipality has to demonstrate a need and make a request to the Executive Office of Housing and Living Communities (EOHLC) to receive local preference. The municipality must also justify the extent of the Local Preference (the percentage of units to be set aside for those in the local community). Ms. Scalise noted that it can't be more than 70% of the affordable units in a project. The ultimate decision is made by the State, the Executive Office of Housing and Livable Communities (EOHLC). The State makes sure that there is not a negative impact on protected classes. Ms. Scalise reviewed the protected class under the Federal Fair Housing Act and the State of Massachusetts.

Ms. Scalise reviewed the steps that a municipality would take to request Local Preference, the first is to provide the developer and the subsidizing agency (EOHLC) documentation to support the desire and the request for local preference must be made within three months of the issuance of a comprehensive permit. The subsidizing agency as well as the municipality must approve the local preference as part of the Affirmative Fair Housing Marketing Plan (AFHMP), this can't be done in a comprehensive permit. Ms. Scalise provided information on who may qualify for Local Preference:

- Must be a current resident: a household in which one or more members is living in the city or town at the time of application.
- Municipal employees
- Employees of local businesses
- Households with children attending the locality's school, includes school choice students and regional schools within in the municipality.

One of the concerns with Local Preference is making sure there isn't any negative impact on those in protected classes. When determining the Local Preference categories, the geographic boundaries for local resident preference may not be smaller than the municipal boundaries, Ms. Scalise noted that most include all of Brewster. For Regional Preferences it must be the whole Metropolitan Statistical Area (MSA), for Brewster this is Barnstable County. Durational requirements related to Local Preference, meaning how long an applicant has lived in, worked, or gone to school in a preference area is not permitted. Preferences extended to local residents should also be made available to applicants who have a bona fide job offer or housing offer within the town. Ms. Scalise continued to review Local Preference guard rails, which include:

- A preference for households that work in the community must not discriminate against persons with disabilities and elderly households.
- Advertising must not have a discriminatory effect on eligible applicants. Local Preference must not be advertised as they may discourage people from applying.
- Local Preference only applies to the initial sale or lease up.

Eligible applicants are first placed into a lottery, the number and type of pools will depend on the project. There is a Local Preference pool and an Open pool, local applicants will be placed in both pools. Ms. Scalise explained Minority Balancing, a step taken to make sure the whole system is working the correct way. This step determines if the percentage of applicants that identify as ethnic or racial minority in the local preference pool must be equal or greater to the percentage of minority residents in the MSA, which for



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Brewster is 15%. Ms. Scalise went on to detail the steps and provide an example if the percentage of minority local resident households in the Local pool is less than the percentage in the MSA.

Ms. Kalinick shared Brewster's experience with Local Preference:

- Paul Hush Way- 14 homes in two phases
 - 70% Local Preference was granted
 - Significant CPA funding, approximately \$1.4M
 - 157 total applicants over two lotteries, 49 qualified
 - Both the lottery pool and home ownership build selection demonstrated a fair and diverse representation of qualified applicants
- Brewster woods- 30 rental affordable units (land owned by Brewster Housing Authority)
 - 70% Local Preference was granted
 - Funding through CPA (\$550K) and MassWorks grant (\$1.68M)
 - Affordable fair marketing and lottery for 27 units, 3 of the units because of the funding source went through a different process. Units were for folks at 30-60% of Area Medium Income (AMI)
 - 240 total applications, 128 applicants qualified
 - 40 applicants in the local preference pool, no minority balancing required
- Serenity at Brewster
 - 132 rental units, community for aged 55+, 27 units are deed restricted at 80% of the AMI
 - 50% Local Preference was granted, no Town funding was involved
 - 72 total applications, 53 applicants qualified, minority balancing used in the lottery
 - 14 applicants in the supplemental local preference pool, all offered apartments at Serenity

Ms. Kalinick reviewed the new Habitat for Humanity build for two homes at Phoebe Way, sharing that there will be two 3-bedroom affordable homes, one at 60% AMI and one at 80% AMI. There is \$100K of Brewster CPA funds, and there will be one veteran's preference home, a first for Habitat for Humanity.

Ms. Scalise announced that the Town is at a Local Preference decision point with Spring Rock Village, 0 Millstone Road, having received a comprehensive permit in June. There will be 45 affordable rental homes and we are currently in the 90 day window to request Local Preference. Ms. Scalise provided an overview of the property:

- \$285K of CPA funds was used to purchase the 1.5-acre access parcel in 2018
- Town designated 16.6 acres of Town land for Community Housing
- Town through the Brewster Affordable Housing Trust (BAHT) went through a feasibility study, completed community outreach, and led a Request for Proposal in 2021. The Town accepted a proposal from Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC)
- The proposal includes 12 buildings with 15 one-bedroom units, 25 two-bedroom units and 5 three-bedroom units at a mix of 30-50% AMI, 50-60% AMI and up to 80% AMI



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Ms. Scalise shared that POAH and HAC are working on their financing. Most of the land will be left as is, which was part of the proposal request and community input. The Barnstable County Median Family Income is \$124,300, SHI affordable housing is low to moderate income housing that goes up to 80% of the AMI. For 2023, HUD has set the income limits by household size. Ms. Scalise showed how this responds to salaries in Brewster and municipal workers, noting that entry level positions could qualify depending on their family status. The Select Board has the option to request up to 70% Local Preference. The request must be made to the EOHLIC by September 14, 2023, who will make the final decision.

Questions and Discussions

Each Board and Committee had the opportunity to ask questions and make comments about the presentation. Ms. Scalise made the following clarifications throughout this portion of the informational session:

- The Local pool needs to have 15% of minority residents apply, there are no requirements as to who is chosen.
- Reasons that someone may not qualify include the mortgage process, changes in income and information that may have been on the application that is not accurate.
- The State requires a Town to have 10% of the number of year-round units on the SHI, make a .5% gain towards that goal and have a certified Housing Production Plan to place the Town in safe harbor. Safe Harbor means that if there is a comprehensive permit project, the Town has the ability to use its own local zoning rather than the State's level of zoning, giving the Town more control of what can happen. Town's can stay in Safe Harbor for one year, if a Town reaches the 10% goal, they stay in Safe Harbor as long as they meet that goal.
- Any housing that is on SHI or is affordable housing must go through an Affirmative Fair Housing Marketing Plan and Resident Selection Plan regardless of Safe Harbor status.
- The understanding is that any applicant that is living in Brewster at the time of the application is eligible as there is no duration requirement.
- Specific eligibility questions would be answered by the State and a certified lottery agent is hired by the Town who assists with specific questions regarding eligibility, including local businesses.
- An example of Regional Preference on Cape is the Village at Nauset Green, Ms. Scalise understands that they received 65% Local Preference for the Town of Eastham and 10% Regional Preference for Barnstable County (she is still waiting confirmation).
- Through research it was determined that the land used for this project was used historically for wood lots and the wood used for fishing weirs in the Bay, the name of the driveway will be Wood Lot Way. Additionally, Spring Rock is a glacier erratic found on old deeds for this area, including the access parcel.
- If a unit becomes vacant after the initial lease up, the management company would work off of a waitlist that was created from the lottery.
- The Affirmative Fair Housing Plan has specific requirements for marketing units, the Town's Housing Program also completes outreach through the Town website, Chamber of Commerce, large employers to help spread the word.



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- The Town is certified until June 2024 through the Housing Production Plan, unless the State changes the SHI the Town will need to add 24-30 units to become certified again, however there are no projects lined up at the moment.
- Ms. Scalise shared that the Town is prepared to characterize the need for Local Preference, referencing the years-long waitlist for the Housing Authority. She also shared that the number of renters in Brewster that are housing cost burdened is 64%, that 42% of the housing stock is seasonal housing, and less than 9% is rental housing. These are the types of data points that demonstrate the need in our community for rental housing.
- The next census that will be completed to identify an assessment for housing will be in 2030. Ms. Scalise noted that the 2020 data was received recently.
- The definition for ethnic and racial minorities is determined by the census definition.
- Ms. Scalise shared that educational efforts are being made by the Barnstable Home Consortium across the county as well as efforts made by Housing Assistance Corporation.
- Ms. Kalinick shared that we expect POAH and HAC to request funding assistance from surrounding Community Preservation Committees for Spring Rock Village.
- The diversity in the Town of Brewster has been improving through all the Housing Programs work, there were no exact numbers to be shared.
- Ms. Kalinick shared that 81% of applicants in both Brewster Woods and Serenity at Brewster were from one of the fifteen towns on Cape.

Adjournments

- Finance Committee member Bridges moved to adjourn at 7:31pm. Member Evans seconded the motion. Roll call vote: member Tobias- yes, member Hopper -yes, member Evans-yes, member Henchy- yes, Member Bridges- yes, Chair Dahl-yes, the vote was 6-Yes, 0-No.
- Community Preservation Committee member Taylor moved to adjourn at 7:32pm. Member Jablonski seconded the motion. Roll call vote: member Robinson-yes, member Marotti-yes, member Taylor-yes, member Evans-yes, member Jablonski-yes, member Ruchinkas-yes, Chair Ellis- yes, the vote was 7-Yes, 0-No.
- Affordable Housing Trust member Kalinick moved to adjourn at 7:32pm. Member Spade-Aguilar seconded the motion. Roll call vote: member Ruchinkas-yes, member Kalinick-yes, member Greene-yes, member Freitas-yes, member Chatelain-yes, member Spade-Aguilar-yes, Chair Hackert-yes, the vote was 7-Yes, 0-No.
- Housing Partnership member Seaver moved to adjourn at 7:33pm. Member Greene seconded the motion. Roll call vote: member Marotti- yes, member Robinson-yes, member Greene-yes, member Forhan-yes, member Seaver-yes, Chair Douglass-yes, the vote was 6-Yes, 0-No.
- Selectperson Whitney moved to adjourn at 7:33pm. Selectperson Bingham seconded the motion. Roll call vote: selectperson Bingham-yes, selectperson Hoffmann-yes, selectperson Whitney-yes, Chair Chatelain-yes, the vote was 5-Yes, 0-No.



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Respectfully submitted by Erika Mawn,
Executive Assistant to the Select Board

Board/ Committee	Approval Date
Select Board	
Housing Partnership	
Affordable Housing Partnership	
Finance Committee	
Community Preservation Committee	

Appendix C

SELECT BOARD COMMITTEE APPLICATION SCREENING FORM

Applicant Name Requested Committee

1. TOWN CLERK REVIEW

- a. Applicant is a registered Brewster voter: Yes No
b. Date confirmed

2. SELECT BOARD LIAISON RECOMMENDATION TO SELECT BOARD

a. **Select Board Liaison Applicant Interview:**

- i. Interviewer name (Select Board Liaison):
ii. Interview date:

b. **Select Board Liaison Consultation with Committee Chair:**

- iii. Committee Chair name:
iv. Consultation date:
v. Did Committee Chair also interview applicant? Yes No

c. **Was at least 1 Brewster reference contacted:** Yes No N/A

d. **Select Board Liaison Recommendation:**

- i. Recommend appointment.
ii. Recommend appointment to other committee that is a better fit for applicant qualifications.
iii. Recommend holding application for future opening.
iv. Not recommended.

3. SELECT BOARD ACTION

- a. At a Select Board meeting held , the Applicant was appointed to for a term ending year term.

4. NOTIFICATION OF APPOINTEE AND TOWN CLERK

- a. Date notification of appointment sent to appointee and Town Clerk:

Appendix B

Town of Brewster SELECT BOARD COMMITTEE APPOINTMENT APPLICATION

APPLICANT DIRECTIONS:

- Thank you for your interest in serving Brewster. The Town aims to match applicants with committee service best aligned to your skills and interests as well as the committee's needs.
- The Town may consider the information in this application, any supplemental information, and any other publicly available information. An appointment to any committee, board or commission is at the discretion of the Select Board.
- Please complete this form online, or on paper, and submit a résumé if desired to Erika Mawn, Town Administrator's Executive Assistant:
 - Email: EMawn@Brewster-MA.gov
 - Mail: Erika Mawn, 2198 Main St., Brewster, MA 02631, or
 - In person: Town Administrator's Office or drop-box outside Town Hall.
- After your application materials are received, you'll be contacted regarding next steps. Vacancies will be filled by applicants deemed best qualified to serve in a particular capacity, which discretion lies solely with the appointing authority. Submitting this form does not guarantee appointment.

1. Applicant name:

2. Address:

3. Phone Numbers: Home: Cell:

4. Email:

5. This is an application for: Full member status Alternate status

6. Are you a full-time Brewster resident? Yes No

7. Years you've lived in Brewster:

8. Are you registered to vote in Brewster? Yes No

9. Committees you are interested in serving on in order of preference:

a.

b.

c.

NOTE: You may attach a résumé or CV instead of completing items 10-14.

See Resume

10. EDUCATION. List schools attended, degrees/diplomas/certificates received, and date of completion.

Name of School	Degree/Diplomas Certificates	Date of Completion

11. OCCUPATION: _____

Active

Retired

Not currently working

12. EMPLOYMENT EXPERIENCE. List employers, job titles and dates of employment for at least previous 3 years.

Name of Employer	Job Title	Dates of Employment

13. GOVERNMENT POSITIONS. List any Town of Brewster or other government volunteer, elected, or appointed positions you now hold or have held.

-
-
-
-

14. COMMUNITY ACTIVITIES. List all civic, non-profit, or other organizations that you belong to or have belonged to in the previous 5 years:

a. Organizations and dates:

15. GOALS: Please explain why you'd like to serve on a particular committee.

First, I'd like to understand the challenges we face, work collaboratively with the Town leadership, other committee members, and the stakeholders. I will be a voice of a 'non-retired' course member, which has challenges from time to time.

16. EXPERIENCE & SKILLS: Please list any experience, achievements, skills, or interests you have that would assist you to serve effectively on the committee you wish to serve on.

I started playing golf at an early age, playing on municipal courses all over upstate NY. I played on my high school golf team and was a walk-on at the University of Buffalo's team.

17. TOWN EMPLOYMENT: Are you or any member of your immediate family employed by or receiving financial consideration from the Town of Brewster?

Yes No

18. CONFLICTS OF INTEREST. Do any of your activities or relationships present the possibility or probability of a conflict of interest if you are appointed? (Does not automatically disqualify but may need to be disclosed) Yes No

19. LOCAL REFERENCES: Please provide the names and contact information for references (Brewster residents preferred):

a. Name: Robert Tobias
Address: [REDACTED] Brewster, MA 02631
Phone: [REDACTED]
Email: [REDACTED]
Relationship to you: Fellow Golf Team Member, Friend

b. Name: Mike Nemerget
Address: [REDACTED] Brewster, MA 02631
Phone: [REDACTED]
Email: [REDACTED] .com
Relationship to you: Fellow Golf Team Member, Friend

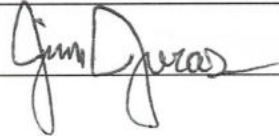
20. ADDITIONAL INFORMATION. Please add any additional information you'd like.

I've been a Captains member since 2011, and feel we're blessed to have such a lovely facility. I've been a member at other semi-private courses, and have played golf all over the world. This is my 52nd year playing golf both recreationally and competitively - I would relish the opportunity to bring my experience to the Town of Brewster.

20. SIGNATURE. By signing below, you state that you understand and agree.

- My completion of this form does not guarantee my appointment and my application will be kept on file for two (2) years.
- If appointed to a position, I will be considered a Municipal Employee under MGL Ch. 268A and will be subject to:
 - Massachusetts Conflict of Interest Law, MGL Ch. 268A;
 - Massachusetts Financial Disclosure Law, MGL Ch. 268B;
 - Massachusetts Open Meeting Law, MGL Ch. 30A, Sections 18-25, and the implementing regulations, 940 CMR 29.00;
 - Massachusetts Public Records Law, MGL Ch. 66, and the implementing regulations, 950 CMR 32.00;
 - Massachusetts Campaign Finance Law, MGL Ch. 55; and
 - Brewster Charter, when in force, and Town bylaws, and all other applicable federal, state, and local laws or regulations.
- If appointed, I must be sworn in by the Town Clerk before serving, and I will complete State Conflict of Interest training after appointment, as well as any other certifications required by law.
- When submitted, I understand that this form becomes a public document.

Signature:



Date:

7/28/2023

PROFILE

An Electric Power Industry executive with nearly four decades of experience in a number of career-progressing roles. Equally adept at operational and sales management. I have a passion for emerging technologies and fully embrace the pace of change that expansion into new technologies such as Offshore Wind, Renewables and Hydrogen generation. I have presented at, and moderated panels at industry and user conferences with Alstom, Black&Veatch and Gannett Fleming.

EXPERIENCE

GANNETT FLEMING, BREWSTER, MA

Senior Vice President and Senior Director, Power

In addition to the P&L responsibilities for the Power Division of Gannett Fleming, I led the technical review of an acquisition of a 112-person engineering firm, and built the integration and business development strategy for the combined organization.

Vice President, Director of Power

Leadership and accountability for operations, personnel management and business development of Gannett Fleming's Power business line. Helping to ensure our clients are receiving quality solutions and we're meeting the expectations across the board. Expanding our sales & marketing efforts to grow the power delivery business with Utilities, Renewables Developers, and Commercial&Industrial clients throughout the world.

BLACK&VEATCH, BURLINGTON, MA

Vice President and Account Executive — 2019-2021

I currently represent Black&Veatch both as an officer of the company, and as an employee-owner. I am responsible for sales governance and management of a sales team that covers the Northeast and Great Lakes regions of the United States. My team and I are responsible for business growth through multi-million dollar contracts and ensure these opportunities meet the due-diligence requirements of Black & Veatch and those of the client as well. The projects are all within our Power client base of Investor Owned Utilities and project developers in Transmission, Distribution, Renewables and Conventional Generation. Work performed under these projects are a balance of large Engineering Services and Engineer-Procure-Construct contracts. Frequently engaged in business expansion dialogue, through growth or acquisitions.

Senior Regional General Manager — 2017-2019

Contributed to the year-over-year growth of sales in the Power Business Unit while helping to grow the sales organization. Took on additional responsibilities in sales management for the group- developed sales targets, and helped quantify sales and entertainment budgets. Closed the sale of the first Program Management Office project for a large HVDC transmission line and helped get the project kicked off. This was the largest single sale in the Power Delivery organization in 2019.

Regional General Manager — 2013-2017

Accountable for the success of business development and sales efforts within the New England and Mid-Atlantic regions for the B&V Energy Business. The RGM works for the Sales Director, and works in a matrix organization that aligns the goals of Business Lines and Regional Profit/Loss centers. Met or exceeded sales goals every year while in this position.

POWER ENGINEERS, AMHERST, MA

Director of Sales — 2012-2013

Performed business development functions for the North Eastern region of the United States. Exceeded sales goals for 2012.

ALSTOM GRID, REDMOND, WA

Key Account Manager — 2008-2012

Strategic Key Account Manager for Northeast Utilities (now Eversource) in Berlin, CT. Manage all commercial activity and account governance with NU, covering multiple product lines which include, but are not limited to: Automation Software (SCADA / Energy Management / Distribution Management / Market Management), Software Support and Consulting, Substation Automation Products, Power Transformers, Instrument Transformers, High/Medium Voltage Circuit Breakers, Power Electronics, HVDC and FACTS products, and Disconnect Switches. Responsible for using CRM tools to manage the account and opportunities. Gain an understanding of, and continuously monitor the strategic plans of the customer, investments in T&D infrastructure, information technology, and services. Build account plans based on both AREVA and NU strategic planning. Negotiate contracts and Master Procurement Agreements with the customer. Contracts under negotiation range between \$.5million and \$30million, with annual account sales between \$5million and \$60million USD. Met or exceeded sales objectives each year. Establish and maintain relationships throughout the customer organization. Present at quarterly meetings with executive-level management. Frequent international and domestic travel.

Services Solutions Director — 1999-2008

P/L responsibility for the customer solutions consulting group. Perform strategic planning and team management for the professional services group of a large mission-critical T&D SCADA/Energy Management System (EMS) vendor. Created business plans, developed the services offering portfolio, organized the group for efficient delivery, and reported to upper-level management on status and performance of our deliveries. Identified prospects and then generated proposals, pricing structures and models, and negotiated and closed sales of service offerings ranging from large maintenance contracts, professional services, system operations and system tuning consulting, staff augmentation, system upgrades, and training. Created and delivered presentations to customers directly, at trade shows, and at user-group meetings. Provided management, leadership and vision to a team of 12 field-based professional services engineers and consultants. Frequent domestic and international travel while working from a remote/virtual office and customer sites (ISO-NE). Met or exceeded annual sales targets which ranged between \$4million and \$12million USD.

Site-based Service Director

My first two years in the Solutions Director role were spent on-site as part of the real-time and day-ahead market development group within ISO-NE. I managed a team of 8 individuals who were responsible for the SCADA/EMS and Market System Data Conversion effort leading up to the market go-live. Helped contribute to strategic planning, gap analysis, as well as conversion of these plans and market rules into tools that could be used in managing and running the markets. Gained an understanding of the market rules, and used these to implement gateways between the SCADA/EMS and Market system that would help streamline the process of model changes and how they affect the market, particularly in the area of Locational Marginal Pricing (LMP) calculations. Assisted in the go-live event for the day-ahead and real-time markets.

PUGET SOUND ENERGY, REDMOND, WA

Supervisor of Distribution Management System Support— 1997-1999

Provided leadership to a team of 3 engineers in 24/7 support of the Distribution Management System in the control center in Redmond, WA. I was the key liaison to the stakeholders, which included Information Technology and Distribution Operations and Executive Management during the Y2K planning. The software environment included an in-house built system, based on products from AREVA T&D and the RDBMS Ingres. Designed and managed the project to upgrade the SCADA/Energy Management Software(EMS) component to AREVA T&D's most recent release of their SCADA/EMS, as well as the conversion from Ingres to Oracle.

ALSTOM GRID, REDMOND, WA

Software Engineer and Product Manager — 1991-1997

Provided software development, integration, testing and project management for a various projects delivered between 1991 and 1996. I became responsible for product management of the energy transaction monitoring product TrakR, which was a very early predecessor of our market management software, and allowed for the entry of energy transactions between asset owners and non-asset owners (power marketers, resellers, etc.). I managed the product design and development teams, as well as the deployment teams at various customer sites.

CENTRAL HUDSON GAS&ELECTRIC, POUGHKEEPSIE, NY

Software Engineer— 1988-1991

Performed support of a SCADA/Energy Management system, as well as a Power Plant Control systems at the Roseton and Danskammer facilities. Successfully planned conversion of the EMS from a CDC-based system to a DEC Vax/VMS based system delivered by ABB.

EDUCATION

Bachelors of Science, College of Engineering & Applied Sciences, SUNY University Center at Buffalo- 1987

Masters of Science, Software Design & Development, Marist College- 1990

INTERESTS

Avid golfer, maintain a single-digit handicap.

Wood-worker.

Archived: Wednesday, August 23, 2023 1:03:52 PM

From: [Mike Richards](#)

Sent: Tuesday, August 22, 2023 8:31:27 AM

To: [Erika Mawn](#)

Cc: [Donna Kalinick](#) [Emily Sumner](#)

Subject: NR Mower

Importance: Normal

Sensitivity: None

Good Morning Erika

At your convenience, could you please add the following item to the next available Select Board agenda for surplus with the intent to list on GOV Deals?

1991

Bobcat Walk Behind Mower

48 inch

This mower was formerly the possession of Natural Resources Dept and is no longer useful to their operations. The DPW has transferred an older model mower to DNR to replace the mower listed below. If I missed anything or you need more information, please let me know.

Thanks

Mike Richards

Master Mechanic

Town of Brewster

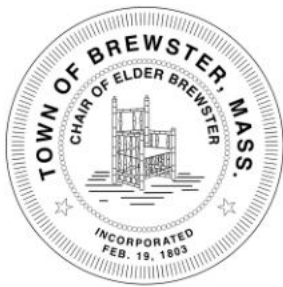
Department of Public Works

201 Run Hill Road

Office: 508-896-3212

Cell: 774-353-7160





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Phone: (508) 896-3701
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Office of:
Select Board
Town Manager

To: The Select Board
From: Erika Mawn
Date: September 7, 2023
RE: Department Head Feedback on Applications

All applications on the Consent Agenda have been provided to Department Heads for review and comment. The feedback will be noted on the license that is issued and/or shared with the applicant.

One Day Liquor Licenses Feedback:

- Health Department:
 - If food is offered at any of these events, the applicant will need to follow up with the Health Department for proper permitting.

- Fire Department:
 - Requires that all roadways must remain unobstructed for emergency vehicle access.
 - No parking within fire lanes, on interior roads, or around main buildings that will inhibit or delay the response of fire apparatus or EMS vehicles to an emergency incident.
 - If utilized, all tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
 - For Brewster Sportman's Club- all vehicles shall park in designated parking area only. All interior roads shall be designated a fire lane to allow FD access and egress to location. No parking on any interior roads.

- Planning Department:
 - No concerns with the other permits.

- Police Department:
 - Request that a barrier or signage should clearly delineate where people are permitted to consume the alcohol served.

- Town Administration:
 - For the Chamber events, parking is not allowed along Route 6A.
 - For the event at the Library, the Town does not have liquor liability insurance.

- Building Department:
 - If any temporary signs or structures are proposed, contact the building department to obtain the necessary permits.

- Hosts of indoor events are reminded to review all aspects of fire and occupant safety, and to adhere to all code requirements regarding egress and maximum occupant load requirements for gathering in assembly areas. This includes checking that fire extinguishers are hung and have current inspection tags, egress paths are clear, egress doors are unlocked and working. EXIT signs are in place, and that fire detection, sprinkler and alarm systems are all currently inspected and in working order. Assembly spaces (and mixed-use spaces that include assembly areas) should have an occupant load placard posted where required within the assembly space near an exit per MA Building Code 780 CMR Chapter 10.

One Day Entertainment Licenses Feedback:

- Health Department:
 - If food is offered at any of these events, the applicant will need to follow up with the Health Department for proper permitting.
- Fire Department:
 - Parking in designated spaces only. No parking in fire lanes or parking lot lanes. Fire Lanes and access to buildings shall remain clear of vehicles. Do not block hydrants or fire department sprinkler connections.
 - If utilized, all tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
- Planning Department:
 - No concerns/questions with the application.
- Police Department:
 - No concerns/questions with this application.
- Town Administration:
 - The Board should consider capping the entertainment at 10pm, not 11pm.
 - Applicant should check with the Building and Health Department for additional permits that may be required.
 - Traffic patterns and parking should be reviewed by Police and Fire.
- Building Department:
 - If any temporary signs or structures are proposed, contact the Building Department to obtain the necessary permits.

Facility Use Applications Feedback:

- Health Department:
 - If food is offered at any of these events, the applicant will need to follow up with the Health Department for proper permitting.
- Fire Department:
 - All tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
 - Multiple tents placed side by side shall have a 12 ft. fire break clearance on all sides for every 700 square feet of tent (Ex. When seven 10' x 10' (or greater) tents are

placed side by side there shall be a 12' break every 700' or less dependent on size of tent.

- Parked vehicles or internal combustion engines such as generators shall not be located closer than 20 feet to any tent or membrane structure 400 sq ft or more and/or multiple tents placed side by side with an aggregate area of 700 sq ft. For the purpose of determining required distance, support ropes and guy wires shall be considered as part of the temporary membrane structure or tents.
- Access to field vendors by fire department vehicles shall not be blocked. All lanes in between tents shall be no less than 12' in width.
- No parking on interior roads shall be permitted.

- Planning Department:
 - No comments or concerns.

- Police Department:
 - All applicants should be advised that if there are impacts to traffic flow on Route 6A, a police detail may be required.

- Town Administration:
 - Consult with the police department for determination if a police detail is required.
 - Events that exceed (4) hours or 75 people require their own port-a-johns to be provided by the applicant.
 - They should ask their vendors to be responsible for their own trash removal.
 - Any serving of food/food vendors need to be permitted through the Board of Health.
 - No vehicles are to transverse across the paved walking paths.
 - They need to work with facilities regarding water and electric usage if needed.
 - The sale of single use plastic bottled water is prohibited on town property.
 - Any one applicant will require a special event permit if the number of events in a calendar year exceeds (5).
 - For the Kayak Tournament – there is not a town provided port-a-john at this location, applicant should consider having one placed for the day of the event.

- Building Department:
 - Any single tent exceeding 400 SF requires a tent permit application. This includes smaller tents conjoined to create a larger unit exceeding 400 SF.
 - If any temporary signs or structures are proposed, contact the Building Department to obtain the necessary permits.

- Natural Resources Department:
 - No vehicles are to cross the walking path, including during setup and breakdown of the event.
 - The NE Bassin tournament has been held in the past and they have always been responsive and respectful.

Special Event Application Feedback:

- Health Department:
 - Any proposed food service to be registered through the Health Department via a temporary food permits or caterer's registration.

- Fire Department:
 - All tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
 - Parked vehicles or internal combustion engines such as generators shall not be located closer than 20 feet to any tent or membrane structure 400 sq ft or more and/or multiple tents placed side by side with an aggregate area of 700 sq ft. For the purpose of determining required distance, support ropes and guy wires shall be considered as part of the temporary membrane structure or tents.
 - Roads and lot lanes need to be no less than 20', graded smooth, capable of holding fire department apparatus.
 - Based on the submitted drawing and conversation with the applicant, it appears they will be able to maintain access for fire department vehicles.

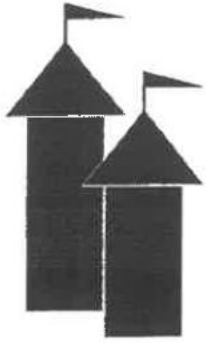
- Planning Department
 - No comments or concerns.

- Town Administration
 - Applicant must contact Building and Health Departments for any additional permits that may be required.
 - Traffic patterns and parking should be reviewed by Police and Fire.
 - Owner should notify abutting properties of event and any impacts, particularly since the event is scheduled to go to 11pm. Music should be stopped or turned way down at 10pm.

- Police Department
 - Applicant should be advised that if there are impacts to traffic flow on Route 6A, a police detail may be required.

- Building Department
 - Any single tent exceeding 400 SF requires a tent permit application. This includes smaller tents conjoined to create a larger unit exceeding 400 SF.
 - If any temporary signs or structures are proposed, contact the Building Department to obtain the necessary permits.

- Department of Natural Resources
 - No comments or concerns



CASTLEBERRY FAIRS & FESTIVALS

Erika Mawn
Executive Assistant to the Town Administrator
2198 Main Street
Brewster, MA 02631

August 1, 2023

Re: Events July & August 2024

Hello Erika,

We would like to return to Drummer Boy Park to host our 2 Annual Arts and Craft Fairs in 2024.

Enclosed please find: 2 "Applications for Facility Use" for Drummer Boy Park as follows:

12th Annual Kill Tide Arts & Craft Festival

August 23, 24 & 25, 2024 (set up date of August 23)

We prefer to keep the Exhibitor Booths and Parking in the same locations.

With the option open to switch these in case of rain. (See Map Enclosed)

We prefer the shady section (A) for exhibitors but if there is rain we would have to move to higher ground (B).

Certificates of Liability Insurance will be provided when our insurance renews in May, 2024.

Drummer Boy Park is beautiful and we are fastidious in our care, we are constantly cleaning during and after our event. We always leave the park in pristine condition.

We request the grass cut 2 or 3 days prior and sprinkler system, if applicable, turned off.

I am a licensed (annually) State Promoter through the Massachusetts Division of Standards. All Castleberry Events are duly registered with the Massachusetts Department of Revenue.

Enclosed find Check # 23406 in the amount of \$1000.00 for 2 deposits of \$500.00 each.

Please confirm these dates as soon as you are able and I will send you the balance.

Thank you again for your help.

Terry Mullen

APPLICATION FOR FACILITY USE

BREWSTER BOARD OF SELECTMEN

2198 MAIN STREET, BREWSTER, MA 02631

All requests must be made **at least two (2) weeks in advance of the desired use date**. For more information please call the Selectmen's Office at 896-3701. Completed forms may be dropped-off or mailed to the address above, or **faxed back to 508-896-8089**.

ORGANIZATION OR GROUP: Castleberry Fairs & Festivals

LOCAL SPONSORING ORGANIZATION: N/A

AREA OR FACILITIES NEEDED: Drummer Boy Park / Fields & Electrical Service

DATE OR DATES REQUESTED: August 23, 24 & 25, 2024 (Set Up Day 8/23/2024)

TIME IN: 6am _____ TIME OUT: Sun: 6pm _____ (INCLUDING PREPARATION & DISMANTLING)

PURPOSE OF FACILITY USE: Host the 12th Annual Kill Tide Arts & Craft Festival

NATURE OF ACTIVITY TO TAKE PLACE: Sale of American made works (sold by the maker) Arts, Crafts, Specialty Foods, plus Craft Demonstrations and Live Music.

WILL ADMISSION FEE BE CHARGED? YES _____ NO X AMOUNT _____ NON-PROFIT ORGANIZATION: YES _____ NO X

IRS # Federal Tax ID Number 02-04944851 TOTAL NUMBER OF PERSONS EXPECTED 2500

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 250

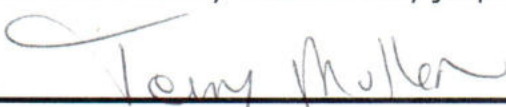
ANY SPECIAL EQUIPMENT NEEDED: Electrical access and Grass cut 2 or 3 days prior and sprinkler system (if applicable) turned off and we need access to water.

PERSON RESPONSIBLE FOR THE OBLIGATIONS OF THE GROUP WHO WILL PAY THE BILL - NAME: Terry Mullen

MAILING ADDRESS: 110 North Pembroke Road, Pembroke NH 03275

TELEPHONE NUMBER: Office: 603-332-2616 [REDACTED]

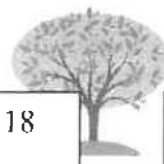
I have read the regulations and understand them with the acknowledgement that any additional expenses incurred will be paid by my organization and that any violation may jeopardize continue use of the building.

Signature: 

Telephone: Office: 603-332-2616 [REDACTED]



----- Route 6 A -----



27	26	25	24	23	B	22	21	20	19	18		17	16
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12

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76	77
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Drummer Boy Park
Craft Fair Floor-Plan
2024 for Castleberry Fairs

64

B	63	62	61	60
----------	----	----	----	----

89	88
----	----

All Booths 11x10
with a 12 foot Break after 700 feet.
All Aisles 12 feet.

98	97	96	95	94	B	93	92	91	90
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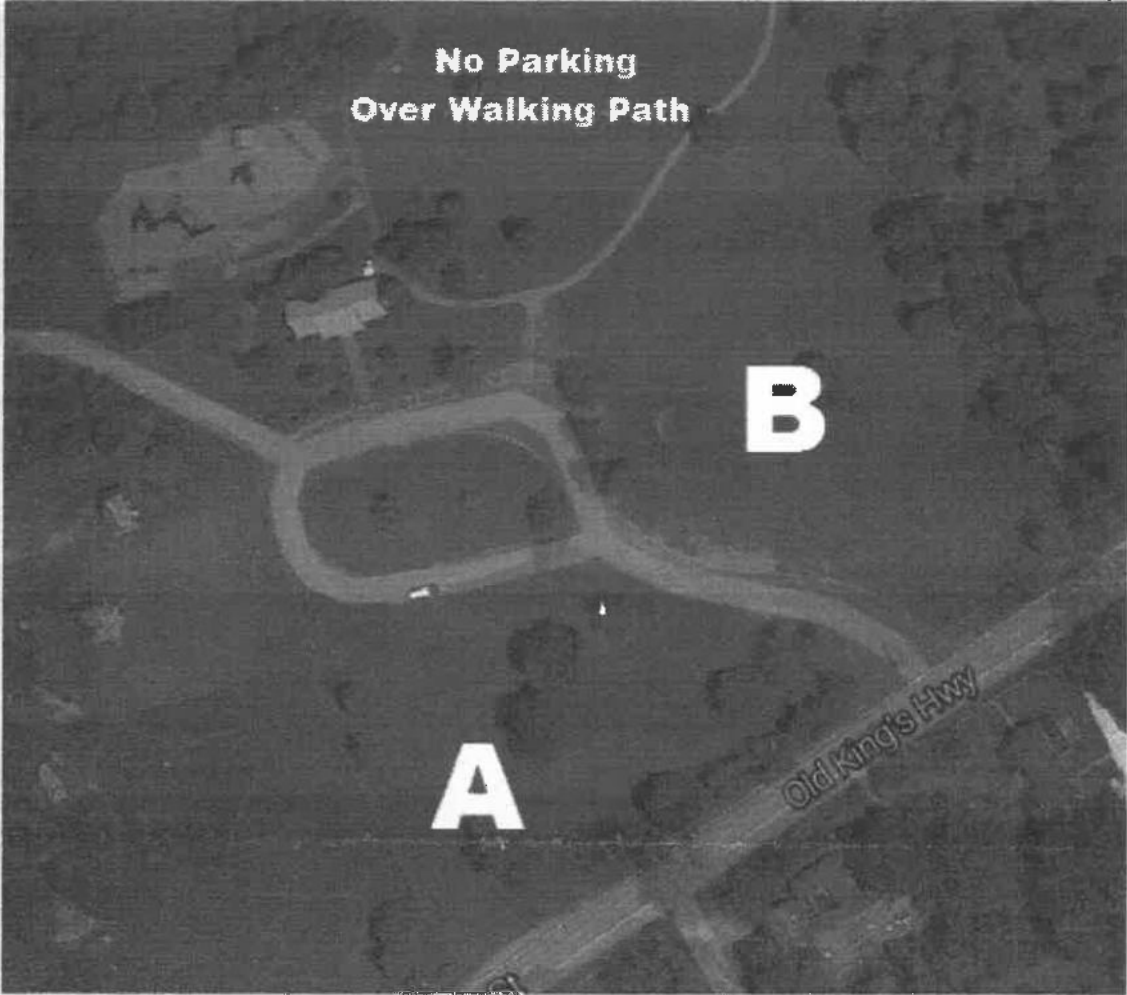


No Parking
Over Walking Path

B

A

Old King's Hwy



APPLICATION FOR FACILITY USE

BREWSTER BOARD OF SELECTMEN

2198 MAIN STREET, BREWSTER, MA 02631

All requests must be made **at least two (2) weeks in advance of the desired use date**. For more information please call the Selectmen's Office at 896-3701. Completed forms may be dropped-off or mailed to the address above, or **faxed back to 508-896-8089**.

ORGANIZATION OR GROUP: By the Bay Shows

\$1,100

LOCAL SPONSORING ORGANIZATION: _____

AREA OR FACILITIES NEEDED: Drummer Bay Field

DATE OR DATES REQUESTED: Aug 30 Aug 31 Sept 1 2024 (FRI-SUN)

TIME IN: 10am TIME OUT: 5pm (INCLUDING PREPARATION & DISMANTLING)

PURPOSE OF FACILITY USE: Fine Art & Craft Show

NATURE OF ACTIVITY TO TAKE PLACE: above

WILL ADMISSION FEE BE CHARGED? YES _____ NO X AMOUNT _____

NON-PROFIT ORGANIZATION: YES _____ NO X

IRS # _____ TOTAL NUMBER OF PERSONS EXPECTED: K : K (over 3 days)

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 200

ANY SPECIAL EQUIPMENT NEEDED?: _____

PERSON RESPONSIBLE FOR THE OBLIGATIONS OF THE GROUP WHO WILL PAY THE BILL - NAME:

Robert Bugle

MAILING ADDRESS: 2271 MAIN ST

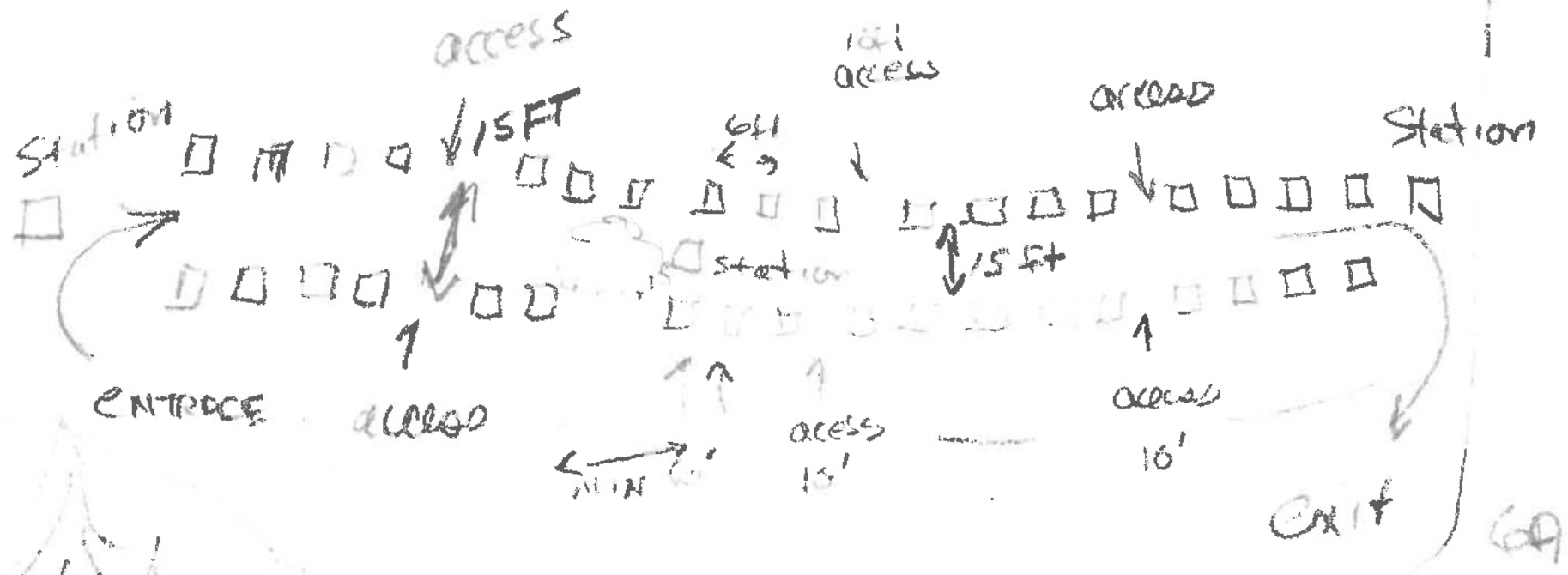
TELEPHONE NUMBER: _____

I have read the regulations and understand them with the acknowledgement that any additional expenses incurred will be paid by my organization and that any violation may jeopardize continue use of the building.

Signature: [Signature]

Telephone: _____

By the Bay Shows



By the Bay Shows

6A

A Different Drummer Craft Event produces fairs for craftspeople and artists to present their works to the public for purchase. These people make their living during the peak season of the summer and I try to book the best locations I can find for them. As an active craftsperson myself for 50 years (5 here on Cape Cod at various shows) and show director of The League Of Maine Craftsmen for a number of years in Portland, I understand what needs to be done to run a 'good show'.

Craftpeople and Artists from Cape Cod and New England are featured with A Different Drummer. The participants are juried for variety and quality within their craft and the different craft categories have a limited number of people accepted in order to present a balanced fair. There are no imported, buy/sell items permitted, no business representatives allowed, strictly handcrafts and artwork made by the person at the table. I invite a local non-profit to come take a booth at no charge for whatever purpose they like - raffles, sales, or an opportunity to promote - to give back to the town for use of the park.

Advertising is placed in all the weekly newspapers on Cape Cod, there is an advertising campaign on radio and all fairs include a 2 hour remote with Frank-FM on Saturdays 11 am to 1 pm. The fairs are listed on every internet calendar of events for Cape Cod I can find, mainly free with some paid feature spots, and posters placed around a 20 mile radius announcing the fair schedule. I also advertise in the Brewster Chamber of Commerce summer guide book.

The routine is to measure and mark the field in the morning, be sure Nauset has delivered their loo, and be ready for early set up on Friday afternoon starting at 3 pm until 7 pm. About half of the vendors will take advantage to put up tents, tables and displays and have a more relaxed Saturday set up time from 7 am to 9:30 am.

The fair opens at 10 am to the public and ends at 4:00 pm. There is overnight security provided on Saturday night only. On Sunday, breakdown is usually completed and the field cleared by 5:30 with a final visual clean inspection by 6:00.

I always tell the craftspeople, I work for them, producing the best show possible for them.

4

APPLICATION FOR FACILITY USE

BREWSTER BOARD OF SELECTMEN

2198 MAIN STREET, BREWSTER, MA 02631

All requests must be made **at least two (2) weeks in advance of the desired use date**. For more information please call the Selectmen's Office at 896-3701. Completed forms may be dropped-off or mailed to the address above, or **faxed back to 508-896-8089**.

ORGANIZATION OR GROUP: A Different Drummer Craft Event

LOCAL SPONSORING ORGANIZATION: _____

AREA OR FACILITIES NEEDED: Drummer Bay Park

area to right of entrance

DATE OR DATES REQUESTED: September 20, 21 + 22 2024

TIME IN: 7am TIME OUT: 6pm (INCLUDING PREPARATION & DISMANTLING)

PURPOSE OF FACILITY USE: craft fair

NATURE OF ACTIVITY TO TAKE PLACE: Sales of handcrafted items and artwork with 50 vendors.

WILL ADMISSION FEE BE CHARGED? YES _____ NO AMOUNT _____

NON-PROFIT ORGANIZATION: YES _____ NO

IRS # _____ TOTAL NUMBER OF PERSONS EXPECTED 2,000 over 2 days

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 150-200

ANY SPECIAL EQUIPMENT NEEDED?: -no-

PERSON RESPONSIBLE FOR THE OBLIGATIONS OF THE GROUP WHO WILL PAY THE BILL - NAME:

Patricia A Daley

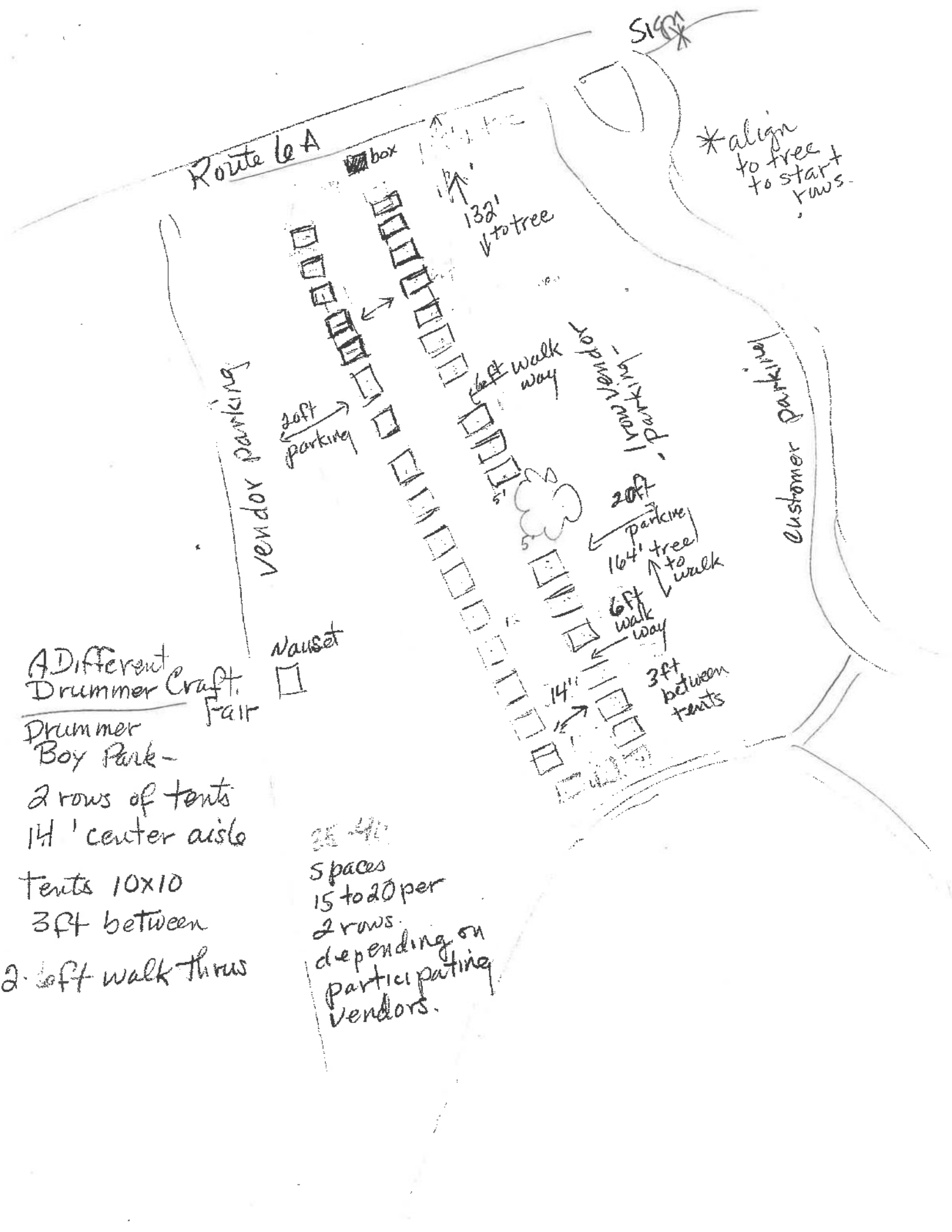
MAILING ADDRESS: _____ Yarmouth Port MA 02675

TELEPHONE NUMBER: _____

I have read the regulations and understand them with the acknowledgement that any additional expenses incurred will be paid by my organization and that any violation may jeopardize continue use of the building.

Signature: Patricia A Daley

Telephone: _____



*align to tree to start rows.

A Different Drummer Craft Fair

Drummer Boy Park -
2 rows of tents
14' center aisle

Tents 10x10
3ft between

2 left walk thrus

35-40 spaces
15 to 20 per 2 rows
depending on participating vendors.

APPLICATION FOR FACILITY USE

BREWSTER BOARD OF SELECTMEN

2198 MAIN STREET, BREWSTER, MA 02631

All requests must be made **at least two (2) weeks in advance of the desired use date.** For more information please call the Selectmen's Office at 896-3701. Completed forms may be dropped-off or mailed to the address above, or **faxed back to 508-896-8089.**

Ne Bassin

ORGANIZATION OR GROUP: _____

Ne Bassin Cape Cod Kayak

LOCAL SPONSORING ORGANIZATION: _____

AREA OR FACILITIES NEEDED: Upper Mill Boat ramp

DATE OR DATES REQUESTED: 09/17/2023

TIME IN: 6:00AM TIME OUT: 2:00pm (INCLUDING PREPARATION & DISMANTLING)

PURPOSE OF FACILITY USE: Kayak Bass fishing Tournament

NATURE OF ACTIVITY TO TAKE PLACE: Fishing

WILL ADMISSION FEE BE CHARGED? YES _____ NO ^{NO} _____ AMOUNT _____

NON-PROFIT ORGANIZATION: YES NO _____

IRS # _____ TOTAL NUMBER OF PERSONS EXPECTED 12

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 12

ANY SPECIAL EQUIPMENT NEEDED?: _____

PERSON RESPONSIBLE FOR THE OBLIGATIONS OF THE GROUP WHO WILL PAY THE BILL - NAME:

John Galvin

MAILING ADDRESS: [REDACTED] MA02360

TELEPHONE NUMBER: [REDACTED]

I have read the regulations and understand them with the acknowledgement that any additional expenses incurred will be paid by my organization and that any violation may jeopardize continue use of the building.

Signature: 

Telephone: [REDACTED]



**Board of Selectmen
Town Administrator**

2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701
FAX (508) 896-8089

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

(must be submitted with application fee two (2) weeks prior to the date of the event)

Applicant's Name: Brewster Chamber of Commerce Phone: 508-896-3500

Applicant's Address: PO Box 1241

Brewster 02631

Type of Event: Member Networking Event

Location and Address where Liquor will be served if different from Applicant's Address:
Gibson Sotheby's International Realty, 2404 Main Street, Brewster

Date and hours requested for Licensed Authorization to serve Liquor:
Day: Thursday, Spet 21, 2023 Times: 5:00 - 7:30 p.m.

Types of Liquor to be served:
Beer and wine

Will food be provided? Snack foods

Number of attendees anticipated? 40

Who will serve the liquor?
Name: Kyle Hinkle

Address: 2198 Main Street
Brewster

Contact phone number(s) for Server(s):
508-896-3500

FEE= \$35/day/location

Signature of Applicant: _____ Date: _____

Signature indicating for Licensing Authority's Approval: _____
Date _____



**Board of Selectmen
Town Administrator**

2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701
FAX (508) 896-8089

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

(must be submitted with application fee two (2) weeks prior to the date of the event)

Applicant's Name: Brewster Chamber of Commerce Phone: 508-896-3500

Applicant's Address: PO Box 1241
Brewster 02631

Type of Event: Member Networking Event

Location and Address where Liquor will be served if different from Applicant's Address:
Vintage Traders of Brewster, 1793 Main Street

Date and hours requested for Licensed Authorization to serve Liquor:
Day: Thursday, October 19, 2023 Times: 5:00 - 7:30 p.m.

Types of Liquor to be served:
Beer and wine

Will food be provided? Snack foods

Number of attendees anticipated? 40

Who will serve the liquor?
Name: Kyle Hinkle

Address: 2198 Main Street
Brewster

Contact phone number(s) for Server(s):
508-896-3500

FEE= \$35/day/location

Signature of Applicant: _____ Date: _____

Signature indicating for Licensing Authority's Approval:

Date _____



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
Fax: (508) 896-8089

Office of:
Select Board
Town Manager

2023-ODL#42

FEE: \$35.00

Town of Brewster Local Licensing Authority

This is to certify that: **Cape Cod Museum of Natural History**

IS HEREBY GRANTED A ONE-DAY LIQUOR LICENSE PERMIT TO ALLOW:

Beer & Wine

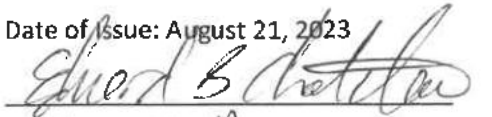




To be consumed on the premises for the Alzheimer's Family Support Center
Fundraiser

At the following address: 869 Main Street, Brewster MA 02631

This one-day permit is effective: Sunday October 15, 2023, from 3pm - 6pm

This license is granted and accepted upon the express condition that the license shall, in all respects, conform to all of the provisions of the Liquor Control Act, Chapter 138 of the General Law, as amended, and any rules or regulations made thereunder by the licensing authorities.

Date of Issue: August 21, 2023

Brewster Select Board
Local Licensing Authority

Conditions:

- Barrier or signage should clearly delineate where people are permitted to consume the alcohol served.
- All roadways must remain unobstructed for emergency vehicle access. No parking within fire lanes, on interior roads, or around main building that will inhibit or delay the response of fire apparatus or EMS vehicles to an emergency incident.
- If utilized tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
- Any temporary signs or structures must be permitted through the Building Dept.



Town of Brewster
2198 Main Street
Brewster, MA 02631
Phone: (508) 896-3701
Website: www.brewster-ma.gov

Office of:
Select Board
Town Manager

Application Fee: \$35.00

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

Application must be submitted at least 4 weeks prior to the date of the event. Following submission of a completed application and payment, the request will be placed on a Select Board meeting agenda for review. Submit to Town Manager's office or licenses@brewster-ma.gov.

Section 1: Applicant Information

Applicant/Property Owner:	TREATS CATERING ENTERTAINERS LLC
Applicant's Address:	25 SCARSDALE ROAD DENNIS MA 02638
Telephone # and Email Address:	[REDACTED]

Section 2: Event Information

Type of Event:	WEDDING
Location of Event:	CROSSBY MANOR 163 CROSSBY LANE BREWSTER MA
Date of Event & Proposed Times:	9/16/23 2:30 - 6:30 PM @ 31
Type of Liquor to be served (beer, wine, both, etc.):	BEER & WINE
Number of attendees anticipated:	95

Section 3: Server Information:

Server name, address, and phone #:	TOM BAYUK
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<small>*If no, please see page 2 and contact the Police Department to complete fingerprinting, the additional fees are to be paid directly to the Police Department. This may delay your application processing time. *</small>	

Section 4: Additional Information:

Will food be provided? Yes No If yes, please contact the Health Department for a Temporary Food Permit.

Applicant Signature: MARK FLAVADAN Date: 8/24/23

From: [Susan Stewart](#)

Sent: Thursday, August 31, 2023 4:48:07 PM

To: [Erika Mawn](#)

Subject: One day liquor license exemption

Importance: Normal

Sensitivity: None

Archived: Friday, September 8, 2023 11:23:25 AM

Hi Erika,

This is a request to exempt the Brewster Ladies Library from the \$35 fee for the one day liquor license for The Nickerson Lecture reception on Saturday September 16, 2023.

If there is anything else you need from me, please connect me.

Thank you,
Susan Stewart
Brewster Ladies Library Board member



Town of Brewster
2198 Main Street
Brewster, MA 02631
Phone: (508) 896-3701
Website: www.brewster-ma.gov

Office of:
Select Board
Town Manager

Application Fee: \$35.00

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

Application must be submitted at least 4 weeks prior to the date of the event. Following submission of a completed application and payment, the request will be placed on a Select Board meeting agenda for review. Submit to Town Manager's office or licenses@brewster-ma.gov.

Section 1: Applicant Information

Applicant/Property Owner: <i>Susan Stewart</i>
Applicant's Address: <i>879 Loag Pond Road Brewster, ma</i>
Telephone # and Email Address: [REDACTED] [REDACTED]

Section 2: Event Information

Type of Event: <i>Library (Nickerson Lecture reception) 7-9p</i>
Location of Event: <i>1822 main st</i>
Date of Event & Proposed Times: <i>Saturday Sept 16, 2023</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Wine</i>
Number of attendees anticipated: <i>50</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Bob Ford - Woodshed</i>
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<small>*If no, please see page 2 and contact the Police Department to complete fingerprinting, the additional fees are to be paid directly to the Police Department. This may delay your application processing time. *</small>

Section 4: Additional Information:

Will food be provided? Yes No If yes, please contact the Health Department for a Temporary Food Permit.

Applicant Signature: *Susan Stewart* Date: *31 August 2023*



Eldredge Farm Foundation
P.O. Box 6
South Dennis, MA 02660
508-760-2696

09/01/23

Board of Selectman,

We have applied for Licenses for the Eldredge Farm Foundation Event scheduled on 09/30/23. We are a non-profit organization and would like to request to waive the fees for the Liquor License (\$35), Entertainment License (\$35) and the Temporary tent fee (\$40).

The Eldredge Farm Foundation is a community- focused charitable organization which provides assistance to those who live on the Cape who have been affected by illness. Funds are generated by hosting fun, family-oriented events and donations by individuals and local businesses. E.F.F. is organized and supported by dedicated individuals with ties to the Cape with the desire to give back to their community. We believe that a community that celebrates the good times together is more apt to stand by their friends when times are hard.

Thank you for your time and consideration in waiving the permit fees.

Jeff Eldredge
Eldredge Farm Foundation



Town of Brewster
2198 Main Street
Brewster, MA 02631
Phone: (508) 896-3701
Website: www.brewster-ma.gov

Office of:
Select Board
Town Manager

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

Application Fee: \$35.00

Application must be submitted at least 4 weeks prior to the date of the event. Following submission of a completed application and payment, the request will be placed on a Select Board meeting agenda for review. Submit to Town Manager's office or licenses@brewster-ma.gov.

Section 1: Applicant Information

Applicant/Property Owner:	Jeff Eldredge Eldredge Farm Foundation
Applicant's Address:	24 Eldredge Farm Cartway, Brewster
Telephone # and Email Address:	[REDACTED]

Section 2: Event Information

Type of Event:	Fundraiser
Location of Event:	24 Eldredge Farm Cartway, Brewster
Date of Event & Proposed Times:	09/30/23 1:00pm - 11:00pm
Type of Liquor to be served (beer, wine, both, etc.):	Beer and wine
Number of attendees anticipated:	150-250

Section 3: Server Information:

Server name, address, and phone #:	Professional Bartending Service Inc P.O. Box 373, West Falmouth, MA 02574
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
*If no, please see page 2 and contact the Police Department to complete fingerprinting, the additional fees are to be paid directly to the Police Department. This may delay your application processing time. *	

Section 4: Additional Information:

Will food be provided? Yes No If yes, please contact the Health Department for a Temporary Food Permit.

Applicant Signature: Jeff Eldredge Date: 08/25/23



**Board of Selectmen
Town Administrator**

2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701
FAX (508) 896-8089

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

(must be submitted with application fee two (2) weeks prior to the date of the event)

Applicant's Name: Brewster Sportsman's Club Phone: [REDACTED]
Applicant's Address: 280 Tubman Road
Brewster MA 02631

Type of Event: Suzy Beck Rehearsal Party

Location and Address where Liquor will be served if different from Applicant's Address:

Date and hours requested for Licensed Authorization to serve Liquor:

Day: Sept 15, 2023 Times: 5-10

Types of Liquor to be served:

Beer, Wine

Will food be provided? NO

Number of attendees anticipated? 60

Who will serve the liquor?

Name: Steven Frissora

Address: [REDACTED]
Brewster MA 02631

Contact phone number(s) for Server(s):
[REDACTED]

FEE= \$35/day/location

Signature of Applicant: [Handwritten Signature]

Date: 9/4/23

Signature indicating for Licensing Authority's Approval:

Date _____



**Board of Selectmen
Town Administrator**

2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701
FAX (508) 896-8089

**APPLICATION FOR
ONE-DAY LIQUOR LICENSE**

(must be submitted with application fee two (2) weeks prior to the date of the event)

Applicant's Name: Brewster Sportsman's Club Phone: [REDACTED]
Applicant's Address: 280 Tubman Road
Brewster MA 02631

Type of Event: Ashley Byers wedding

Location and Address where Liquor will be served if different from Applicant's Address:

Date and hours requested for Licensed Authorization to serve Liquor:

Day: Sept 23, 2023 Times: 2-10

Types of Liquor to be served:

Beer, Wine

Will food be provided? Yes

Number of attendees anticipated? 120

Who will serve the liquor?

Name: Steven Frissora

Address: [REDACTED]

Brewster MA 02631

Contact phone number(s) for Server(s):
[REDACTED]

FEE= \$35/day/location

Signature of Applicant: _____

Date: 9/4/23

Signature indicating for Licensing Authority's Approval: _____

Date _____

Event Parkgng Area

access route

Guest Parking

Emergency Access Route

Guest Parking





Town of Brewster
2198 Main Street
Brewster, MA 02631
Phone: (508) 896-3701
www.brewster-ma.gov

Office of:
Select Board
Town Manager

Application Fee: \$35.00

**APPLICATION FOR
ONE-DAY ENTERTAINMENT LICENSE**

Application must be submitted at least 4 weeks prior to the date of the event. Following submission of a completed application and payment, the request will be placed on a Select Board meeting agenda for review. Submit to Town Manager's office or licenses@brewster-ma.gov.

Section 1: Applicant Information

Applicant's Name:	Jeffrey Eldredge
Applicant's Address:	P.O. Box 1012 So. Dennis, MA 02660
Telephone # and Email Address:	[REDACTED]

Section 2: Event Information

Type of Event:	11th Annual Foundation Fundraiser
Location of Event:	24 Eldredge Farm Cartway, Brewster
Date of Event & Proposed Times:	09/30/23 1:00pm - 11:00pm
Description of entertainment proposed (include name of band or DJ, and if entertainment will be live, acoustic or amplified, etc.):	DJ Tom Santos Guest Band The Band Syndicate
Will entertainment be performed indoors or outdoors:	Outside under Tents

Section 3: Additional Information:

Will temporary structures be erected (i.e., platforms, scaffolds, tents, pavilions, etc.)? Yes: No:
*If yes, a building permit may be needed, please contact the building department for more information.

Number of anticipated attendees over the course of the event: 150 Maximum # at any one time: 150

Applicant Signature: [Signature] Date: 08/25/23

8/31/2023

Dear Board of Selectmen,

On September 30, 2023 we are proud to be having our 11th Annual Fundraiser which is a charitable organization that helps those who live on the Cape who have been affected by illness or hardship. Funds are generated by hosting an invite only fundraiser with fun, family-oriented events and donations by individuals and local business. E.F.F is organized and supported by dedicated individuals with ties to the Cape with the desire to give back to their community. We believe that a community that celebrates the good times together are more apt to stand by their community when times are hard.

Some of the activities that will be going on through out the day are music, food, tractor rides, kids' games, face painting, bouncy house, bonfire, silent auction, live auction, sale of t-shirts and more.

The music will start approximately at 1:00pm and will be played until 11:00 pm. We will have DJ Santos and the band Syndicate. American Tent Company will be erecting the tent which the music will be played under. We will have many volunteers including Interact Students from the local high school assisting with the parking to ensure that everyone is parking in the designated areas.

With the help of our volunteer and the Harwich-Dennis Rotary group, we are confident that we will have another successful fundraiser. Last year we were able to raise around \$50,000 that all went back to families in need.

Thank you for your kind consideration.

Jeffrey Eldredge
Eldredge Farm Foundation

Eldredge Farm Foundation – Mission Statement:

The Eldredge Farm Foundation is a community- focused charitable organization which provides assistance to those who live on the Cape who have been affected by illness or hardships.

Funds are generated by hosting fun, family-oriented events and donations by individuals and local businesses. E.F.F. is organized and supported by dedicated individuals with ties to the Cape with the desire to give back to their community. We believe that a community that celebrates the good times together is more apt to stand by their friends when times are hard.

We are Locals Helping Locals!

If you would like to donate to the Foundation please make checks payable to: Harwich/ Dennis Rotary and put Eldredge Farm Community Needs in the memo and send to Jeff and Laura Eldredge P.O. Box 1012 ,South Dennis, MA 02660 any questions can be sent to: ssland1@comcast.net or feel free to call 508-760-2696

Thank you for your support. Jeff and Laura Eldredge



Town of Brewster
 2198 Main Street
 Brewster, MA 02631
 Phone: (508) 896-3701
 Website: www.brewster-ma.gov

Office of:
 Select Board
 Town Manager

SPECIAL EVENT APPLICATION

Application must be submitted at least four (4) weeks prior to the date of the event. Please submit to Town Manager's office or licenses@brewster-ma.gov

Applications for 5+ events per year, must receive a Special Permit from the Zoning Board of Appeals and must contact the Planning Department to facilitate the process.

APPLICANT INFORMATION

Applicant Name: Jeff Eldredge Phone #: [REDACTED]

Applicant Address: 24 Eldredge Farm Cartway

P.O. Box 1012 So. Dennis, MA 02660
 Business Name: _____ Email: [REDACTED]

EVENT INFORMATION

Type of Event: September 30, 2023 (Fundraiser)

Location of Event (if different from applicant address): 24 Eldredge Farm Cartway

Date and Hours requested of proposed event: Date: 9/30/23 Times: 1:00pm - 11:00pm

Maximum # of guests anticipated: 150-250 Estimated # of vehicles at one time: _____

Is this event open to the public: Yes _____ No X?

ADDITIONAL DETAILS

Will food be offered/provided at the event? Yes ✓ No _____

If yes, applicant must obtain a food service permit from the Health Dept.

Will alcoholic drinks be offered/served at the event? Yes ✓ No _____

If yes, applicant must obtain a one-day liquor license from the Select Board.

Will entertainment be provided at the event (amplified/acoustic/live)? Yes ✓ No _____

If yes, applicant must obtain a one-day entertainment license from the Select Board.

Will any temporary structures be erected (platforms, scaffolds, tents, pavilions, etc.)? Yes ✓ No _____

If yes, applicant must apply for a permit with the Building Dept.

*For applications submitted to the Select Board (Special Event, Liquor and Entertainment) licenses can be obtained at the same Select Board meeting.

SUBMIT WITH APPLICATION:

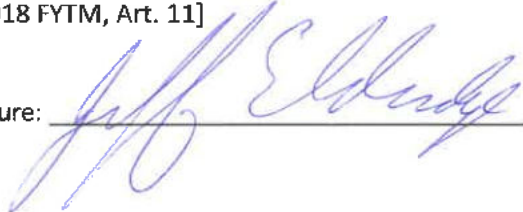
- Provide a brief description of the proposed event(s) on the reverse side of this application or on a separate sheet of paper.
- Provide a scaled site plan indicating property boundary, existing building location(s), driveway, proposed parking, location of event activity and location of portable sanitary facilities if applicable.
- Applicant is responsible to notify direct abutters and properties directly across the street via regular mail, using the abutter notification form available through the Assessing Department.

Licensed Special Event Conditions:

- Special Event Licensing shall run with the original applicant. If there is any change in property ownership or applicant, then a new application shall be submitted.
- Special Event Licensing, when issued, comes with the understanding that the Select Board has the option to call a hearing to review a Special Event License upon:
 - Any change of use or nature of use, or
 - Any traffic problems that arise, or
 - Any other unforeseen concerns that are raised that warrant attention
 - Notification of violations of the terms of the Special Event License, the Select Board has full rights to amend or revoke the original Special Event License.
- The Select Board has full authority to condition the Special Event License.
- Signature on the application attest that the application understands and accepts procedural conditions and permits the Town to conduct site visits to the property.
- Application and supporting documents will be distributed to municipal departments including (but not limited to) Health, Building, Fire, Police, Conservation, Natural Resources and Planning for feedback/comments.

A property, not specifically designed or permitted to be used for infrequent events occurring within a twenty-four-hour period such as, but not limited to, art or theatrical exhibitions, concerts, dinners, parties, and weddings, to be attended by the public, including properties not expressly permitted to be rented for such occasions. Applications for five or fewer events per year must receive a license from the Select Board. Applications greater than five events per year must receive a Special Permit from the Board of Appeals; provided, however, that such venue has first received a license from the Select Board for such event. Special Permits for Special Event Venue Uses shall be renewed annually [Added 5-6-2013 ATM, Art. 23; amended 11-13-2017 FYTM, Art. 13; 12-3-2018 FYTM, Art. 11]

Applicant Signature: _____



Date: _____

08/25/23

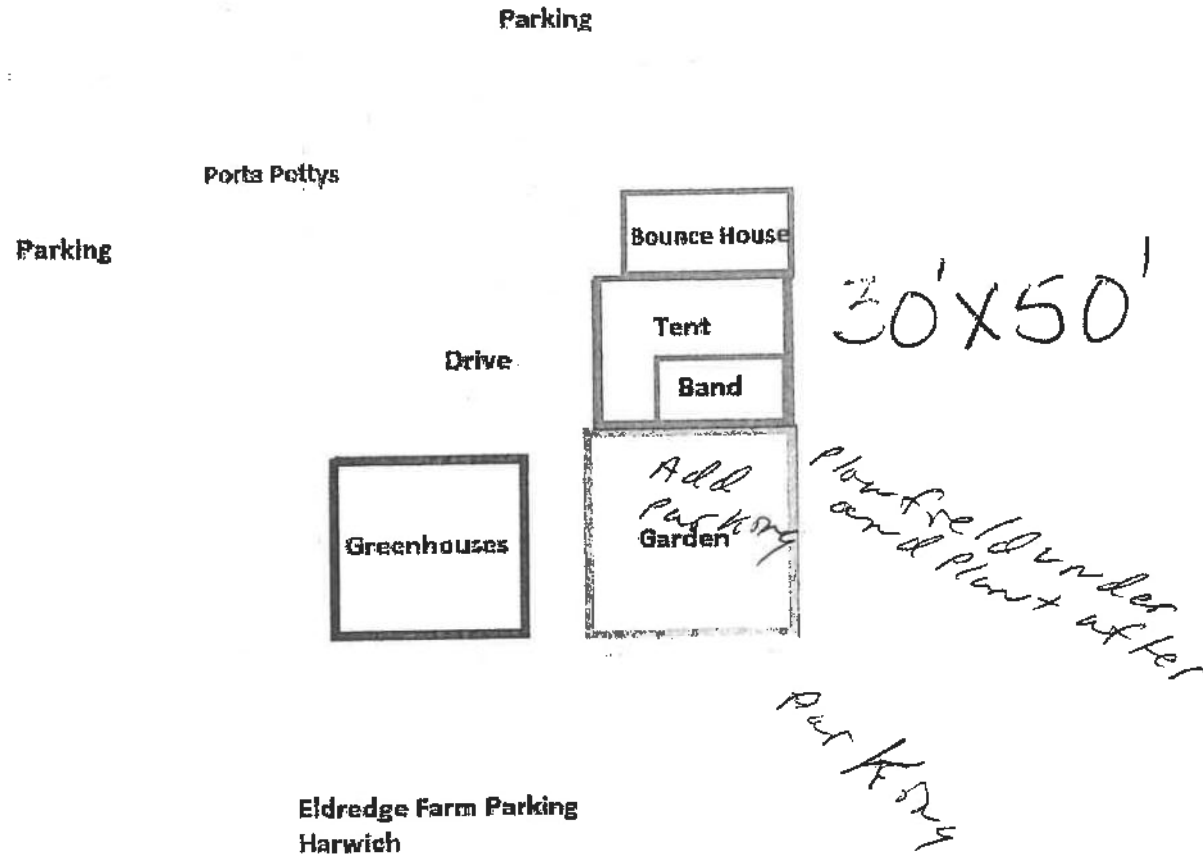
Office Use Only:

Notices Sent: _____

Meeting Date: _____

Date Approved: _____

9.2 Acres in Brewster

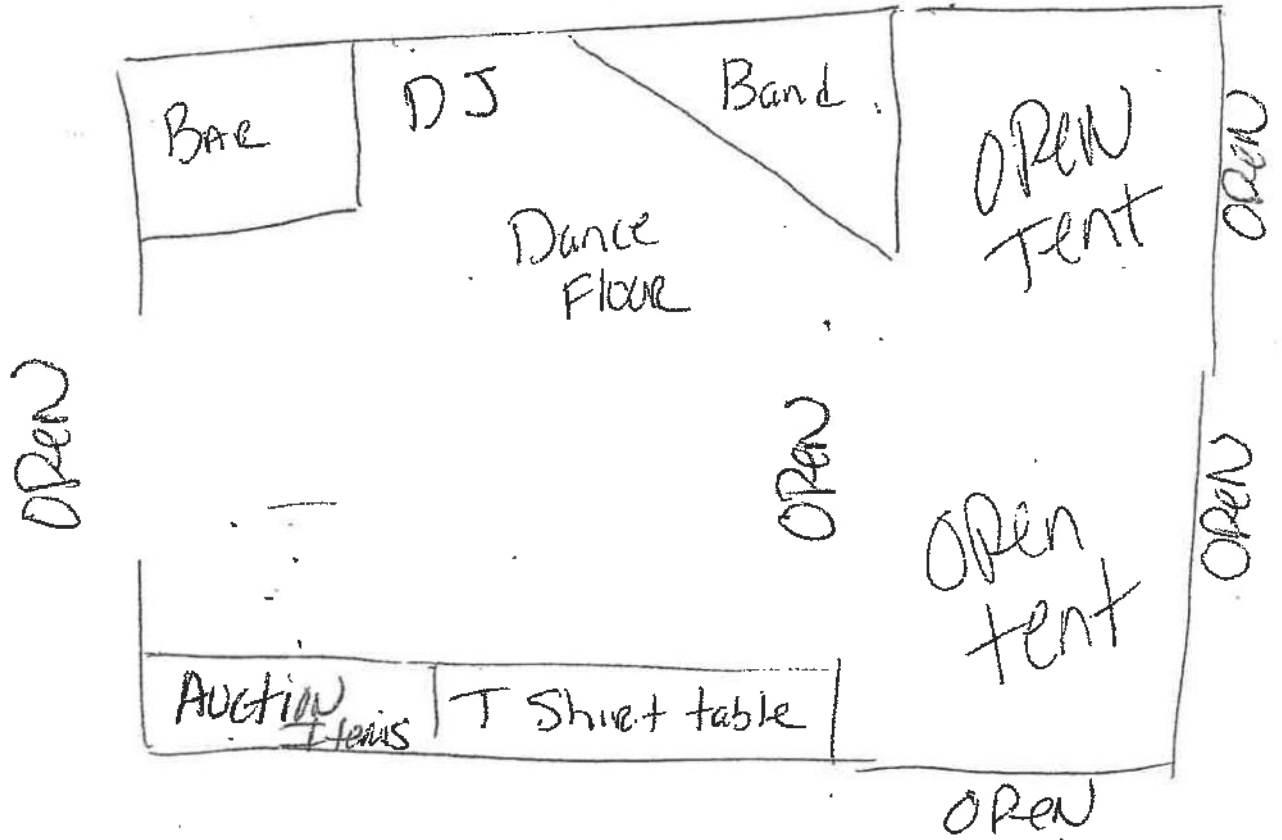


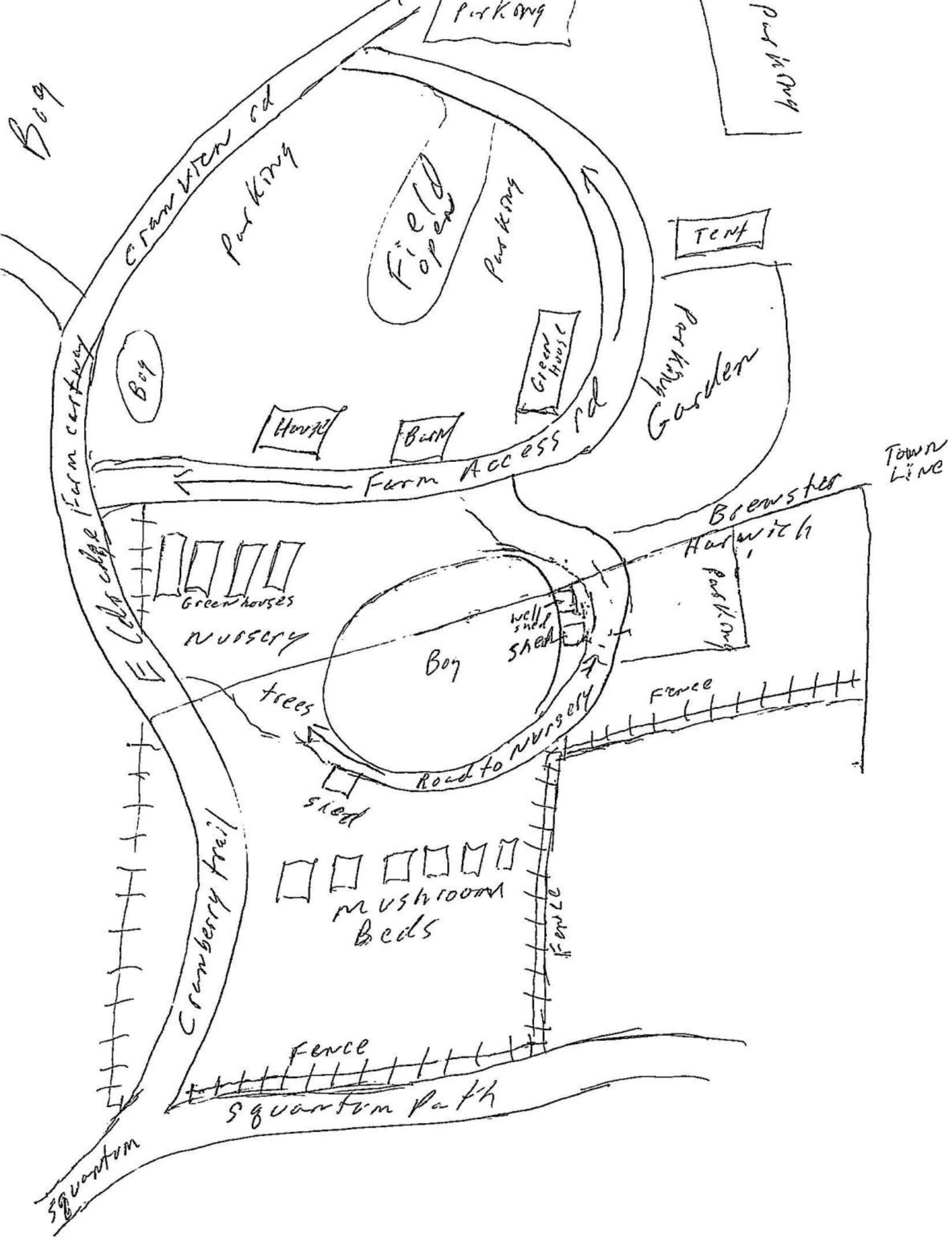
Eldredge Farm Parking
Harwich

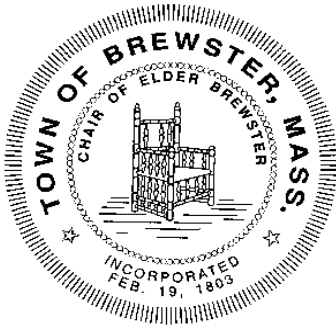
Eldredge Farm
Parking

Parking will be inside of the Far
ELDREDGE FOUNDATION

Tent Eldredge Foundation







Department of Public Works

201 Run Hill Road
Brewster, Massachusetts 02631-1898
Tel (508) 896-3212

Griffin Ryder, Director

James Jones, Foreman

MEMORANDUM

TO: Select Board, Town Administration
FROM: Griffin Ryder, Department of Public Works Director
RE: Fee Waiver Request – Conservation Commission Notice of Intent filing fee for Millstone Road Improvements
DATE: August 18, 2023

The Town of Brewster Department of Public Works (DPW) is working in conjunction with the Town Manager's Office, and the engineering consultant, Vanasse Hangen Brustlin, Inc., (Project Team) on finalizing the design and permitting for the Millstone Road Improvements Project (Project). Due to the presence of an isolated wetland adjacent to the existing roadway, environmental permitting with the Brewster Conservation Commission (BCC) and the Massachusetts Department of Environmental Protection (MassDEP) is required for the Project. A Notice of Intent (NOI) filing is anticipated to be submitted by VHB to the BCC and MassDEP on August 24, 2023.

The DPW, on behalf of the Project Team, is hereby requesting a Conservation Commission NOI filing fee waiver for this project. The NOI filing fee is anticipated to be \$1,250.

Thank you for your consideration.

Griffin Ryder
DPW Director
508-896-3212

****MEMORANDUM****

TO: Brewster Select Board
FROM: Jay Packett, Golf Director of Operations
DATE: August 24, 2023
RE: Acceptance of Gift

The Golf Commission and I are recommending the acceptance of a gift in the form of a memorial bench in honor of Roger Gandini. Roger was a long-time member at the golf course. The Golf Commission voted unanimously in favor of this bench at its August 22, 2023 meeting. The bench will be located on one of the golf courses at the discretion of the Director of Operations and golf course Superintendent.

I appreciate your consideration and would be happy to discuss further.

****MEMORANDUM****

TO: Brewster Select Board

FROM: Jay Packett, Golf Director of Operations

DATE: August 24, 2023

RE: Acceptance of Gift

The Golf Commission and I are recommending the acceptance of a gift from Friends of the Captains. The gift would be an upgraded clock to replace the current one that is located near the putting green behind the pro shop. This clock will alert players to the time and make it easier for them to arrive at the first tee on time. Clocks of this nature can be found at many upscale golf courses. I believe this will enhance the look of the first tee area and be in line with the vision of upgrading the theme of Captains Golf Course. The Golf Commission voted unanimously in favor of the clock at its August 22, 2023 meeting.

I appreciate your consideration and would be happy to discuss further.

FY 23 CONSENT AGENDA
BOARD OF SELECTMEN

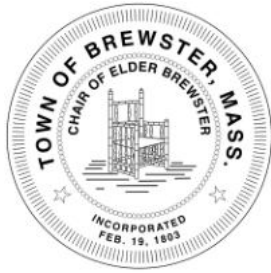
4/1/23 - 6/30/23

DONATION APPROVAL LIST:

<u>DEPARTMENT:</u>	<u>AMOUNT:</u>	<u>DESCRIPTION:</u>	<u>Account #</u>
1 Police	\$ 8.00	Animal Welfare Donation Revenue	201-2101-4830
2 DPW	\$ 3,541.00	Public Works Donations	204-4221-4830
3 Council on Aging	\$ 2,600.80	Council on Aging Donations	204-5411-4830
4 Crosby Mansion	\$ 2,758.00	Crosby Mansion Donations	204-6701-4830
5 Mill Sites & Museum	\$ 1,360.00	Mill Sites & Museum Donations	204-6991-4830
TOTAL:	\$ <u>10,267.80</u>		

APPROVED: _____

DATE: _____



Town of Brewster
2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
www.brewster-ma.gov

Office of:
Town Manager

Memo

To: Brewster Select Board
From: Erika Mawn, Executive Assistant
Date: September 7, 2023
RE: The Peacemaker Inc. Seasonal Liquor License Application

On August 11, 2023, the Town Manager's office received an application for an All-Alcohol Seasonal Liquor License from The Peacemaker Inc. located at 2149 Main Street. The seasonal dates of liquor licenses are April 1 through December 31 each year. The location was previously APT Cape Cod which operated as a restaurant and held an Annual Liquor License.

The Alcohol Beverages Control Commission (ABCC) does not have a limit on the number of seasonal pouring licenses, Brewster currently has 5 establishments that hold an all-alcohol seasonal license and 2 establishments that hold wine and malt only seasonal licenses. We also have one all-alcohol seasonal license that is currently pending before the ABCC.

The Select Board approved a Common Victualler license for The Peacemaker Inc. on August 21, 2023. The hours of operation are 7am until 2pm, seven days a week. The location consists of one 800 sq. ft. indoor area with two bathrooms. One service kitchen and one separate prep kitchen that includes a dish station and walk in cooler. The outdoor patio is 2000 sq. ft and is fenced in. The applicant has multiple restaurant businesses in the Town of Dennis and one in the Town of Bourne, which all hold Annual Liquor Licenses.

As part of the application process, the Town Manager's office placed an advertisement in the local paper and abutters were notified of the public hearing. Additionally, the liquor license application was shared with various Department heads for their feedback and comments, the following was received:

- Planning Department- A seasonal liquor license is consistent with the existing restaurant use recognized under local zoning.
- Health Department- To date, the Health department has not received a Food Service Permit Application from the Peacemaker, Inc. The application, once submitted, will need to be reviewed and a final inspection will need to be conducted prior to issuing the Food Service Permit.
- Building Department- Since the establishment has indoor patron seating and will be serving alcohol, an Annual 110 Inspection will be required. At this time the Building Department does not have the inspection scheduled.
- Fire Department- Would like to inspect prior to opening to ensure all fire suppression systems are in compliance. Will work with Building Department to attend the 110 Inspection.

- Town Administration- Application will be submitted to the ABCC once approved by the Select Board, it is recommended that the application be approved conditionally once a 110 Inspection is completed. Applicant has been advised that no special license (One Day Liquor) shall be granted to any person while his/her application for an annual or seasonal license under Section 12 is pending before the LLA. We recommend that if the Select Board approves the application for a Seasonal Liquor License, that food permitting, the 110 Inspection and Fire inspection are completed prior to the application being submitted to the ABCC.
- Police Department- There must be clear signage and some delineation of the patio area to prevent someone from taking alcohol from the designated area and wandering out to the parking lot or sidewalk.



Town of Brewster
 2198 Main Street
 Brewster, MA 02631
 Phone: (508) 896-3701
 www.brewster-ma.gov

Office of:
 Select Board
 Town Manager

APPLICATION FOR LIQUOR LICENSE

Application must be submitted in addition to the ABCC application. There is a separate fee for a Town of Brewster Liquor License based on the type. Payment is required to process and is non-refundable once the license is approved. Following submission of a completed application the request will be scheduled for a public hearing during at a Select Board meeting. Please allow 4-6 weeks for processing, submit to Town Manager's office or licenses@brewster-ma.gov.

Type of Liquor License (please choose all that apply):

- New License Transfer of License Change of Class Change of Category
- Other _____ Seasonal Annual
- §12 "Pouring License" (e.g., restaurants, hotels, clubs, taverns, general on-premises)
- §15 "Package Store License" (e.g. package stores, convenience stores)
- All alcoholic beverages Wine only Malt beverages Only Wine and malt beverages

Please note that Brewster has a certain number of licenses allowed by the ABCC.

Section 1: Applicant Information

Applicant's Name: <i>The Peacemaker Inc.</i>
Applicant's Address: <i>P.O. Box 773 East Dennis MA 02641</i>
Telephone # and Email Address: <div style="background-color: black; width: 150px; height: 15px; display: inline-block;"></div> <i>lostdogpub91@gmail.com</i>

Section 2: Business Information

Business Name and d/b/a (if applicable): <i>The Peacemaker</i>
Business Address: <i>2149 Main Street Brewster, MA 02631</i>
Business Mailing Address: <i>P.O. Box 773 East Dennis, MA 02641</i>
Proposed Hours of Operation: <i>7AM - 2pm</i>
Proposed Hours of Liquor Sales: <i>8AM - 11PM 1AM</i>

Description of premises:

1 building with 2 rooms, an outdoor patio to the east of the main structure.

Applicant must attach a site plan (map) of the property, detailing where liquor sales will occur.

Section 3: Additional Information:

Will there be any structural changes at the business address?

Yes: _____ No:

*If yes, a building permit may be needed, please contact the building department for more information.

Will there be any entertainment provided at the business?

Yes: No: _____

*If yes, an Annual Entertainment or a One-day Entertainment License may be required, please contact the Town Manager office for more information.

Will there be any food service or tobacco sales?

Yes: No: _____

*If yes, contact the Health Department to obtain required permits.

If abutter notification is required, the applicant will be provided with the abutter notification letter and address list. The applicant must provide proof that notification was sent using certified mail. Abutter notification must be completed prior to the public hearing. Failure to do so will result in a delay in processing.

Liquor Licensing Conditions:

- Annual Liquor License holder establishments may not close for more than 30 consecutive days without Local Licensing Authority (LLA) approval.
- Applicant has reviewed the Alcoholic Beverages Control Commission Frequently Asked Questions.
- Renewals for Annual licenses will begin in November of each year and in March for Seasonal licenses. The license holder is responsible to submit all required paperwork and payment in a timely manner.
- Once issued the Liquor License shall run with the original applicant. If there is any change in property ownership, management, hours of sales, or type of liquor license, a new application must be submitted.
- Liquor Licenses, when issued, come with the understanding that the LLA (the Select Board) has the authority to call a hearing to review the status of the license upon:
 - Any change of use or nature of use, or
 - Any traffic problems that arise, noise concerns, or
 - Any other unforeseen concerns that are raised that warrant attention, or
 - Any issue, concern, and/or violation raised by Town officials, or
 - Any notification from the ABCC of violations.
- The LLA has full authority to condition, amend or revoke the Liquor License
- Signature on the application attests that the applicant understands and accepts procedural conditions and permits the Town to conduct site visits to the property.
- Application and supporting documents will be distributed to municipal departments including (but not limited to) Health, Building, Fire, Police, Conservation, Natural Resources and Planning for feedback/comments.
- Manager of record must submit to fingerprinting through the Brewster Police Department.

Account Number:	669892
Customer Name:	Brewster Board Of Selectmen/Legals
Customer Address:	Brewster Board Of Selectmen/Legals 2198 Main St Brewster Ma 02631-1852
Contact Name:	Andreana Sideris
Contact Phone:	
Contact Email:	
PO Number:	

Date:	08/22/2023
Order Number:	9199381
Prepayment Amount:	\$ 0.00

Column Count:	1.0000
Line Count:	1.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
NEO wickedlocal.com	2	09/01/2023 - 09/08/2023	Govt Public Notices
NEO CAP Cape Codder	2	09/01/2023 - 09/08/2023	Govt Public Notices

Order Confirmation Amount	\$36.40
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Ad Preview

LIC/2149 MAIN STREET
LEGAL NOTICE
TOWN OF BREWSTER
Liquor License Hearing

In accordance with MGL Chapter 138, Sections 4-17C, the Brewster Select Board will hold a public hearing on Monday September 11, 2023, at 7:10pm to review an application from The Peacemaker Inc., located at 2149 Main Street, for a new On-Premises All Alcoholic Beverages Seasonal Liquor License. This hearing will be conducted in person in Room A at 2198 Main Street, Brewster MA 02631. As a courtesy only, access to the hearing 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 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 should make plans for in-person vs. virtual attendance accordingly. Parties of direct interest are invited to attend and be heard.

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

Phone: Call (312) 626 6799 or (301) 715-8592. Webinar ID: 890 9291 0526 Passcode: 509224

To request to speak: Press *9 and wait to be recognized.

Zoom Webinar:
<https://us02web.zoom.us/j/89092910526?pwd=WHM2V3hrVklhSTloWWhVU09kanUzQT09>

Passcode: 509224

To request to speak: Tap Zoom "Raise Hand", then wait to be recognized.

#9199381
Cape Codder 9/1, 9/8/23



THE PEACEMAKER

BREWSTER, MA

BREAKFAST

THE GRACE

portugese sweet roll,
american, linguicia, egg
cooked any style & friend
hash brown

TORPEDO

10

your choice of meat on a flour
tortilla with scrambled egg
and american cheese

WESTERN

10

scrambled egg, your choice of
meat, spinach, peppers,
onions, mushrooms in a wrap

CALLIE

fried egg, arugula, cheddar &
honey habanero, on sour
dough

PETE'S EGG SANDWICH

15

fried egg, cheese with your
choice of meat & fried hash
browns on a bagel

AVACADO TOAST

10

your choice of bread with
avacado, everything but the
bagel seasoning, egg and
arugalla

THE CHRIS

25

egg, bacon, cheddar, tomato,
red onion, arugula & honey
habanero on sour dough

MAKE YOUR OWN

MEAT

sausage	linguiça
bacon	pastrami
ham	
shaved ribeye	

CHEESE

american	feta
cheddar	
swiss	
provologne	

VEGGIES

peppers	peppers
onions	onions
avacado	avocado
tomato	tomato
mushrooms	

GREENS

spinach
arugula
iceberg

EXTRAS

honey habanero
sriracha
fried hash brown

BREAD

bagel / everything bagel
Portuguese sweet roll
tortilla
marble rye
sour dough
white / wheat

*SERVING SNOWY OWL
COFFEE AND COLD BREW*



THE PEACEMAKER

BREWSTER, MA

LUNCH

TURKEY CLUB 12

turkey, bacon, american, lettuce, tomato & honey mustard on sour dough

ITALIAN PEACEMAKER 10

ham, salami, capocollo, provolone, lettuce, tomato, onion, pickles, hot peppers, oil & vinegar on a sub roll

MANDELA 15

chicken salad, arugula, feta, onion & tomato on a sub roll

GRILLED CHICKEN WRAP 15

grilled chicken, feta, tomato, onion, olives, cucumber, pesto in a wrap

ELLIE 10

roast beef, cheddar, lettuce, tomato, onion & horseradish sauce on sour dough

BUFFALO CHICKEN WRAP 25

grilled buffalo chicken, lettuce, tomato, onion & bleu cheese in a wrap

MOTHER THERESA 25

capocollo, arugula, tomato, parmesan, balsamic vinegar, olive oil on sour dough

DEPTH CHARGER 25

ham, turkey, roast beef, american, lettuce, tomato, onion, pickles, mayo on a sub roll

CALLIE'S CAPRESE 25

tomato, basil, balsamic glaze, red pepper flakes, pesto, proscuitto, olive oil, shaved parmesan

LA SPADA 25

turkey, salami, red onion, tomato, lettuce, honey mustard, on a sub roll

MAKE YOUR OWN

MEAT

turkey	bacon	tuna
ham	roast beef	proscuitto
salami	chicken salad	
capocollo	chicken breast	

CHEESE

american	feta
cheddar	parmesan
swiss	motzeralla
provolone	

VEGGIES

peppers	pickles
onions	jalapeños
avocado	carrots
tomato	cucumber
mushrooms	olive

GREENS

lettuce
arugala

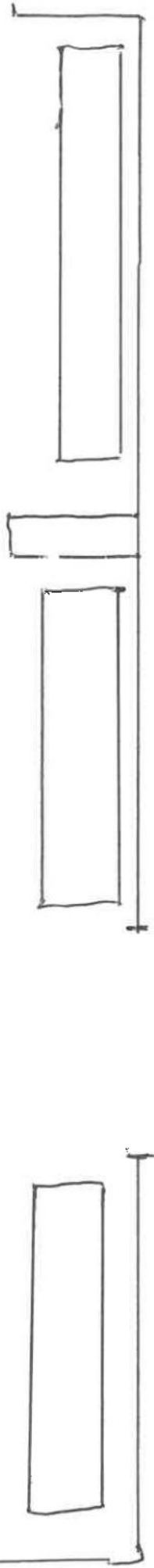
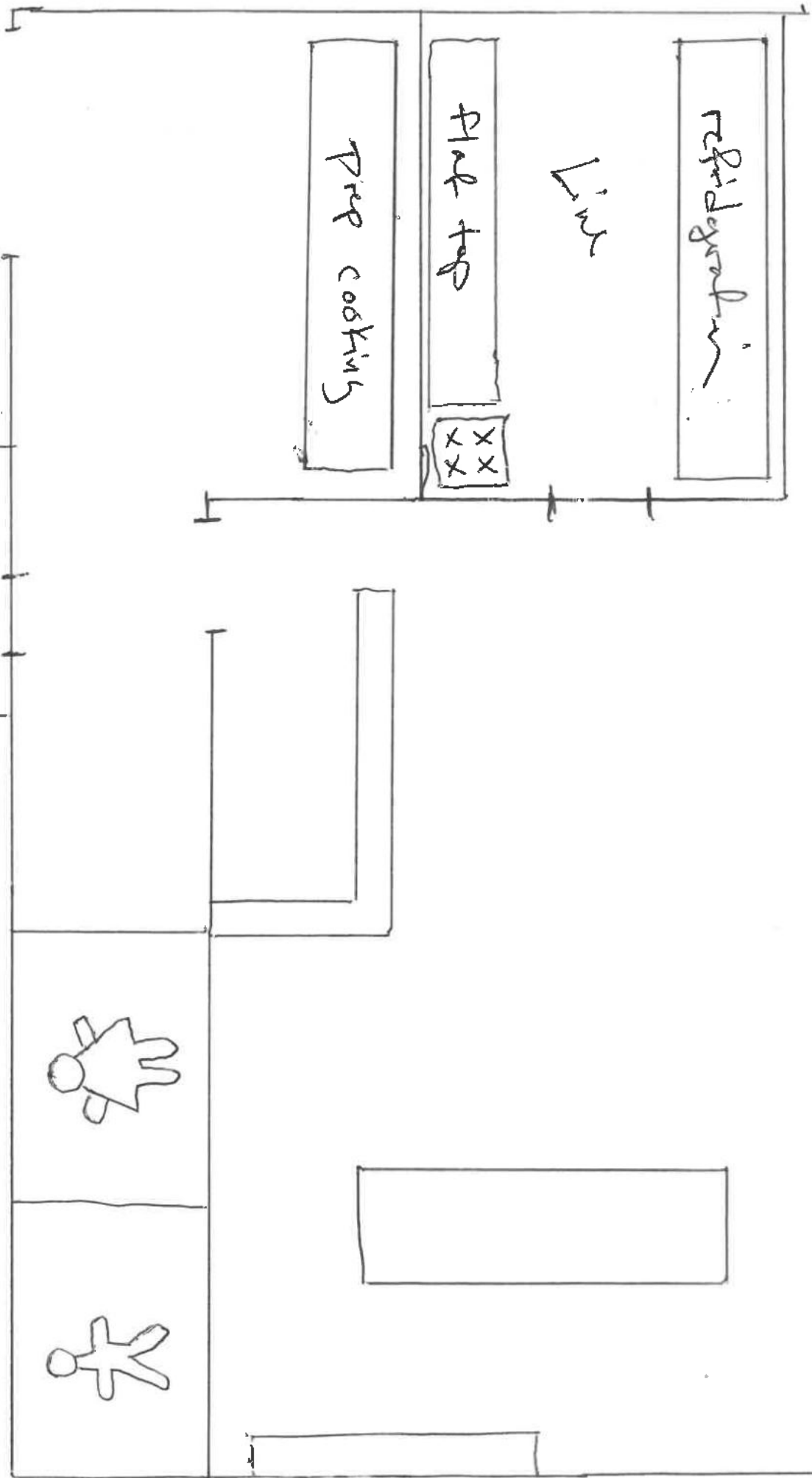
EXTRAS

honey habanero	balsamic
honey mustard	pesto
sriracha	buffalo sauce
honey mustard	bleu cheese dressing
oil / vinegar	

BREAD

sub roll	Portugese sweet roll
sour dough	
wrap	
bagel	
wheat	
white	
marble rye	

work-in



TO: Abutters of 2149 Main Street, Brewster MA 02631

To Whom It May Concern.

Please note that The Peacemaker Inc. has filed applications with the Select Board for a new On-Premises All Alcoholic Beverages Seasonal Liquor license. Below are the legal ads that will run in the September 1, 2023, and September 8, 2023, editions of the Cape Codder and on wickedlocal.com.

TOWN OF BREWSTER
Liquor License Hearing

In accordance with MGL Chapter 138, Sections 4-17C, the Brewster Select Board will hold a public hearing on Monday September 11, 2023, at 7:10pm to review an application from The Peacemaker Inc., located at 2149 Main Street, for a new On-Premises All Alcoholic Beverages Seasonal Liquor License. This hearing will be conducted in person in Room A at 2198 Main Street, Brewster MA 02631. As a courtesy only, access to the hearing 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 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 should make plans for in-person vs. virtual attendance accordingly. Parties of direct interest are invited to attend and be heard.

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Zoom Webinar:

<https://us02web.zoom.us/j/89092910526?pwd=WHM2V3hrVklhSTloWWWhVU09kanUzQT09>

Passcode: 509224

To request to speak: Tap Zoom "Raise Hand", then wait to be recognized.



TOWN OF BREWSTER, MA
 BOARD OF ASSESSORS
 2198 Main Street Brewster, MA 02631

Certified by:

James M. Gaffagher
 James M. Gaffagher, MAA
 Deputy Assessor

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
1720	68-49-0-R (16-24)	RILEY MAUREEN LIGHT	2141 MAIN STREET	209 COUNTRYSIDE DRIVE	NAPLES	FL	34104
1732	68-115-0-R (18-39-1)	MAES CONOR R	92 OLD NORTH ROAD	P O BOX 1443	DENNISPORT	MA	02639
1764	68-118-0-R (18-60)	PERSON MARTHA L	80 OLD NORTH ROAD	80 OLD NORTH ROAD	BREWSTER	MA	02631
1730	68-118-0-R (16-37)	BECK VON PECCOZ MARIAN L ET AL TRUE MARIAN L BECK VON PECCOZ TRUST	30 OLD NORTH ROAD	10729 OLD POND DRIVE	CINCINNATI	OH	45249
1786	68-119-0-R (16-62)	SOKOLOWSKI LUCAS M & DHERWANI CHA	24 OLD NORTH ROAD	24 OLD NORTH ROAD	BREWSTER	MA	02631
1788	68-121-0-R (18-64 & 63)	EGGS ARE US LLC C/O MURPHY ANDREW K TRUSTEE	2149-2155 MAIN STREET	PO BOX 773	EAST DENNIS	MA	02641
1785	68-122-0-R (16-61)	BURKE-MAJEWSKI VICTORIA	2175-2185 MAIN STREET	2175 MAIN STREET	BREWSTER	MA	02631
1763	68-123-0-R (16-59)	BREAKWATER REALTY LLC	2187 MAIN STREET	809 MAIN STREET	COTUIT	MA	02635
1790	68-128-0-R (16-75)	GLOBAL COMPANIES LLC	2160 MAIN STREET	C/O ALLIANCE ENERGY LLC TX DP 15 N E INDUSTRIAL ROAD	BRANFORD	CT	06405
13874	68-129-0-R (16-72-1)	JOHNSON KEITH R & PATRICIA O	2130 MAIN STREET	2130 MAIN STREET	BREWSTER	MA	02631



BREWSTER
260 UNDERPASS RD
BREWSTER, MA 02631-9998
(800)275-8777

09/01/2023 04:37 PM

Product	Qty	Unit Price	Price
Ernest J. Gaines	9	\$0.66	\$5.94
Grand Total:			\$5.94
Cash			\$6.00
Change			-\$0.06

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informeddelivery.usps.com>

All sales final on stamps and postage.
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Thank you for your business.

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or scan this code with your mobile device.



or call 1-800-410-7420.

UPN: 240884-0871
Receipt #: 840-50280111-2-5295594-1
Clerk: 08



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL:

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

Brewster

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

On-Premises-12

\$12 Restaurant

All Alcoholic Beverages

Seasonal

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Seasonal breakfast and lunch served daily. counter service with weekend brunch and outdoor functions in the warm weather months.

Is this license application pursuant to special legislation?



Yes



No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

The Peacemaker Inc.

FEIN

932-135-0007

DBA

The Peacemaker

Manager of Record

Andrew Murphy

Street Address

2149 Main Street Brewster, Massachusetts 02631

Phone

Email

peacemakerbrewster@gmail.com

Alternative Phone

Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

One 800 square foot indoor area with 2 bathrooms. One service kitchen and one separate prep kitchen including a dish station and a walk in cooler. One 2000 square foot fenced in outdoor patio.

Total Square Footage: 2800

Number of Entrances: 2

Seating Capacity: 65

Number of Floors: 1

Number of Exits: 2

Occupancy Number: 65

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Andrew Murphy

Phone:

Title:

President

Email:

lostdogpub91@gmail.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure Corporation Date of Incorporation 6/15/2023
State of Incorporation Massachusetts Is the Corporation publicly traded? No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal Andrew Murphy Residential Address [Redacted] SSN [Redacted] DOB [Redacted]
Title and or Position President Percentage of Ownership 50 Director/ LLC Manager US Citizen MA Resident
Yes No Yes No Yes No

Name of Principal Jane Murphy Residential Address [Redacted] SSN [Redacted] DOB [Redacted]
Title and or Position Clerk Percentage of Ownership 50 Director/ LLC Manager US Citizen MA Resident
Yes No Yes No Yes No

Name of Principal [Redacted] Residential Address [Redacted] SSN [Redacted] DOB [Redacted]
Title and or Position [Redacted] Percentage of Ownership [Redacted] Director/ LLC Manager US Citizen MA Resident
Yes No Yes No Yes No

Name of Principal [Redacted] Residential Address [Redacted] SSN [Redacted] DOB [Redacted]
Title and or Position [Redacted] Percentage of Ownership [Redacted] Director/ LLC Manager US Citizen MA Resident
Yes No Yes No Yes No

Name of Principal [Redacted] Residential Address [Redacted] SSN [Redacted] DOB [Redacted]
Title and or Position [Redacted] Percentage of Ownership [Redacted] Director/ LLC Manager US Citizen MA Resident
Yes No Yes No Yes No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Lost Dog Pub Inc. dba Lost Dog Pub	year round	all alcohol	Dennis Ma
Freedom City Inc. dba Lost Dog Canal Cafe	year round	all alcohol	Bourne Ma
Hurricane Hugo Inc. dba Lost Dog Pub	year round	all alcohol	Orleans Ma

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No
If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Lost Dog Pub Inc. dba Dog Leg Grill	year round	all alcohol	Dennis, Ma
Lost Dog Pub Inc. dba Bird Dog Grill	year round	all alcohol	Dennis Ma

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

Item 6A additional information

Coconut Club Inc. dba West Dennis Sand Bar / seasonal / all alcohol / Dennis, Ma

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? Yes No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime? Yes No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

ENTITY VOTE

The Board of Directors or LLC Managers of The Peacemaker Inc.
Entity Name

duly voted to apply to the Licensing Authority of Brewster, MA and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on _____
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other _____
- Change of DBA

“VOTED: To authorize Andrew Murphy
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

“VOTED: To appoint Andrew Murphy
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

For Corporations ONLY

A true copy attest,

Murphy
Corporate Officer/LLC Manager Signature

Corporation Clerk's Signature

Andrew Murphy
(Print Name)

(Print Name)

APPLICANT'S STATEMENT

I, Andrew Murphy the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of ThePeacemakerInc.
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Andrew Murphy
Title: President

Date: September 7, 2023

LEASE COVER PAGE

PARTIES

LANDLORD: Andrew K. Murphy, Trustee
Address The Main Street Brewster Trust
For Rent and Notices: P.O. Box 773
E. Dennis, MA 02641

TENANT: The Peacemaker, Inc.
Andrew K. Murphy, President
Address P.O. Box 773
for Notices E. Dennis, MA 02641
Telephone: (508)221-0929

BUILDING AND LEASED PREMISES

Building: The premises, and all buildings and improvements thereon. Being a
single story, wood framed building located at and known as:
Address of Building: 2149 Main Street
Town, State: Brewster, MA 02631

SIZE OF PREMISES

1,240 +/- square feet

USE OF PREMISES

The Tenant shall use the Leased Premises for the operation of a restaurant and function facility.

INITIAL LEASE TERM

The Initial Term of this Lease shall be five (5) years commencing on June 15, 2023, and ending on May 31, 2028

RENEWAL OPTION

In landlord’s sole discretion, if Tenant is not and has not been in default for the prior Lease Term, Tenant shall have one five (5) year renewal option on terms and conditions to be agreed upon. If the Lease is not renewed, the Landlord shall have the right to place a “for rent” sign in the window 120 days prior to the expiration of the Lease.

RENT

- A. Rent Commencement Date: December 1, 2023
- B. Rent: The Tenant shall pay the Landlord Rent in the amount of \$36,000 per year, payable in monthly installments of \$3,000 due and payable on the first day of each month.

UTILITIES

Tenant shall be responsible for the payment of all utility expenses at the Leased Premises, including but not limited to electric, gas, cable, trash removal and internet service. Tenant shall indemnify and hold Landlord harmless of and from all utility expenses.

INSURANCE REQUIREMENTS

- TENANT:**
- Fire and Extended Coverage: 100% replacement value of tenant’s improvements, furniture, fixtures and equipment
 - General liability Insurance: (All-risk) \$1 million per person and \$2 million per incident
 - Workmen’s Compensation: Coverage in compliance with MA law
 - Other required Insurance: As required by MA law.

- LANDLORD:**
- | | | |
|-------------------|---|----------------------|
| Extended coverage | } | |
| Rental Income | } | As presently insured |
| Liability limits | } | |
| Other (specify) | } | |

PARKING

Parking at the Leased Premises is non-exclusive and is in common with all others lawfully entitled to park at 2149-2155 Main Street, Brewster, MA.

THIS COVER PAGE IS INCORPORATED INTO AND IS A PART OF THIS LEASE.

LEASE

SECTION I. PARTIES, TERMS, PREMISES

1.01 Parties

The parties to this Lease are shown on the Cover Page of this Lease.

1.02 Term

The term of this Lease is as shown on the Cover Page of this Lease.

1.02.1 Acceptance of Premises

Premises, hereinafter referred to as the "Premises" or "the Leased Premises" shall be delivered to the Tenant in an as-is condition. Occupying all or any portion of the Premises by Tenant shall be conclusive evidence that the Premises are in satisfactory condition and acceptable to Tenant. Tenant must secure, review and seek approval of Landlord before making any improvements. Such approval shall not be unduly withheld.

1.02.2 Renewal Option

The renewal option is shown on the cover page of this lease.

1.03 Premises

Landlord leases to Tenant and Tenant leases from Landlord the Premises identified on the Cover Page of this Lease.

SECTION II. RENT, ADJUSTMENTS TO RENT, SECURITY DEPOSIT, LANDLORD'S LIEN

2.01 Rent; When Due; Where Paid

All monies payable by Tenant to Landlord under this Lease shall be deemed to be rent and shall be payable and recoverable as rent in the manner herein provided and Landlord shall have all rights against Tenant for default in any such payment. Rent shall be paid to Landlord, on the first day of this Lease as stated on the Cover Page, and thereafter on the first day of each calendar month, during the entire term of this Lease, without deduction or set-off, in legal tender of the jurisdiction

in which the Building is located at the address of Landlord as set forth below, or to such other person or entity or to such other address as Landlord may designate in writing. Tenant's obligation to pay all rent due under this Lease shall survive the expiration of this Lease.

Tenant shall send the rent payment to:

Andrew K. Murphy, Trustee
The Main Street Brewster Trust
P.O. Box 773
E. Dennis, MA 02641

2.01.1 Rent

Tenant agrees to pay to Landlord the Rent as shown on the Cover Page of this Lease.

2.01.2 Interest Rate on Delinquencies

If Tenant shall fail to pay any rent payment when due, such unpaid amounts shall bear interest at the rate of eighteen percent (18%) per annum after ten (10) days.

2.01.3 Late Payment Charge

If Tenant shall fail to pay any rent when due, Tenant shall pay to Landlord, in addition to the interest provided herein, a \$50 fee late payment fee for each late payment.

SECTION III. USE, RESTRICTIONS ON USE, BUILDING REGULATIONS, QUIET ENJOYMENT, SERVICES BY LANDLORD

3.01 Use

Premises shall be used only for the use specified on the Cover Page of the Lease and for no other use. The Tenant's stock in trade and fixtures, if any, in the demised premises shall be installed and maintained at the sole risk of the Tenant.

3.02 Restriction on Use Tenant shall not:

3.02.1 Do or permit to be done anything which will invalidate or increase the cost of any insurance coverage on the Building and the Premises;

3.02.2 Do or permit anything to be done in the Building or on the Premises which will obstruct or interfere with the rights of other tenants or occupants of the building;

3-02.3 Use, allow or permit the Premises to be used for any improper or objectionable purpose;

3.02.4 Cause, maintain or permit any nuisance in or about the Premises;

3-02.5 Commit or permit any waste to be committed in the Premises;

3.02.6 Use or occupy Premises in violation of any law, rule, regulation, requirement or ordinance enacted or imposed by a governmental unit having jurisdiction over the Building, Premises, Landlord or Tenant;

3.02.7 Overload, damage or obstruct any utility lines providing services to the Building or Premises;

3.02.8 Install any fixtures or equipment which will overload the floors in the Premises or in any way affect the structural capacity or design of the Premises or the Building;

3.02.9 Install or affix any window coverings, window shades, draperies or material between the glass on the exterior walls of the Premises and the Building's standard window coverings, window shades or draperies;

3.03 Parking

Tenant's right to parking is set out on the Lease Cover Page.

SECTION IV. ASSIGNMENT, SUBLET, RECAPTURE OF PREMISES, MORTGAGE BY LANDLORD, SUBORDINATION; ATTORNMENT, ESTOPPEL, CERTIFICATE, NOTICE TO MORTGAGEE, SALE BY LANDLORD

4.01 Assignment, Sublet

Tenant shall not assign or mortgage this Lease or sublet all or any portion of the Premises without Landlord's prior written consent, which shall not be unreasonably withheld or delayed. If consented to by Landlord, said consent shall be in a form acceptable to Landlord. No assignment, mortgaging or subletting, if consented to by Landlord, shall relieve tenant of its liability under this lease. Consent by Landlord shall not operate as a waiver of the necessity for consent to any subsequent assignment, mortgaging or subletting, and the terms of such consent shall be binding upon the assignee, mortgagee or subtenant. Any transfer of this Lease by merger, consolidation or liquidation, or any change in ownership of or power to vote the majority of outstanding voting stock shall constitute an assignment, whether the result of a single or series of transactions. **Any transfer or assignment of this Lease without Landlord's consent shall be considered an event of default.**

4.02 Corporate Transfer

Any transfer of this Lease by merger, consolidation or liquidation, shall constitute an assignment.

4.03 Mortgage by Landlord

Landlord shall have the right to transfer and assign, in whole or in part, all and every feature of its right and obligations hereunder and in the Building. Such transfer or assignment may be made

either to a corporation, trust company, individual, or group of individuals, and shall be recognized by Tenant.

4.04 Subordination

This Lease is and shall be subject and subordinate in all respects to any and all mortgages and deeds of trust now or hereafter placed on the Building or the land upon which the Building is situated, and to all renewals, modifications, consolidations, replacements and extensions thereof, provided, however, that the Landlord shall first obtain from any such Mortgagee a non-disturbance agreement whereby said Mortgagee agrees to recognize the tenancy created by this Lease.

4.05 Attornment

If the interest of Landlord is transferred to any person or entity by reason of foreclosure or other proceedings for enforcement of any mortgage, deed of trust or security interest, or by delivery of a deed in lieu of foreclosure or other proceedings, Tenant shall immediately and automatically attorn to such person or entity. In event of such transfer, this Lease and Tenant's rights hereunder shall continue undisturbed so long as Tenant is not in default.

4.06 Estoppel Certificate

Tenant will at any time and from time to time, upon not less than ten (10) days prior request by Landlord, execute, acknowledge and deliver to Landlord a statement in writing executed by Tenant certifying that this Lease is unmodified and in full effect or if there have been modifications, that this Lease is in full effect as modified, setting forth such modifications; the dates to which the rent has been paid, and either stating that to the knowledge of the signer of said statement that no default exists or specifying each such default of which the signer may have knowledge. It is intended that any such statement executed by Tenant may be relied upon by any prospective purchaser or mortgagee or existing mortgagee of the Building.

4.07 Sale by Landlord

A sale, conveyance or assignment of the Building shall operate to release Landlord from liability from and after the effective date thereof upon all of the covenants, terms and conditions of this Lease, express or implied, except as such may relate to the period prior to such effective date and Tenant shall thereafter look solely to Landlord's successor in interest in and to this Lease. This Lease shall not be affected by any such sale, conveyance or assignment, and Tenant shall attorn to Landlord's successor in interest thereunder.

SECTION V. MAINTENANCE AND REPAIRS, ALTERATIONS; SIGNS

5.01 Maintenance and Repairs by Tenant

Tenant shall maintain the Premises in good condition and repair subject to Landlord's obligations

contained in Section 5.04. Tenant shall repair any damage to the Premises or the Building caused by Tenant, its agents, employees or invitees. Tenant shall also be responsible for the repair and maintenance of all systems, fixtures and equipment in the premises, including but not limited to electrical, plumbing and HVAC. All maintenance and repair work shall be performed only by licensed contractors first approved by Landlord. Tenant shall require its contractor to comply with Landlord's regulations. All contractors and subcontractors hired by Tenant to work at the Premises shall be insured and shall provide Landlord with a certificate of insurance naming the Landlord thereon as additional insured.

Tenant is responsible for keeping all entryways and all access areas to and from the Leased Premises free of snow and ice, sanded and/or salted and free of clutter and/or debris.

5.01.1 Landlord's Right to Maintain or Repair

If Tenant fails to repair any damage to the Premises or the Building caused by Tenant, its agents, employees or invitees within ten (10) days of the occurrence, Landlord may, at its option, cause any repair to be made at Tenant's expense. If Tenant fails to properly maintain the Premises as required herein, Landlord may, at its option, cause any maintenance to be done at Tenant's expense. Tenant shall promptly pay Landlord all expenses incurred under this provision together with an administrative fee of ten percent (10%) of such cost.

5.02 Landlord's Right of Entry

Landlord, its agents or employees shall have the right to enter the Premises, upon reasonable notice and at reasonable hours to make inspections, alterations, or repairs to the Building or the Premises. In event of emergency Landlord, its agents or employees shall have the right of entry at any time and may perform any acts related to safety, protection, preservation or improvement of the Building or the Premises. Except for repair of casualty damage, Tenant shall not be entitled to any abatement or reduction of rent because of work performed within the Building or Premises by Landlord.

5.03 Alterations by Tenant

Tenants shall make no structural changes, additions, alterations or improvements to the Premises without the prior written consent of Landlord and subject to all rules, requirements and conditions imposed by Landlord at the time such consent is given. Landlord shall have the right to withhold its consent.

5.04 Maintenance by Landlord

Landlord's responsibility for maintenance of the Premises is limited to the exterior walls and roof only. Tenant shall not do or undertake any activity that will cause any penetration of the roof and/or exterior walls of the demised premises. In the event Tenant does penetrate the exterior walls and/or roof, or otherwise causes damage to them, the Tenant shall be responsible for any resulting

damage.

5.05 Liens

Tenant shall not cause any liens to be filed or placed on the Premises or the Building, consensual or nonconsensual. If any liens are filed, with or without Tenant's knowledge, Tenant shall indemnify and hold the Landlord harmless of and from the same and shall cause them to be discharged within thirty (30) days of imposition of the lien and their sole expense. Tenant's obligation to indemnify hereunder shall include any and all costs to Landlord resulting from Tenant's lien, including but not limited to attorney's fees.

5.06 Signs

Tenant shall not display, inscribe, paint or affix any sign, picture, advertisement or notice visible from anywhere outside the Premises without Landlord's prior written consent, which consent shall not unreasonably be withheld or delayed. If consented to by Landlord any such sign shall be painted by a sign painter approved by Landlord and shall be maintained by Tenant during Tenant's occupancy of the Premises. All costs for production, installation, maintenance and removal shall be Tenant's responsibility. All such approved signs shall be removed by Tenant upon vacating the Premises, and any damage caused by such removal shall be immediately repaired. All signs must be approved by all local sign authorities.

SECTION VI. INSURANCE

6.01 Insurance by Landlord

Landlord may maintain insurance for those perils and in amounts as it deems prudent, in its sole discretion, for similar income type property situated in the general area of the Building or which is required by any mortgage or creditor of Landlord.

6.02 Insurance by Tenant

Tenant shall maintain at Tenant's expense, and upon execution of this Lease Agreement shall produce a Certificate of Insurance evidencing:

6.02.1 Fire insurance with extended coverage endorsement with respect to improvements, trade fixtures, furniture, personal property and equipment situated in the Premises for not less than that seen on the Lease Cover Page.

6.02.2 Comprehensive public liability insurance on an occurrence basis with respect to Tenant's business and occupancy of the Premises for any one occurrence or claim of not less than that seen on the Lease Cover Page.

6.02.3 Insurance against such other perils and in such amounts as required by law or as Landlord

may from time to time reasonably request, including but not limited to Workmen's Compensation. Landlord's request shall be made on the basis that the insurance coverage requested is customary at the time for prudent tenants.

6.02.4 All policies of insurance maintained by Tenant shall be in a form acceptable to Landlord, issued by an insurer licensed to do business in the state or province in which the building is situated shall name Landlord as additional insured, require at least fifteen (15) days written notice to Landlord of termination or material alteration and waive any right of subrogation against Landlord and name Landlord as additional insured. Tenant shall promptly deliver to Landlord a certificate of insurance and/or certified copies of said policies.

6.03 Indemnity

Tenant shall indemnify, hold harmless and pay on behalf of Landlord all claims, demands and judgments against Landlord and all costs associated therewith including legal fees caused by or arising out of, directly or indirectly, regardless of when such claim, demand, judgment, or costs are made or incurred after the expiration of this Lease:

- a. Tenant's performance under this Lease Agreement.
- b. Tenant's occupancy or use of the Building or Premises.
- c. Tenant's business or operations,
- d. Injury or damage to Tenant's customers, clients, or anyone else lawfully on the Premises, and
- e. Any act or omission of Tenant, its agents, employees or invitees, whether occasioned by negligence or otherwise.

Tenant's agreement to indemnify and hold harmless Landlord shall also extend to all claims and demands arising out of, directly or indirectly, improper or faulty repairs, maintenance, installation, or construction of facilities, trade fixtures, systems or equipment on or in the Premises by Tenant. Landlord shall make any such claims of which it receives notice known to the Tenant and give the Tenant adequate opportunity to defend itself and Landlord with counsel of its own choosing. Tenant shall not have the right to settle any claims on Landlord's behalf without Landlord's express written approval.

SECTION VII. DAMAGE AND DESTRUCTION

7.01 In the event the Building or the Premises shall be destroyed or rendered untenable, either in whole or in part, by fire or other casualty, Landlord may, at its option, restore the Building or Premises to as near their previous condition as is reasonably possible, and in the meantime the rent shall be abated in the same proportion as the untenable portion of the Premises bears to the whole thereof; but unless Landlord, within sixty (60) days after the happening of any such casualty, notifies Tenant of its election to so restore, this Lease shall thereupon terminate and Tenant shall vacate the Premises. Such restoration by Landlord shall not include replacement of furniture, fixtures, equipment or other items that do not become part of the Building or any improvements to

the Premises in excess of those provided for in the allowance for building standard items as of the commencement date of this Lease. Restoration of the Premises required beyond Landlord's obligation shall be performed by the Tenant at no cost to the Landlord. In the event the building or premises are not restored within 180 days of the date of casualty, Tenant may terminate this lease by written notice to Landlord.

7.02 Delay Beyond Landlord's Control

No penalty shall accrue to Landlord for delay in commencing or completing repairs caused by adjustment of insurance claims, governmental requirements or any cause beyond Landlord's reasonable control, including but not limited to weather events, government shutdowns, strikes, or labor shortages. Provided further, however, that the last sentence of Section 7.01 shall be applicable.

SECTION VIII. CONDEMNATION

8.01 Condemnation; Award; Termination

If the Building or Premises shall be taken or condemned for any public purpose, or for any reason whatsoever, to such an extent as to render either or both unfit for tenant's purposes, either Landlord or Tenant shall have the option to terminate this Lease effective as of the date of taking or condemnation. If the taking or condemnation does not render the Building and the Premises unfit for tenant's purposes, this Lease shall continue in effect and Landlord shall promptly restore the portion not taken to the extent possible to the condition existing prior to the taking. If, as a result of such restoration, the area of the Premises is reduced, the rental shall be reduced proportionately. All proceeds from any taking or condemnation shall be paid to Landlord. Tenant waives all claims against such proceeds. Tenant shall have rights to seek compensation pursuant to Massachusetts General Laws, Chapter 79 or any successor Statute, and Landlord shall not object to or interfere with Tenant's rights to seek such compensation.

SECTION IX. SURRENDER OF PREMISES

9.01 Surrender at Expiration

Upon expiration or termination of this Lease, whether caused by lapse of time or otherwise, Tenant shall immediately surrender and deliver possession of the Premises to Landlord in as good repair and condition as at the commencement of Tenant's occupancy, reasonable wear and tear and damage or destruction by fire or other casualty excepted. Tenant shall deliver all keys to the Premises to Landlord. If possession is not immediately surrendered, Landlord may take possession of the Premises, and expel or remove tenant and any other person occupying all or a portion of the premises, by force if necessary, without having any civil or criminal liability.

9.02 Title to Improvements

All alterations, additions or improvements, whether temporary or permanent, made in or upon the Premises either by Landlord or Tenant, shall be Landlord's property on termination and shall remain on the premises without compensation to Tenant.

9.03 Removal of Furniture; Trade Fixtures, Abandonment

All furniture, movable trade fixtures and equipment installed by Tenant may be removed by Tenant at termination of the Lease. All such removals shall be accomplished in a workmanlike manner so as not to damage the Premises, the structure or structural qualities of the Building or the plumbing, electrical lines or system or other utilities. All furniture, movable trade fixtures and equipment installed by Tenant not promptly removed by Tenant shall be presumed to have been abandoned and Landlord may, at its option, take possession of such property and either declare it to be the property of Landlord by furnishing Tenant written notice or, at Tenant's cost, remove such property in any manner Landlord chooses and store it without incurring liability to Tenant or any other person.

SECTION X. DEFAULT, EVENTS, REMEDIES

10.01 Events of Default

The occurrence of any one of the following events shall constitute a default of this Lease by Tenant:

10.01.1 Failure of Tenant to make any payment of rent or other required payment, when due, and such failure continues after Landlord's written notice to Tenant;

10.01.2 Vacating or abandoning all or a substantial portion of the Premises;

10.01.3 Failure of Tenant to comply with any provision of this Lease, other than payment of rent, and such failure shall continue for five (5) days after mailing of written notice by Landlord to Tenant; provided, however, that if the nature of Tenant's default is such that more than five (5) days are reasonably required for its cure, Tenant shall not be in default if Tenant immediately commences such cure and follows through completion;

10.01.4 The making of an assignment or general arrangement for the benefit of creditors by Tenant or guarantors of Tenant's obligations;

10.01.5 The filing by Tenant or a guarantor of Tenant's obligations of a petition under any section or chapter of the present Federal Bankruptcy Act, Bankruptcy Code, or amendment thereto, or under any similar law or statute of the Commonwealth of Massachusetts or the United States;

10:01.6 The appointment of a receiver or trustee for all or substantially all the assets of Tenant or any guarantor of Tenant's obligations and such receivership shall not have been terminated or stayed within the time permitted by law;

10.01.7 The attachment, execution or other judicial seizure of substantially all of Tenant's assets located in the Premises or of Tenant's interest in this Lease where such seizure is not discharged within thirty (30) days.

10.02 Remedies in Event of Default

Upon the occurrence of any event of default, Landlord shall have the option to do any one or more of the following without any notice or demand, in addition to and not in limitation of any other remedy permitted by law or this Lease:

10.02.1 Terminate this Lease, in which event Tenant shall immediately surrender the Premises to Landlord. If Tenant shall fail to do so, Landlord may without notice and prejudice to any other remedy available, enter and take possession of the Premises and remove Tenant or anyone occupying the Premises and its effects without being liable to prosecution or any claim for damages. Tenant agrees to indemnify Landlord for all loss and damage suffered by Landlord because of such termination whether through inability to relet the Premises or otherwise, including any loss of rent for the remainder of the term of this Lease.

10.02.2 Declare the entire amount of all rent which would have become due and payable during the remainder of the term of this Lease to be due and payable in which event Tenant agrees to pay the same to Landlord. Such payment shall constitute payment in advance of the rent stipulated for the remainder of the Lease term. Acceptance by Landlord of the payment of such rent shall not constitute a waiver of any then existing default thereafter occurring subject to Landlord's obligation to mitigate damages

10.02.3 Landlord may do whatever Tenant is obliged to do by the provisions of this Lease any may enter the Premises without being liable to prosecution or claim for damages in order to accomplish this purpose. Tenant agrees to reimburse Landlord immediately upon demand for any expenses which Landlord may incur in complying with the terms of this Lease on behalf of Tenant. Tenant agrees that Landlord shall not be liable for any damages to Tenant from such action, except caused by negligence of Landlord or its employees and/or agents.

SECTION XI. MISCELLANEOUS PROVISIONS

11.01 Waiver

Failure of Landlord to insist, in any one or more instances, upon strict performance of any term, covenant or condition of this Lease, or to exercise any option herein contained, shall not be construed as a waiver or relinquishment for the future of such term, covenant, condition or option but the same shall continue and remain in full force and effect. The receipt by Landlord of rents with knowledge of a breach of any of the terms, covenants or conditions of this Lease to be kept or performed by Tenant shall not be deemed to have waived any provision of this Lease unless expressed in writing and signed by Landlord.

11.02 Holding Over

If Tenant shall continue to occupy the Premises after expiration of this Lease, Tenant shall pay for use and occupancy charges, for each month of continued occupancy, an amount equal to one and one-half times the rent being paid for the month the Lease expires or is terminated. No receipt of money by Landlord from Tenant after expiration or termination of this Lease shall reinstate or extend this Lease or affect any prior notice of Landlord or Tenant.

11.03 Removal of Property

If Tenant shall fail to remove any of its property of any nature from the Premises of Building at the termination of this Lease or when Landlord has the right of re-entry, landlord may, at its option immediately remove and store said property without liability for loss or damage, such storage to be for the account and at the expense of Tenant.

In the event that Tenant shall not pay the cost of storing any such property after it has been stored for a period of thirty (30) days or more, Landlord may, at its option, sell, or permit to be sold, any and all of such property at public or private sale, in such manner and at such times and places as Landlord in its sole discretion may deem proper, without notice to Tenant, and shall apply the proceeds of such sale, first to the cost and expense of such sale, including reasonable attorney's fees actually incurred; second to the payment of the cost for storing such property; third to the payment of any other money which is or may thereafter become due Landlord from Tenant under any of the terms of this Lease; and fourth, the balance, if any to Tenant.

11.04 Notices

All notices under this Lease shall be in writing and delivered in person or sent by prepaid first class or certified mail to Landlord at its address first written above, or such other address as Landlord may hereinafter designate and to the Tenant at the Premises, or such address as Tenant may hereinafter designated in writing. Notices mailed shall be deemed given on the date of mailing.

11.05 Entire Agreement; Captions

Tenant acknowledges and agrees that it has not relied upon any statement, representation, agreement or warranty except such as may be expressly set forth in this Lease, and it is agreed by Landlord and Tenant that no amendment or modification of this Lease shall be valid or binding unless in writing executed by Landlord and Tenant. No provision of this Lease shall be altered, waived, amended or extended except in writing executed by Landlord and Tenant. The paragraph headings contained in this Lease are for convenience only and shall in no way enlarge or limit the scope or meaning of the provisions of this Lease.

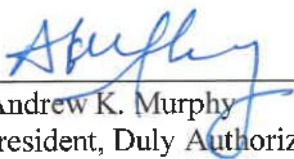
Signed as a sealed instrument this 15th day of June, 2023.

LANDLORD:
The Main Street Brewster Trust



Andrew K. Murphy, Trustee

TENANT:
The Peacemaker, Inc.



By: Andrew K. Murphy
Its: President, Duly Authorized



**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Identification Number: 001665188

ARTICLE I

The exact name of the corporation is:

THE PEACEMAKER, INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

TO OWN, CONDUCT, OPERATE, AND MAINTAIN RESTAURANT AND BAR BUSINESS. TO ENGAGE IN THE RETAIL SALES OF PREPARED FOODS AND BEVERAGES. FURTHER, TO CARRY ON IN CONNECTION WITH THE FOREGOING ANY OTHER BUSINESS ACTIVITY WHICH MAY LAWFULLY BE CARRIED ON BY A CORPORATION ORGANIZED UNDER THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS WHETHER OR NOT RELATED TO THOSE REFERRED TO IN THIS PARAGRAPH.

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	275,000	\$0.00	100

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

NONE.

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

ANY STOCKHOLDER, THE HEIRS, ASSIGNS, EXECUTORS, OR ADMINISTRATORS OF A DECEASED STOCKHOLDER, DESIRING TO SELL OR TRANSFER SUCH STOCK, SHALL FIRST OFFER IT TO THE CORPORATION THROUGH THE BOARD OF DIRECTORS, IN THE MANNER FOLLOWING: THE STOCKHOLDER SHALL NOTIFY THE DIRECTORS OF THE DESIRE TO SELL OR TRANSFER BY NOTICE IN WRITING, WHICH NOTICE SHALL CONTAIN THE PRICE AT WHICH THEY ARE WILLING TO SELL OR TRANSFER AND THE NAME OF ONE ARBITRATOR. THE DIRECTORS SHALL WITHIN 30 DAYS THEREAFTER EITHER ACCEPT THE OFFER OR BY WRITTEN NOTICE NAME A SECOND ARBITRATOR AND THESE TWO SHALL NAME A THIRD. IT SHALL BE THE DUTY OF THE ARBITRATORS TO ASCERTAIN THE VALUE OF THE STOCK, AND IF ANY ARBITRATOR SHALL NEGLECT OR REFUSE TO APPEAR AT ANY MEETING APPOINTED BY THE ARBITRATORS, A MAJORITY MAY ACT IN THE ABSENCE OF SUCH ARBITRATOR. AFTER THE ACCEPTANCE OF THE OFFER OR THE REPORT OF THE ARBITRATORS AS TO THE VALUE OF THE STOCK, THE DIRECTORS SHALL HAVE THIRTY DAYS WITHIN WHICH TO PURCHASE THE SAME AT SUCH VALUATION, BUT IF AT THE EXPIRATION OF THIRTY DAYS, THE CORPORATION SHALL NOT HAVE EXERCISED THE RIGHT SO TO PURCHASE, THE OWNER SHALL BE AT LIBERTY TO DISPOSE OF THE SAME IN ANY MANNER HE MAY SEE FIT. NO SHARES OF STOCK SHALL BE SOLD OR TRANSFERRED ON THE BOOKS OF THE CORPORATION UNTIL THESE PROVISIONS HAVE BEEN COMPLIED WITH, BUT THE BOARD OF DIRECTORS MAY IN ANY PARTICULAR INSTANCE WAIVE THE REQUIREMENT.

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

A. THE DIRECTORS MAY MAKE, AMEND, OR REPEAL THE BY-LAWS IN WHOLE OR IN PART, EXCEPT WITH RESPECT TO ANY PROVISION OF SUCH BY-LAWS WHICH BY LAW OR THESE ARTICLES OR THE BY-LAWS REQUIRES ACTION BY THE STOCKHOLDERS. B. MEETINGS OF THE STOCKHOLDERS OF THE CORPORATION MAY BE HELD ANYWHERE IN THE UNITED STATES. C. THE CORPORATION SHALL HAVE THE POWER TO BE A PARTNER IN ANY BUSINESS ENTERPRISE WHICH THIS CORPORATION WOULD HAVE THE POWER TO CONDUCT BY ITSELF. D. THE CORPORATION, BY VOTE OF A MAJORITY OF THE STOCK OUTSTANDING AND ENTITLED TO VOTE THEREON (OR IF THERE ARE TWO OR MORE CLASSES OF STOCK ENTITLED TO VOTE AS SEPARATE CLASSES, THEN BY VOTE OF A MAJORITY OF EACH SUCH CLASS OF STOCK OUTSTANDING), MAY (I) AUTHORIZE ANY AMENDMENT TO ITS ARTICLES OF ORGANIZATION PURSUANT TO M.G.L. CHAPTER 156D, AS AMENDED FROM TIME TO TIME, (II) AUTHORIZE THE SALE, LEASE OR EXCHANGE OF ALL OR SUBSTANTIALLY ALL OF ITS PROPERTY AND ASSETS, INCLUDING ITS GOODWILL, PURSUANT TO M.G.L. CHAPTER 156D, AS AMENDED FROM TIME TO TIME, AND (III) APPROVE AN AGREEMENT OF MERGER OR CONSOLIDATION PURSUANT TO M.G.L. CHAPTER 156D, AS AMENDED FROM TIME TO TIME.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: ANDREW K. MURPHY
No. and Street: 1374 ROUTE 134
P.O. BOX 773
City or Town: EAST DENNIS State: MA Zip: 02641 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Table with 3 columns: Title, Individual Name, Address (no PO Box). Rows include President, Treasurer, Secretary, and two Directors.

d. The fiscal year end (i.e., tax year) of the corporation: December

e. A brief description of the type of business in which the corporation intends to engage:

TO OWN, OPERATE, AND MAINTAIN RESTAURANT AND BAR.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

No. and Street: 1374 ROUTE 134
City or Town: EAST DENNIS State: MA Zip: 02641 Country: USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

No. and Street: 1374 ROUTE 134
City or Town: EAST DENNIS State: MA Zip: 02641 Country: USA

which is
[X] its principal office
[] an office of its secretary/assistant secretary
[] an office of its transfer agent
[] its registered office

Signed this 16 Day of June, 2023 at 7:06:07 PM by the incorporator(s). (If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

ANDREW K. MURPHY

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THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

June 16, 2023 07:03 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



Fiscal Year 2024 Tax Rate Classification Hearing

Town of Brewster

September 11, 2023

FY 2024 Maximum Allowable Levy

Description	Amount
Adjusted FY 2023 Levy Limit	\$36,999,768
2.5% Increase	\$924,994
Fiscal 2024 New Growth	\$350,160
Fiscal 2024 Override (Schools)	\$964,598
Fiscal 2024 Debt Exclusions	\$5,450,789*
Fiscal 2024 Cape Cod Commission assessment	<u>\$183,182</u>
Fiscal 2024 Maximum Allowable Levy	\$44,873,491 (increase of \$3,936,164 over FY23 Max Levy)
Fiscal 2024 Excess Levy Capacity (as of 9/8/2023)	\$451,224 (\$370,000 is due to reporting format of authorized CCSC Long Pond Debt)

*\$2,083,175 of the FY2024 Debt Exclusion was due to phase one of the Nauset High School building project. A similar increase will come in FY2025 for the second phase.

FY 2024 Assessed Values

Class	FY23 Value	FY24 Value	Change	%
Residential	\$5,510,063,426	\$6,198,953,108	\$688,889,682	12.5%
Commercial	\$160,902,004	\$180,678,022	\$19,776,018	12.3%
Industrial	\$22,136,100	\$23,500,500	\$1,364,400	6.2%
Personal Property	<u>\$114,159,630</u>	<u>\$119,961,850</u>	<u>\$5,802,220</u>	5.1%
Total	\$5,807,261,160	\$6,523,093,480	\$715,832,320	12.3%

The town realized an increase in overall property value of 12.3% in Fiscal Year 2024 as a result of a strong real estate market and new property growth.

The FY2024 residential property values are based on calendar year 2022 sales data and will not necessarily reflect today's market value.

FY 2024 Estimated Tax Rate

Single Tax Rate Illustration.

Note: levy is rounded to nearest whole dollar

Tax rate is dollars per \$1,000

Class	Valuation	Levy %	Rate	Levy
Residential	\$6,198,953,108	95.0309	\$6.81	\$42,214,871
Commercial	\$180,678,022	2.7698	\$6.81	\$1,230,417
Industrial	\$23,500,500	0.3603	\$6.81	\$160,038
Personal Property	\$119,961,850	1.8390	\$6.81	\$816,940
Total	\$6,523,093,480	100	\$6.81	\$44,422,267

Single Tax Rate for Fiscal 2023 was \$6.99

Decrease of \$0.18 for FY2024 (-2.6%)

Tax shifting options will decide how the \$44+ Million will be allocated between and within property classes. The options to be discussed will not change the maximum allowable levy.

FY2024 Tax Rate Impact on Median Single Family Home Tax Bill

FY2022

- ▶ Median Single Family Home Value: \$532,000
- ▶ Tax Rate: \$7.85
- ▶ Median Single Family Tax Bill: \$4,176.20

FY2023

- ▶ Median Single Family Home Value: \$636,700
 - ▶ Increase of 19.7%
- ▶ Tax Rate: \$6.99
 - ▶ Decrease of 11%
- ▶ Median Single Family Tax Bill: \$4,450.53
 - ▶ Increase of 6.6%
 - ▶ Increase of \$274.33

FY2024

- ▶ Median Single Family Home Value: \$710,900
 - ▶ Increase of 11.7%
- ▶ Estimated Tax Rate: \$6.81
 - ▶ Decrease of 2.6%
- ▶ Estimated Median Single Family Tax Bill: \$4,841.23
 - ▶ Increase of 8.8%
 - ▶ Increase of \$390.70



Tax Levy Shifting Options

The tax rate can be impacted by decisions regarding classification and exemption options.

- 1. The “**Split Tax Rate**” allows for a shift of the tax burden from the residential class of property to the commercial, industrial and personal property classes (CIP).
- 2. The “**Open Space Discount**” may reduce the amount of the tax levy paid by the open space class to no less than 75% of its full and fair cash share of the levy.
- 3. The “**Residential Exemption**” allows for the shift of a portion of the residential tax burden from primary residences to second home owners and primary residences with higher property values.
- 4. The “**Small Commercial Exemption**” creates a shift that reduces taxes paid by owners of properties occupied by small businesses and shifts them to larger commercial and industrial taxpayers.

Option 1: The “Split Tax Rate”

Estimated tax rates at selected percentage shifts, shown in 10% intervals

Examples illustrated assumes no residential exemption adopted

Board of Assessors recommends factor of “1”, no shift

CIP Shift	Residential Tax Rate	CIP Tax Rate	Tax Levy Shifted
0.7	\$6.92	\$4.77	\$662,219
0.8	\$6.88	\$5.45	\$441,479
0.9	\$6.85	\$6.13	\$220,740
1.0	\$6.81	\$6.81	\$0
1.1	\$6.77	\$7.49	\$220,740
1.2	\$6.74	\$8.17	\$441,479
1.3	\$6.70	\$8.85	\$662,219
1.4	\$6.67	\$9.53	\$882,958
1.5	\$6.63	\$10.21	\$1,103,698

Option 1: The "Split Tax Rate"

Shift less than 1 results in residential taxes subsidizing business taxes

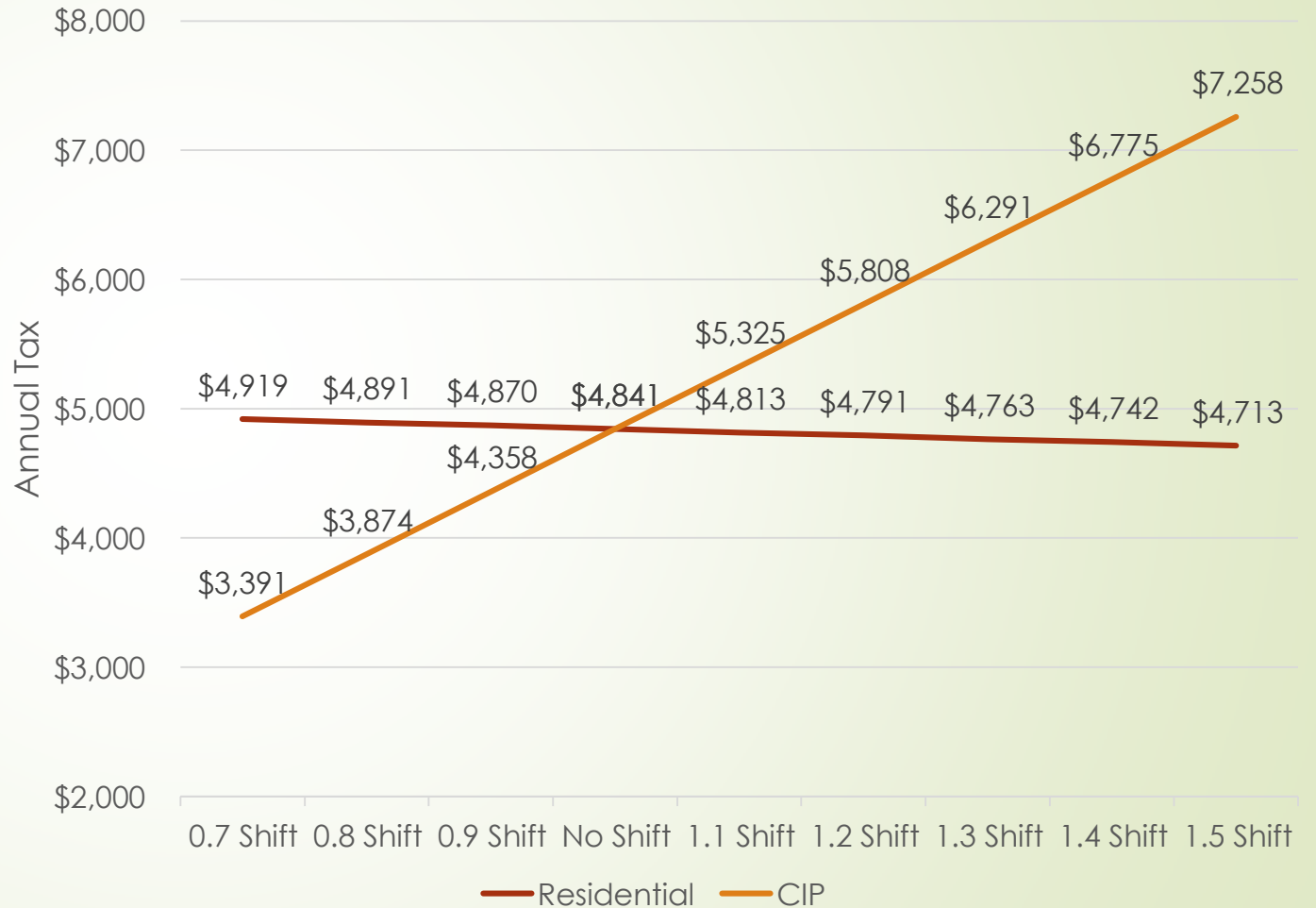
Shift greater than 1 results in business taxes subsidizing residential taxes


Tax Levy remains the same

Maximum residential savings of \$128 results in \$2,417 increase to an equally valued commercial parcel

Board of Assessors
Recommendation: Residential Factor of "1" or "No Shift"

Residential Tax Bills vs. CIP Tax Bills FY2024 Median Single Family Property Value of \$710,900





Option 2: The “Open Space Discount”

Board of Assessors Recommendation:
Do not adopt an Open Space
Discount

- ▶ The Select Board may allow for a discount for all Open Space properties. The discount may reduce the amount of the tax levy paid by the Open Space class to no less than 75% of its full and fair cash share of the levy (a 25% discount).
- ▶ The taxes saved by the Open Space class are shifted to the other properties in the residential class, which means a higher residential tax rate.
- ▶ In Brewster, the assessors do not currently assess Open Space properties in the Open Space class, so this discount is not currently available. Open Space parcels are generally assessed in the Residential Class or are Tax Exempt.
- ▶ In FY2023 only 1 of the 351 Massachusetts cities and towns adopted an Open Space Discount (Bedford).

Option 3: The “Residential Exemption”

Community	Percentage
Barnstable	20
Mashpee	5
Provincetown	25
Truro	25
Wellfleet	25

This option reduces the taxable assessed value for each qualified primary residence. For FY2024 Brewster has an estimated 3,877 potentially eligible properties out of 7,421 improved residential properties (roughly 52%) and the result of adoption would be a higher tax rate for all residential properties and a deduction from every qualified property's value before the tax is calculated at the higher tax rate.

- ▶ Select Board can authorize up to a 35% exemption to qualifying Brewster “residents”
- ▶ The exemption applied is up to 35% of the total **average** residential parcel value
- ▶ The property must be the “primary residence” of the owner as used for income tax purposes
- ▶ This option shifts the taxes only **within** the residential class of taxpayers & does not change the levy amount itself or impact CIP property owners
- ▶ 18 communities out of 351 adopted the residential exemption in FY2023;
- ▶ 5 Communities in Barnstable County adopted the exemption in FY2023

Total Residential Value		\$6,198,953,108		
Divided by Total Residential Parcels		8,014		
Average Residential Value (ARV)		\$773,515		
ARV	\$773,515	\$773,515	\$773,515	\$773,515
Exemption %	0%	10%	20%	35%
Exemption Value	\$0	\$77,352	\$154,703	\$270,730
Eligible Parcels*	0	3,877	3,877	3,877
Residential Value Exempted	\$0	\$299,891,954	\$599,783,908	\$1,049,621,839
Net Value Taxed	\$6,198,953,108	\$5,899,061,154	\$5,599,169,200	\$5,149,331,269
Residential Levy	\$42,214,871	\$42,214,871	\$42,214,871	\$42,214,871
Tax Rate	\$6.81	\$7.16	\$7.54	\$8.20

Residential Exemption Calculation

The exemption may not exceed 35 percent of the average assessed value of all residential properties.

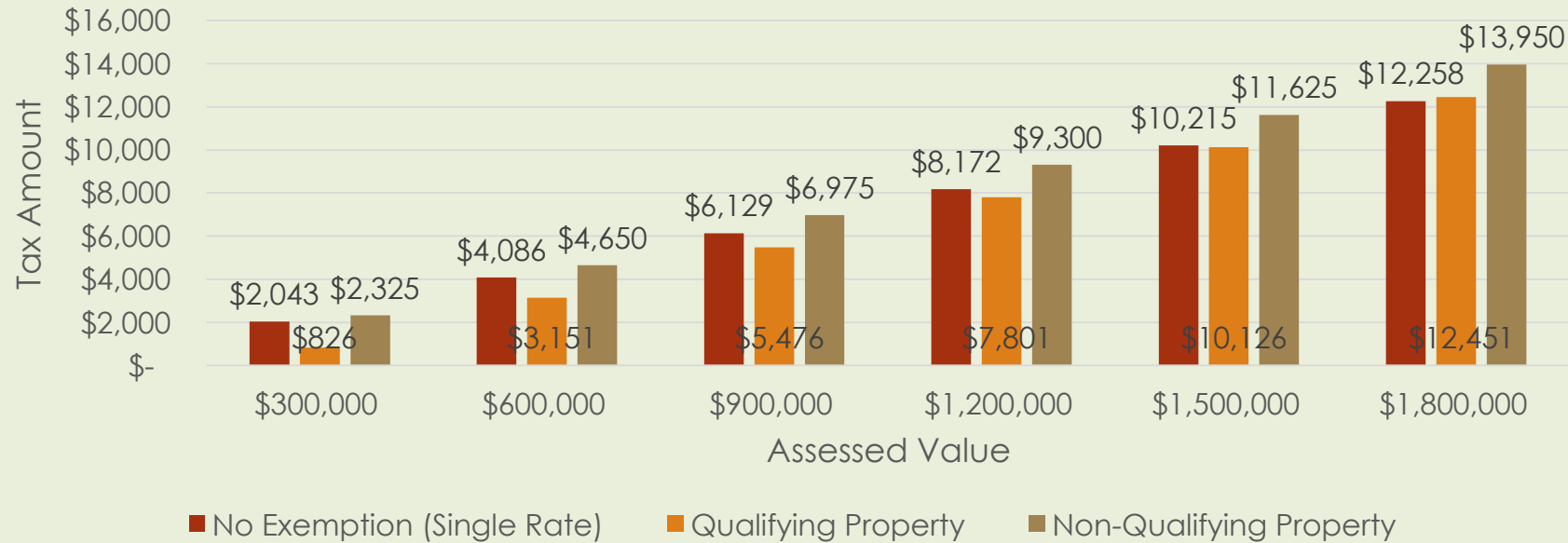
To calculate the exemption the average assessed value of all residential parcels must first be determined.

The adopted percentage is applied to this amount. The assessed valuation of each residential parcel that is the domicile of the tax payer is then reduced by that amount.

As the residential exemption removes a portion of the property value subject to taxation it results in a higher tax rate.

*Estimate

Tax Bill Comparison – No Exemption vs. 25% Residential Exemption Qualifying and Non-Qualifying Properties



Residential Exemption Example

“Break Even Point”
= \$ 1,598,905 Assessed Value

Residents with Assessed Value above “Break Even Point” pay more taxes as a result of Residential Exemption

Board of Assessors Recommendation: No Residential Exemption

*Not including vacant land


Residential* parcel count	<\$300K	\$300K-\$600K	\$600k-\$900K	\$900K-\$1.2M	\$1.2M-\$1.5M	>\$1.5M
FY24	186	2,718	2,440	1,042	494	541
FY23	294	3,468	2,063	889	322	378
FY22	995	3,810	1,631	541	180	235
FY21	1,345	4,117	1,271	366	107	171
FY20	1,466	4,060	1,225	357	97	164

Why did other local communities adopt the Residential Exemption?

Town (FY23 data)	Average Residential* Value	Eligible Parcels	Total Residential* Parcels	Eligible Parcel Percent	Breakeven Point
Barnstable	\$758,078	11,631	25,699	45.3%	\$1,674,994
Mashpee	\$665,356	2,106	11,055	19.1%	\$3,492,643
Provincetown	\$905,136	799	4,274	18.7%	\$4,841,740
Truro	\$873,179	641	3,346	19.2%	\$4,557,967
Wellfleet	\$794,041	773	4,248	18.2%	\$4,363,628
Brewster	\$686,356	3,877**	8,028	48.3%	\$1,421,218

*Residential Values and Parcel Counts above include Vacant Land

**Brewster Eligible Parcels is an estimate because we have not adopted and have not vetted applications



Option 3: “Residential Exemption” Recommendation

The Board of Assessors Recommends
not adopting a Residential Exemption

- Approximately 52% of Residential Class with improved properties are ‘Residents’; 48% are ‘Non-Residents’ (3,877 vs 3,544)
- Applications are required for eligibility, including address verification using Income Tax Returns; burden of proof is on taxpayer
- Additional personnel resources required to review applications and administer Residential Exemptions
- Increased Tax Rate but Tax Levy remains the same, no additional revenue
- ‘Non-Residents’ already pay an additional Personal Property Tax (1% of building value)
- Additional Overlay required



Option 4: The “Small Commercial Exemption”

Board of Assessors Recommendation:
Do not adopt Small Commercial
Exemption

- ▶ The Select Board may grant a small commercial exemption to all Commercial properties that are occupied by businesses with an average annual employment of no more than 10 people and an assessed valuation of less than \$1,000,000 (\$1 Million).
- ▶ Adopting a small commercial exemption increases the commercial and industrial tax rates.
- ▶ This higher rate creates a shift that reduces the taxes paid by owners of properties occupied by small businesses and shifts them to larger commercial and industrial taxpayers.

Option 4: The “Small Commercial Exemption”

Board of Assessors
 Recommendation: Do not adopt a Small Commercial Exemption

- 201 Commercial/Industrial parcels
- 249 Small Business with under 10 employees
- 31 Potentially eligible small business parcels (13% of small businesses)
- Exemption only applies to Commercial Properties not home business or mixed use
- Tax savings goes to owner of property, not to business if leasing the property
- 10% Small Commercial Exemption would raise the Commercial & Industrial Tax Rate to \$6.86 (from \$6.81 single rate).
- The 31 eligible parcels would receive a 10% reduction of assessed value or approx. \$276 in median tax savings
- The other 170 Commercial/Industrial parcels would pay a higher tax rate
- No benefit for 87% of small businesses

Only 14 cities/towns adopted Small Commercial Exemption in FY2023

Auburn	Avon	Bellingham	Berlin	Braintree
Chelmsford	Dartmouth	Erving	New Ashford	North Attleborough
Seekonk	Swampscott	Westford	Wrentham	



Summary

Board of Assessors
recommendations to
Select Board:

- Option 1: “Split Tax Rate”- The Board of Assessors recommends a **Single Tax Rate** or Residential Factor of “1”. No Split Tax Rate
- Option 2: “Open Space Discount”- The Board of Assessors recommends **not** adopting an Open Space Discount. Not applicable in Brewster
- Option 3: “Residential Exemption”- The Board of Assessors recommends **not** adopting a Residential Exemption
- Option 4: “Small Commercial Exemption”- The Board of Assessors recommends **not** adopting a Small Commercial Exemption



Proposed Motion:

The following motion would maintain the existing and historic pattern of taxation in the Town of Brewster using a Single Tax Rate for all classes of property.

- Move to continue to use a Residential Factor of “1”; not to grant an Open Space Discount; not to grant a Residential Exemption; not to grant a Small Business Exemption.

Local Tax Relief Options:

Community Preservation Surcharge Exemption (G.L. c. 44B §3(e)(1))



TOWN OF BREWSTER
FINANCE TEAM
SEPTEMBER 11, 2023

For your
consideration:

Community
Preservation
Surcharge
Exemption
(G.L. c. 44B §3(e)(1))

Low Income
Residents

&

Low-Moderate
Income Seniors

Low Income Resident CPA Exemption & Low-Moderate Income Senior CPA Exemption

Exempts the entire 3% CPA Surcharge for qualifying primary resident homeowners:

Seniors (Age 60 & Up):
Income limit is 100% of the Area Wide Median Income (Low-Moderate Income)

Non-Seniors (below 60):
Income limit is 80% of the Area Wide Median Income (Low Income)

Income limits are adjusted annually based on median area income and are further adjusted based on household size. See chart on next slide for FY2024 limits.

Funding Source: None – this is a reduction in CPA surcharge.

Projected FY2024 Median Single Family Tax Bill: \$4,841.23;
Projected Median CPA Surcharge \$145.24.

Annual Income Limits by Household Type and Size

FY2024 US HUD AWMI for Barnstable County is \$124,300

Property owned by senior (60 or older)				Property owned by non-senior (under 60)			
Household Size	100% AWMI	Household Multiplier	FY2024 Annual Income Limit	Household Size	80% AWMI	Household Multiplier	FY2024 Annual Income Limit
1	\$ 124,300	0.7	\$ 87,010	1	\$ 99,440	0.7	\$ 69,608
2	\$ 124,300	0.8	\$ 99,440	2	\$ 99,440	0.8	\$ 79,552
3	\$ 124,300	0.9	\$ 111,870	3	\$ 99,440	0.9	\$ 89,496
4	\$ 124,300	1	\$ 124,300	4	\$ 99,440	1	\$ 99,440
5	\$ 124,300	1.08	\$ 134,244	5	\$ 99,440	1.08	\$ 107,395
6	\$ 124,300	1.16	\$ 144,188	6	\$ 99,440	1.16	\$ 115,350
7	\$ 124,300	1.24	\$ 154,132	7	\$ 99,440	1.24	\$ 123,306
8	\$ 124,300	1.32	\$ 164,076	8	\$ 99,440	1.32	\$ 131,261

Potential CPA Surcharge Reductions

- Although we estimate that up 22.5% percent of residential properties might qualify for the CPA Exemption, we don't expect that all potentially qualifying properties will apply for the exemption.
 - The application involves a full financial income review of all household members.
 - All seniors who currently qualify for the existing senior real estate tax exemption under Clause 41C will automatically qualify for the CPA exemption. We average around 40 applicants per year (less than 1% of residential properties).
 - Provincetown and Chatham have both adopted the CPA Exemption, they both report that there are very few applicants who are not already receiving the senior real estate exemption.
 - The CPA exemption is a tool that provides a little extra relief for those that need it.
-

Summary

- The CPA Low Income Resident Exemption & Low-Moderate Income Senior Exemption, if adopted, could be in place in time for FY2025.
 - The CPA Exemption was presented to the Community Preservation Committee on July 12, 2023 and received a unanimous vote of support. The CPA Exemption also received a unanimous vote of support from the Board of Assessors in August 2023.
 - This would be an exemption of the 3% CPA surcharge to Low Income households and Low-Moderate Income Senior households.
 - There is no funding required to offset the exemption.
 - The financial impact is a reduction in CPA surcharge revenue.
 - This is true relief and based on residency and income. Applies to all ages.
-



Senior Means Tested Exemption

TOWN OF BREWSTER
FINANCE TEAM
SEPTEMBER 11, 2023

Senior Means Tested Exemption (Home Rule Template)

- Home Rule Petition
- Template adopted by 8 Communities and additional communities are in process
- How To Enact
 - Town Meeting Vote to seek Home Rule Petition
 - Then MA Legislature approval required
- 3 Year Sunset or Town Meeting approval can extend in 3-Year increments.

Senior Means Tested Exemption Template

Exemption Amount: 50-200% of Senior Circuit Breaker Amount
(CB currently \$1,200, so \$600-\$2,400)

Exemption Percentage adjusted annually by Select Board
(50%-200% of CB)

Income Limits: \$64,000*-\$96,000*
(*single-married, adjusted annually to match CB)

Asset Limit: "Excessive"
(can be adjusted annually by town, other communities have used \$250,000 as an example of excessive assets)

Maximum Assessed Value: \$912,000 (adjusted annually to match CB)

Senior Means Tested Exemption

- Qualifications:
 - Age 65 and over
 - Brewster Resident & Taxpayer for 10 years
 - Income limit \$64,000 (single) - \$96,000 (married)
 - Assessed Value Limit: \$912,000
 - Asset Review
 - Real Estate taxes together with half of water/sewer charges must exceed 10% of total income

 - Application deadline: **PRIOR TO SETTING THE TAX RATE**
 - We set the tax rate in September for our October bills, so deadline would be in August. But the fiscal year starts July 1 and asset review must include July 1 balances.
-

Senior Circuit Breaker Formula

- Real Estate Taxes together with half of water & sewer expenses must exceed 10% of total income.

Real Estate Taxes Paid

+ 50% of Water/Sewer expenses

- 10% of income

Circuit Breaker Credit (if greater than 0, and capped at \$1,200)

Senior Means Tested Exemption Scenarios

Real Life Example: Senior receiving 41C exemption (\$1,000)

Assessed Value:	\$510,000			
Qualifying Income:	\$23,338			
Real Estate Taxes:	\$3,565			
50% Water	\$99			
Taxes + 50% Water	\$3,664	Taxes Less 41C Exemption (\$1,000)		Less State CB Credit
		\$2,664		\$2,334
10% of Income	\$2,334	\$2,334		\$2,334
Taxes + 50% Water - 10% income	\$1,330	\$330		\$0
State Credit (\$1,200 Max)	\$1,200	\$330		No Credit

Result: State CB eliminated; this property carries burden with all Brewster taxpayers with raised tax rate

Senior Means Tested Exemption Scenarios

Real Life Example: Senior receiving 41C exemption (\$1,000)

Assessed Value:	\$353,400			
Qualifying Income:	\$23,170			
Real Estate Taxes:	\$2,470			
50% Water	\$40			
Taxes + 50% Water	\$2,510	Taxes Less 41C Exemption (\$1,000)		Less State CB Credit
		\$1,510		\$1,510
10% of Income	\$2,317	\$2,317		\$2,317
Taxes + 50% Water - 10% income	\$193	\$-807		\$-807
State Credit (\$1,200 Max)	\$193	No Credit		No Credit

Result: No CB credit, this property and all Brewster taxpayers carry burden with raised tax rate

Senior Means Tested Exemption Scenarios

Case Study Example: Average Assessed Value & 40% Median Income

Assessed Value:	\$771,500			
Qualifying Income:	\$49,600			
Real Estate Taxes:	\$5,393			
50% Water	\$200			
Taxes + 50% Water	\$5,593			Less State CB Credit
		Income Does not qualify for 41C		\$4,960
10% of Income	\$4,960			\$4,960
Taxes + 50% Water - 10% income	\$633			\$0
State Credit (\$1,200 Max)	\$633	\$633		No Credit

Result: State CB eliminated. This property and all Brewster taxpayers carry burden with raised tax rate

Senior Means Tested Exemption Scenarios

Case Study Example: Max Qualifying Assessed Value & Max Qualifying Income

Assessed Value:	\$912,000			
Qualifying Income:	\$64,000			
Real Estate Taxes:	\$6,375			
50% Water	\$200			
Taxes + 50% Water	\$6,575			Less State CB Credit
		Income does not qualify for 41C		\$6,400
10% of Income	\$6,400			\$6,400
Taxes + 50% Water - 10% income	\$175			\$0
State Credit (\$1,200 Max)	\$175			No Credit

Result: State CB eliminated, This property and all Brewster taxpayers carry burden with raised tax rate

Senior Means Tested Exemption Scenarios

Case Study Example: Maximum qualifying Assessed Value, Minimum Income to receive full CB credit

Assessed Value:	\$912,000			
Qualifying Income:	\$41,750	(Solving for Income)		
Real Estate Taxes:	\$6,375			
50% Water	\$200			
Taxes + 50% Water	\$6,575			Less State CB Credit
		Income does not qualify for 41C		\$5,375
10% of Income	\$4,175			\$4,175
Taxes + 50% Water - 10% income	\$2,400			\$1,200
State Credit (\$1,200 Max)	\$1,200			\$1,200

Result: Max State CB credit, Brewster taxpayers match CB burden with raised tax rate

Senior Means Tested Exemption Scenarios

Case Study Example: Minimum Assessed Value, full CB Credit

Assessed Value:	\$753,791	(solving for Assessed Value)		
Qualifying Income:	\$30,686			
Real Estate Taxes:	\$5,269			
50% Water	\$200			
Taxes + 50% Water	\$5,469			Less State CB Credit
		Income does not qualify for 41C		\$4,269
10% of Income	\$3,069			\$3,069
Taxes + 50% Water - 10% income	\$2,400			\$1,200
State Credit (\$1,200 Max)	\$1,200			\$1,200

Result: Max State CB credit, all Brewster taxpayers carry burden with raised tax rate

Senior Means Tested Exemption Scenarios

Case Study Example: Full CB Credit Value and Full CB Credit Income

Assessed Value:	\$753,791			
Qualifying Income:	\$41,750			
Real Estate Taxes:	\$5,269			
50% Water	\$200			
Taxes + 50% Water	\$5,469			Less State CB Credit
		Income does not qualify for 41C		\$4,269
10% of Income	\$4,175			\$4,175
Taxes + 50% Water - 10% income	\$1,294			\$94
State Credit (\$1,200 Max)	\$1,200			\$94

Result: State CB credit reduced to \$94, Brewster taxpayers carry burden with raised tax rate

Why did other communities adopt this?

Community (Rank out of 351)	Average Single Family Tax Bill (FY2023)	Average SF Tax Bill Less Full CB Credit (-\$2,400)	Adjusted Income Threshold (Taxes exceeding 10 % of income)	Income Threshold greater than \$64,000	CB Credit	DOR Income Per Capita	Income Per Capita Less Than Qualifying Income
Concord (7)	\$17,481	\$15,081	\$150,810	YES	FULL	\$152,254	NO
Winchester (10)	\$16,215	\$13,815	\$138,150	YES	FULL	\$121,868	YES
Sudbury (13)	\$15,036	\$12,636	\$126,360	YES	FULL	\$120,466	YES
Harvard (22)	\$12,833	\$10,433	\$104,330	YES	FULL	\$70,623	YES
Hopkinton (26)	\$11,902	\$9,502	\$95,020	YES	FULL	\$87,002	YES
Andover (29)	\$11,734	\$9,334	\$93,340	YES	FULL	\$87,282	YES
Reading (54)	\$9,654	\$7,254	\$72,540	YES	FULL	\$68,897	YES
Wakefield (78)	\$8,194	\$5,794	\$57,940	NO	PARTIAL	\$53,217	YES
Brewster (205)	\$5,393	\$2,993	\$29,930	NO	PARTIAL	\$42,062	NO

Senior Means Tested Exemption

Who Benefits?

- In Brewster, at this time, a Senior Means Tested Exemption would only benefit a very narrow window of taxpayers. All other taxpayers outside of those windows would see an increase in tax burden.
 - Brewster's current tax rate and average tax bills are too low to see a benefit from this program. The average tax bills are not exceeding 10% of the income threshold.
 - The incomes that would have seen a full benefit in FY2023 were between \$30,686 and \$41,750.
 - \$30,685 and lower already qualify for \$1,000 exemption
 - The assessed values that would have seen a full benefit in FY2023 were between \$753,791 and \$912,000.
 - Any assessed value over \$912,000 would not have qualified.
 - In Calendar Year 2021 there were 171 Circuit Breaker Credits granted in Brewster with an average credit of \$958. This program would reduce or eliminate those credits.
-

Free Cash Certification
Free Cash Calculation - Fiscal Year 2024

Begin:	
Unreserved Undesignated Fund Balance	5,948,857.00
Subtract:	
Personal Property Tax Receivable	8,017.00
Real Estate Tax Receivable	364,545.00
Other Receivables in Deferred Revenue	
	0.00
Total	0.00
Other Receivables, Overdrawn Accounts, Deficits	
SRF F/B FY23 Costal Resilience Grant (CZM)	825.00
Total	825.00
Free Cash Voted from Town Meeting Not Recorded	0.00
Add:	
Circuit Breaker, Other Closed Accounts, Adjustments:	
	0.00
Total	0.00
Deferred Revenue (Credit Balance+, Debit Balance-)	-445,385.00
Free Cash Calculation for 2023	5,130,085.00
Reviewed By:	Katie Scopelleti
Certified On:	8/23/2023

Free Cash Certification
Retained Earnings Calculation - Water Dept - Fiscal Year 2024

Enterprise Fund Number	A-2(1ST)
Type of Enterprise Fund	Water
Name of Enterprise Fund/Statutory Reference	Water Dept

Part I Cash	2,125,072.00
--------------------	--------------

Current Liabilities, Designations of Fund Balance:

Accounts Payable	0.00
Payroll Payable	0.00
Warrants Payable	0.00
Encumbrances	356.00
Expenditures	175,000.00
Continuing Appropriations	263,108.00

Other Liabilities

Reserve for Petty Cash	200.00
Total	438,664.00

Cash less Current Liabilities	1,686,408.00
--------------------------------------	---------------------

Part II Retained Earnings, Undesignated	1,686,408.00
------------------------------------------------	--------------

Accounts Receivable (net):

User Fees	0.00
Other Accounts Receivable	
	0.00
Total	0.00

Undesignated Retained Earnings Less Accounts Receivable	1,686,408.00
----------------------------------------------------------------	---------------------

Fixed Assets

Debits:

	0.00
Total	0.00

Credits:

	0.00
Total	0.00

Free Cash Certification

Retained Earnings Calculation - Water Dept - Fiscal Year 2024

Fixed Assets Variance (Debits - Credits)	<i>0.00</i>
-------------------------------------------------	--------------------

Free Cash Certification
Retained Earnings Calculation - Golf - Fiscal Year 2024

Enterprise Fund Number	A-2(2ND)
Type of Enterprise Fund	GolfCourse
Name of Enterprise Fund/Statutory Reference	Golf

Part I Cash	3,199,774.00
--------------------	--------------

Current Liabilities, Designations of Fund Balance:

Accounts Payable	0.00
Payroll Payable	0.00
Warrants Payable	0.00
Encumbrances	0.00
Expenditures	0.00
Continuing Appropriations	1,093,954.00

Other Liabilities

	0.00
Total	1,093,954.00

Cash less Current Liabilities	2,105,820.00
--------------------------------------	---------------------

Part II Retained Earnings, Undesignated	2,105,820.00
------------------------------------------------	--------------

Accounts Receivable (net):

User Fees	0.00
Other Accounts Receivable	
	0.00
Total	0.00

Undesignated Retained Earnings Less Accounts Receivable	2,105,820.00
----------------------------------------------------------------	---------------------

Fixed Assets

Debits:

	0.00
Total	0.00

Credits:

	0.00
Total	0.00

Free Cash Certification

Retained Earnings Calculation - Golf - Fiscal Year 2024

Fixed Assets Variance (Debits - Credits)	<i>0.00</i>
-------------------------------------------------	--------------------

Town of Brewster
Free Cash Analysis
Fiscal Year Ending June 30, 2023

Revenue	Budget	Actual	Amount Over/(Under)	
Real Estate & Personal Property Taxes	\$40,403,191	\$40,268,646	-\$134,545	
Motor Vehicle & Boat Excise Tax	1,509,082	1,808,428	299,346	
Meals Tax	157,771	258,927	101,156	
Traditional Lodging Tax	1,113,502	1,542,027	428,525	
Short Term Rentals Tax	750,000	1,488,828	738,828	
Waste Disposal	557,205	548,411	(8,794)	
Fees	102,500	112,735	10,235	
Rentals	78,572	102,677	24,105	
Departmental Receipts	156,895	437,209	280,314	
Licenses & Permits	884,796	1,053,120	168,324	
Investment Income	60,000	286,239	226,239	
Other Local Receipts	204,342	369,486	165,144	
State Aid (Cherry Sheet Receipts)	2,373,044	2,403,518	30,474	
Transfers from other funds	1,835,948	1,844,015	8,067	
Total Receipts	\$50,186,848	\$52,524,265	\$2,337,417	4.66%

Expenditures	Budget	Actual	Amount Over/(Under)	
General Government	\$2,933,946	\$2,619,476	\$314,470	
Public Safety	7,036,685	6,984,855	\$51,830	
Education	22,243,426	22,086,353	\$157,073	
Public Works	2,359,848	2,115,355	\$244,493	
Human Services	927,929	853,402	\$74,527	
Culture & Recreation	974,619	938,770	\$35,849	
Debt Service	3,321,898	3,312,197	\$9,701	
Local Assessments	70,771	69,271	\$1,500	
Fringe Benefits	6,850,871	6,271,237	\$579,634	
Utilities	505,423	496,838	\$8,585	
General Insurance	534,482	434,960	\$99,522	
State Assessments (Cherry Sheet)	657,366	635,615	\$21,751	
Transfers to Other Funds	1,042,000	1,042,000	\$0	
Total	\$49,459,264	\$47,860,330	\$1,598,934	3.23%

√ Surplus Revenue	2,337,417
√ Departmental Budget Turnbacks	1,598,934
√ Unused FY22 Free Cash	1,073,559
√ Prior Year Encumbrance Close-Outs	13,537
√ Capital Project Close-Outs	74,485
√ Other Amounts Due to Town/ Adjustments	32,152

Certified Free Cash 6/30/2023 **\$ 5,130,085**

**Town of Brewster
Free Cash History**

Year		Certified Free Cash (start of FY)	Amount Reserved (end of FY)	Annual Free Cash Appropriations	Adjusted General Fund Operating Budget Total*	Free Cash Starting Balance as % of Operating Budget	Free Cash Ending Balance as % of Operating Budget
7/1/2011	FY12	\$ 2,211,097	\$ 546,246	\$ 1,664,851			
7/1/2012	FY13	\$ 2,344,887	\$ 648,750	\$ 1,696,137			
7/1/2013	FY14	\$ 2,209,047	\$ 561,989	\$ 1,647,058			
7/1/2014	FY15	\$ 2,365,624	\$ 607,861	\$ 1,757,763			
7/1/2015	FY16	\$ 2,542,316	\$ 606,836	\$ 1,935,480	\$ 35,738,178	7.11%	1.70%
7/1/2016	FY17	\$ 2,905,830	\$ 642,083	\$ 2,263,747	\$ 37,091,199	7.83%	1.73%
7/1/2017	FY18	\$ 2,295,241	\$ 833,652	\$ 1,461,589	\$ 37,787,113	6.07%	2.21%
7/1/2018	FY19	\$ 1,989,981	\$ 884,814	\$ 1,105,167	\$ 40,572,087	4.90%	2.18%
7/1/2019	FY20	\$ 2,937,130	\$ 1,940,130	\$ 997,000	\$ 42,367,321	6.93%	4.58%
7/1/2020	FY21	\$ 4,016,610	\$ 1,180,782	\$ 2,835,828	\$ 44,044,280	9.12%	2.68%
7/1/2021	FY22	\$ 4,501,333	\$ 955,117	\$ 3,546,216	\$ 46,071,182	9.77%	2.07%
7/1/2022	FY23	\$ 4,641,154	\$ 1,073,559	\$ 3,567,595	\$ 49,628,729	9.35%	2.16%
7/1/2023	FY24	\$ 5,130,085	TBD	TBD	\$ 54,305,057	9.45%	TBD
Average		\$ 3,083,872	\$ 873,485	\$ 2,039,869	\$ 43,067,238	7.84%	2.41%
Median		\$ 2,542,316	\$ 741,201	\$ 1,726,950	\$ 42,367,321	7.83%	2.17%



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
townmanager@brewster-ma.gov

Office of:
Select Board
Town Manager

MEMORANDUM

TO: Select Board
FROM: Peter Lombardi, Town Administrator
RE: Anticipated Warrant Articles for Fall 2023 Town Meeting
DATE: September 8, 2023

With the Select Board voting to open the Spring 2023 Town Meeting warrant at your meeting on September 11, here is a summary of the articles currently under consideration for inclusion on the warrant:

1. Outstanding Obligations (Unpaid Bills)
2. Community Preservation Act Funding
3. FY24 Capital and Special Project Expenditures
4. Fire Union Collective Bargaining Agreement (FY24-26)
5. General Bylaw Amendment: Private Road Betterments
6. General Bylaw Amendment: Golf Commission
7. Zoning Bylaw Amendment: Accessory Dwelling Units
8. Adoption of Community Preservation Surcharge Exemption Local Option
9. Local Comprehensive Plan

The meeting is expected to be held on Monday November 13, 2023 at the Stony Brook Elementary School. The priority deadline for warrant articles is September 29, 2023.



Town of Brewster

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Brewster, MA 02631-1898
Phone: (508) 896-3701
townmanager@brewster-ma.gov

Office of:
Select Board
Town Manager

MEMORANDUM

TO: Select Board
FROM: Peter Lombardi, Town Manager
RE: Update on Millstone Road Improvement Project Costs & Financing Options
DATE: September 8, 2023

Following the Select Board's vote last spring to proceed with the Millstone Road Improvement Project, we have been working to finalize the design. Last month, we secured the necessary state permitting approvals from EEA. We have a hearing before the Brewster Conservation Commission on September 12 regarding our Notice of Intent. We plan to seek a stormwater permit from the Planning Board next month and will hold a tree hearing then as well.

Per the attached cost estimate, which is based on recent relevant data, the total project cost is currently estimated at \$10.3M. We have \$5.75M in available road bonds. We have a \$2M balance in available Chapter 90 state aid for road construction. We can also ask Town Meeting approval to reappropriate \$50k from prior road capital articles, \$150k from the Sea Camps pool parking article, and \$300k from closed out private road betterments. This leaves us with a projected shortfall of approximately \$2M.

We are seeking your policy direction on the following questions:

1. Do you support bringing an article to Town Meeting seeking to approve \$2M in Free Cash to cover the balance of anticipated project costs? As we will discuss at your September 11 meeting, Free Cash has been certified at \$5.1M. Taking this approach would still leave a balance of \$2M to fund capital projects this year (which is our standard annual target amount) plus leave \$1M in unallocated reserves to roll over into FY25 (also consistent with past practice and the Select Board's policies on financial reserves). The other financing options are issuing more debt (2/3 Town Meeting vote), appropriating from capital stabilization (2/3 vote), or significantly reducing the scope of the project (which will be challenging and will undermine the overall public safety and access goals of this initiative). Absent this additional appropriation, it won't be feasible to proceed in putting the project out to bid.

2. Do you support paying the utilities (primarily Verizon & Eversource) about \$763k (plus another ~\$100k to Comcast) to move their equipment (poles, etc) now so they can begin that work next month or would you prefer to wait until after Town Meeting to do so? The utilities need to start their site work before we go out to bid to avoid delays in construction mobilization. If we pay them this month, we expect they will start work next month which would likely keep us on track to go out to bid this winter and begin construction next spring. If we wait until after Town Meeting approves the additional funding in November, the project may be set back by 6 months and would probably start next fall. We are worried that the project costs will increase beyond our current estimates if we wait. As you know, we have seen significant cost escalation on public works and facilities projects over the past few years.

As you know, in opening up the bay property to residents the past two years, to First Light Beach, the Brewster Community Pool, and numerous community events, the importance of improved, safer public access to the Sea Camps has become even critical than when we starting planning this project.

100% CONSTRUCTION COST ESTIMATE
Millstone Road
Brewster, Massachusetts
September 8, 2023

Participating

Item No	Qty	Unit	Description	Unit Price	Amount
101.	2.1	A	CLEARING AND GRUBBING	\$80,000.00	\$168,000.00
102.1	2,000	FT	TREE TRIMMING	\$13.00	\$26,000.00
* 102.511	68	EA	TREE PROTECTION - ARMORING & PRUNING	\$500.00	\$34,000.00
* 102.521	200	FT	TREE AND PLANT PROTECTION FENCE	\$10.00	\$2,000.00
103.	52	EA	TREE REMOVED - DIAMETER UNDER 24 INCHES	\$1,400.00	\$72,800.00
120.1	9,500	CY	UNCLASSIFIED EXCAVATION	\$50.00	\$475,000.00
141.1	250	CY	TEST PIT FOR EXPLORATION	\$80.00	\$20,000.00
142.	81	CY	CLASS B TRENCH EXCAVATION	\$40.00	\$3,240.00
144.	50	CY	CLASS B ROCK EXCAVATION	\$200.00	\$10,000.00
145.	2	EA	DRAINAGE STRUCTURE ABANDONED	\$2,000.00	\$4,000.00
146.	27	EA	DRAINAGE STRUCTURE REMOVED	\$1,000.00	\$27,000.00
151.	6,900	CY	GRAVEL BORROW	\$50.00	\$345,000.00
151.2	130	CY	GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES	\$60.00	\$7,800.00
153.	20	CY	CONTROL DENSITY FILL - EXCAVATABLE	\$180.00	\$3,600.00
156.	40	TON	CRUSHED STONE	\$60.00	\$2,400.00
170.	18,000	SY	FINE GRADING AND COMPACTING - SUBGRADE AREA	\$8.50	\$153,000.00
201.	105	EA	CATCH BASIN	\$3,500.00	\$367,500.00
202.	11	EA	MANHOLE	\$5,000.00	\$55,000.00
204.	24	EA	GUTTER INLET	\$2,800.00	\$67,200.00
205.	40	EA	LEACHING BASIN	\$11,000.00	\$440,000.00
* 205.1	143	EA	LEACHING GALLEY	\$2,000.00	\$286,000.00
220.	6	EA	DRAINAGE STRUCTURE ADJUSTED	\$600.00	\$3,600.00
220.2	5	EA	DRAINAGE STRUCTURE REBUILT	\$550.00	\$2,750.00
220.5	5	EA	DRAINAGE STRUCTURE REMODELED	\$800.00	\$4,000.00
* 222.3	190	EA	FRAME AND GRATE (OR COVER) MUNICIPAL STANDARD	\$900.00	\$171,000.00
223.2	41	EA	FRAME AND GRATE (OR COVER) REMOVED AND DISCARDED	\$150.00	\$6,150.00
227.3	47	CY	REMOVAL OF DRAINAGE STRUCTURE SEDIMENT	\$350.00	\$16,450.00
227.31	150	FT	REMOVAL OF DRAINAGE PIPE SEDIMENT	\$20.00	\$3,000.00
238.10	170	FT	10 INCH DUCTILE IRON PIPE	\$160.00	\$27,200.00
252.12	1,700	FT	12 INCH CORRUGATED PLASTIC PIPE	\$100.00	\$170,000.00
302.06	25	FT	6 INCH DUCTILE IRON WATER PIPE (RUBBER GASKET)	\$200.00	\$5,000.00
358.	15	EA	GATE BOX ADJUSTED	\$260.00	\$3,900.00
* 369.061	5	EA	6 X 6 INCH TAPPING SLEEVE	\$7,000.00	\$35,000.00
* 376.2	5	EA	HYDRANT - REMOVED AND RESET	\$4,000.00	\$20,000.00
* 381.3	39	EA	SERVICE BOX ADJUSTED	\$200.00	\$7,750.00
* 384.2	39	EA	CURB STOP ADJUSTED	\$200.00	\$7,750.00
402.	910	CY	DENSE GRADED CRUSHED STONE FOR SUB-BASE	\$50.00	\$45,500.00
415.1	32,000	SY	PAVEMENT STANDARD MILLING	\$5.00	\$160,000.00
431.	3,800	SY	HIGH EARLY STRENGTH CEMENT CONCRETE BASE COURSE	\$80.00	\$304,000.00
440.	52,400	LB	CALCIUM CHLORIDE FOR ROADWAY DUST CONTROL	\$0.50	\$26,200.00
443.	23	MGL	WATER FOR ROADWAY DUST CONTROL	\$80.00	\$1,840.00
450.23	4,050	TON	SUPERPAVE SURFACE COURSE - 12.5 (SSC - 12.5)	\$140.00	\$567,000.00
450.31	5,000	TON	SUPERPAVE INTERMEDIATE COURSE - 12.5 (SIC - 12.5)	\$140.00	\$700,000.00
450.41	850	TON	SUPERPAVE BASE COURSE - 25.0 (SBC - 25.0)	\$200.00	\$170,000.00
450.52	685	TON	SUPERPAVE LEVELING COURSE - 9.5 (SLC - 9.5)	\$200.00	\$137,000.00
450.53	255	TON	SUPERPAVE LEVELING COURSE - 12.5 (SLC - 12.5)	\$260.00	\$66,300.00
451.	1,670	TON	HMA FOR PATCHING	\$200.00	\$334,000.00
452.	3,680	GAL	ASPHALT EMULSION FOR TACK COAT	\$10.00	\$36,800.00
453.	40,900	FT	HMA JOINT ADHESIVE	\$1.00	\$40,900.00
* 470.2	17,350	FT	HOT MIX ASPHALT BERM - TYPE A MODIFIED	\$10.00	\$173,500.00
472.	470	TON	TEMPORARY ASPHALT PATCHING	\$275.00	\$129,250.00
482.5	24,100	FT	SAWCUTTING ASPHALT PAVEMENT FOR BOX WIDENING	\$4.00	\$96,400.00
504.	5,800	FT	GRANITE CURB TYPE VA4 - STRAIGHT	\$68.00	\$394,400.00
504.1	350	FT	GRANITE CURB TYPE VA4 - CURVED	\$80.00	\$28,000.00
509.	900	FT	GRANITE TRANSITION CURB FOR PEDESTRIAN CURB RAMPS - STRAIGHT	\$75.00	\$67,500.00
509.1	100	FT	GRANITE TRANSITION CURB FOR PEDESTRIAN CURB RAMPS - CURVED	\$90.00	\$9,000.00
580.	10	FT	CURB REMOVED AND RESET	\$70.00	\$700.00
* 590.	20	FT	CURB REMOVED AND STACKED	\$12.00	\$240.00
* 670.	850	FT	FENCE REMOVED AND RESET	\$70.00	\$59,500.00
691.	50	FT	BALANCE STONE WALL REMOVED AND REBUILT	\$230.00	\$11,500.00
* 697.1	150	EA	SILT SACK	\$200.00	\$30,000.00
701.2	305	SY	CEMENT CONCRETE PEDESTRIAN CURB RAMP	\$100.00	\$30,500.00
702.	1,400	TON	HOT MIX ASPHALT SIDEWALK OR DRIVEWAY	\$200.00	\$280,000.00
* 702.1	10	CY	SHELL DRIVEWAY	\$150.00	\$1,500.00
* 702.2	35	SY	COBBLESTONE DRIVEWAY	\$300.00	\$10,500.00
* 707.82	2	EA	POST REMOVED AND DISCARDED	\$100.00	\$200.00
711.	15	EA	BOUND REMOVED AND RESET	\$700.00	\$10,500.00
715.	58	EA	RURAL MAILBOX REMOVED AND RESET	\$230.00	\$13,340.00

Item No	Qty	Unit	Description	Unit Price	Amount
748.	1	LS	MOBILIZATION	\$225,000.00	\$225,000.00
751.	1,150	CY	LOAM FOR ROADSIDES	\$80.00	\$92,000.00
* 756.	1	LS	NPDES STORMWATER POLLUTION PREVENTION PLAN	\$15,000.00	\$15,000.00
765.	8,750	SY	SEEDING	\$3.50	\$30,625.00
767.7	15	SY	AGED PINE BARK MULCH	\$100.00	\$1,500.00
777.828	3	EA	SASSAFRAS - 1.5-2-INCH	\$300.00	\$900.00
787.716	4	EA	SPICEBUSH - 5-6 FEET	\$300.00	\$1,200.00
789.631	5	EA	BLUEBERRY - HIGHBUSH / #1	\$300.00	\$1,500.00
* 824.211	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) LOCATION #1	\$25,000.00	\$25,000.00
* 824.212	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) LOCATION #2	\$25,000.00	\$25,000.00
* 824.213	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) LOCATION #3	\$25,000.00	\$25,000.00
* 824.501	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) REMOVED AND RESET	\$5,000.00	\$5,000.00
	4	EA	Town would like to add speed feedback signs - final number is TBD		
832.	240	SF	WARNING-REGULATORY AND ROUTE MARKER - ALUM. PANEL (TYPE A)	\$15.00	\$3,600.00
847.1	54	EA	SIGN SUP (N/GUIDE)+RTE MKR W/1 BRKWAY POST ASSEMBLY - STEEL	\$220.00	\$11,880.00
851.1	100	DAY	TRAFFIC CONES FOR TRAFFIC MANAGEMENT	\$200.00	\$20,000.00
852.	700	SF	SAFETY SIGNING FOR TRAFFIC MANAGEMENT	\$20.00	\$14,000.00
* 852.11	75	FT	TEMPORARY PEDESTRIAN BARRICADE	\$40.00	\$3,000.00
853.1	5	EA	PORTABLE BREAKAWAY BARRICADE TYPE III	\$175.00	\$875.00
854.016	10,300	FT	TEMPORARY PAVING MARKINGS - 6 INCH (PAINTED)	\$1.00	\$10,300.00
854.036	10,300	FT	TEMPORARY PAVING MARKINGS - 6 INCH (TAPE)	\$1.50	\$15,450.00
854.1		SF	PAVEMENT MARKING REMOVAL	\$2.50	
* 854.6	45	DAY	TEMPORARY PORTABLE RUMBLE STRIP	\$30.00	\$1,350.00
856.12	340	DAY	PORTABLE CHANGEABLE MESSAGE SIGN	\$30.00	\$10,200.00
859.	3,900	DAY	REFLECTORIZED DRUM	\$0.25	\$975.00
* 859.1	25	DAY	REFLECTORIZED DRUMS WITH SEQUENTIAL FLASHING WARNING LIGHTS	\$5.00	\$125.00
* 868.104	24,300	FT	4 INCH REFLECTORIZED WHITE LINE (EPOXY)(RECESSED)	\$0.50	\$12,150.00
* 868.112	2,130	FT	12 INCH REFLECTORIZED WHITE LINE (EPOXY)(RECESSED)	\$3.00	\$6,390.00
* 869.104	24,800	FT	4 INCH REFLECTORIZED YELLOW LINE (EPOXY)(RECESSED)	\$0.50	\$12,400.00
* 874.01	76	EA	STREET NAME SIGN - TOWN STANDARD	\$150.00	\$11,400.00
* 874.2	13	EA	TRAFFIC SIGN REMOVED AND RESET	\$200.00	\$2,600.00
* 874.4	96	EA	TRAFFIC SIGN REMOVED AND STACKED	\$30.00	\$2,880.00
903.	2	CY	3000 PSI, 1.5 INCH, 470 CEMENT CONCRETE	\$800.00	\$1,600.00
* 999.	1	LS	CONSTRUCTION STAKING	\$50,000.00	\$50,000.00

SUBTOTAL: **\$7,628,060.00**

Utility relocations (Verizon & Eversource):	\$763,000
Utility relocations (Comcast estimate):	\$100,000
Construction contingency (5%):	\$381,403
ROW acquisition (temporary easements):	\$400,000
ROW acquisition (permanent utility easements):	\$200,000
Police details allowance:	\$523,000
Construction Administration Services (estimate):	\$200,000
Final Design Services (estimate):	\$100,000

TOTAL COST: **\$10,295,463**

FUNDING

Road Bond remaining:	\$5,750,000
Chapter 90 balance:	\$1,950,000
Private Road Betterment balance:	\$300,000



Public Forum:
Update on Proposed
Millstone Road
Improvements

Town of Brewster
February 17, 2022





Forum Purpose

Provide information about:

Project history

Project goals

Updated design elements

Next steps

Feedback



Project History

■ Then...

- Millstone Road was originally built in the 1700s
- First formally laid out as a road by Town Meeting in 1847
- Only 1 house south of 140 Millstone Road (seasonal cottages) as of 1961 – no subdivisions
- Brewster Town Meeting approved a 50-foot public way in 1963

■ Now...

- Approximately 25 percent of Brewster residents live on or adjacent to Millstone Road
- Currently averages 3800 vehicles/day - arterial road connecting Routes 6A & 137 and surrounding neighborhoods
- Greater interest in designing transportation infrastructure to be safe for all users – vehicles, bikers, and walkers



Project History

- \$10M road bond approved by Town Meeting in 2015
- Improvements to Snow Road & Underpass Road completed in 2017
- Town engaged VHB as design consultant in 2018
- Town held 3 public forums
 - August 2018 – existing conditions survey & project kick-off
 - September 2019 – conceptual/25% design
 - November 2020 – 75% design
- Project temporarily suspended in April 2021
 - Resident feedback
 - Change in DPW Director
 - Town acquisition of Cape Cod Sea Camps Properties



Project Goals

Improve safety



- Improve safety of roadway for all users
- Vehicles: selectively improve roadway geometry
- Pedestrians & Bicyclists: add sidewalk

Accessibility



Provide ADA compliant sidewalk for entire length of road

Eliminate easements



Eliminate need for permanent easements on residential property

Connectivity



Provide better interconnections with existing transportation network & improve access to Town amenities

Maintain character



Maintain character of scenic road

Improve drainage



Improve drainage systems and stormwater treatment



Consistency with Community's Strategic Planning Goals

- ✓ “Provide services and **infrastructure for an age friendly community...**” (Brewster Vision Plan)
- ✓ “Identify opportunities to **connect existing open space resources with new resources** created from....open space acquisitions.” (Open Space & Recreation Plan)
- ✓ “Increase **bike access to key destinations** in Brewster” (Brewster Bikeways Committee Strategy)
- ✓ “Enhance bike **safety**” (Brewster Bikeways Committee Strategy)
- ✓ “Developing a **connected, integrated network** that serves all users” (Select Board Complete Streets Policy)
- ✓ “**Preserve and enhance scenic, aesthetic, historical and environmental resources** while **improving safety, mobility and infrastructure conditions**” (Select Board Complete Streets Policy)

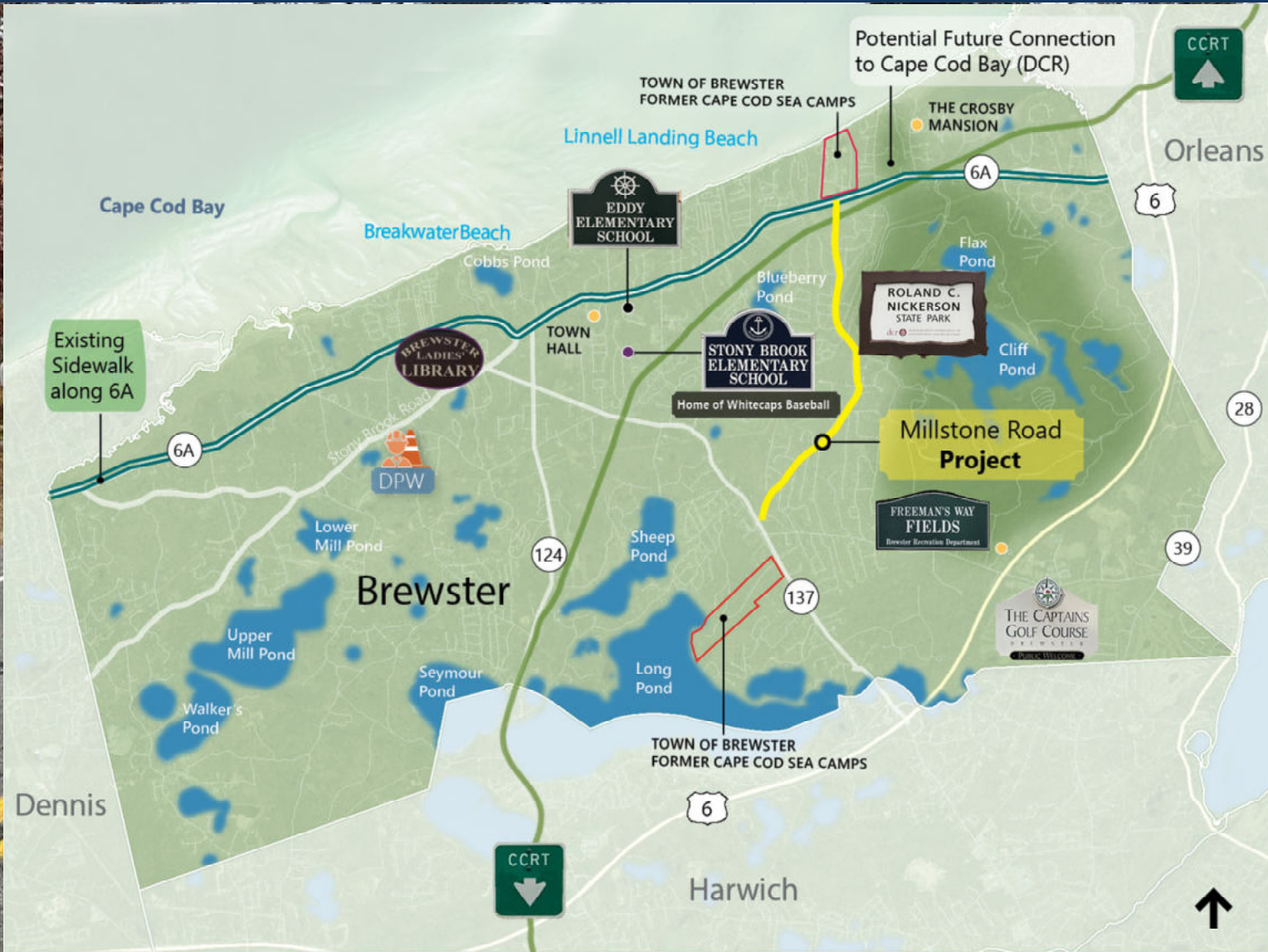


Connectivity

- Project would improve connectivity to many popular amenities around Town
 - Cape Cod Rail Trail
 - Nickerson State Park
 - Route 6A
 - Bay beaches
 - Schools
 - Brewster Whitecaps
 - Millstone neighborhoods
 - Local businesses
 - Cape Cod Sea Camps



Town and Regional Connectivity





Cape Cod Sea Camps Properties

- Town completed its acquisition of two former Cape Cod Sea Camps properties in November 2021
 - 3057 Main Street (Route 6A) - 55 acres on Cape Cod Bay
 - 500 W.H. Besse Cartway (Route 137) - 66 acres on Long Pond
- Current site amenities at Pond include:
 - 1200 feet of pond frontage
 - Informal trail network in wooded upland
- Possible future uses include:
 - Beach (resident only?)
 - Sailing, kayaking, etc
 - Partnership with Brewster Conservation Trust to preserve land & develop trails (linking to adjacent Robinson property)
 - Partnership with Massachusetts Audubon Society for programming
 - Appropriately scaled community housing



Cape Cod Sea Camps Properties

- Current site amenities at Bay include:
 - 800' of beach frontage (plus 650' more at Spruce Hill)
 - Boathouse
 - Outdoor swimming pool & pavilion
 - Arts center & outdoor theaters
 - Basketball courts, tennis courts, and athletic fields
- Possible future amenities include:
 - Beach (resident only?)
 - Community Center
 - Expanded recreation facilities
 - Open space & passive recreation
 - Nature-based educational programming
 - Boat moorings
- Millstone Road provides critical connections to both properties



Initial Design

November 2020 design included:

- Two-foot shoulders
- Eleven-foot travel lanes
- Continuous five-foot sidewalk separated from the road by a green strip where possible
- Realignment of the roadway at Agassiz Road
- Ten permanent easements required
- Installation of additional stormwater infrastructure



Updated Design

Current design includes:

- One-foot shoulders
- Eleven-foot travel lanes
- Continuous five-foot sidewalk separated from the road by a green strip where possible
- Follow existing road footprint as much as possible
 - Removal of the straightening at Agassiz Road
 - Elimination of all private residential permanent easements
 - Minimize tree removal
- Installation of additional stormwater infrastructure



Updated Plan – Route 6A & Rail Trail





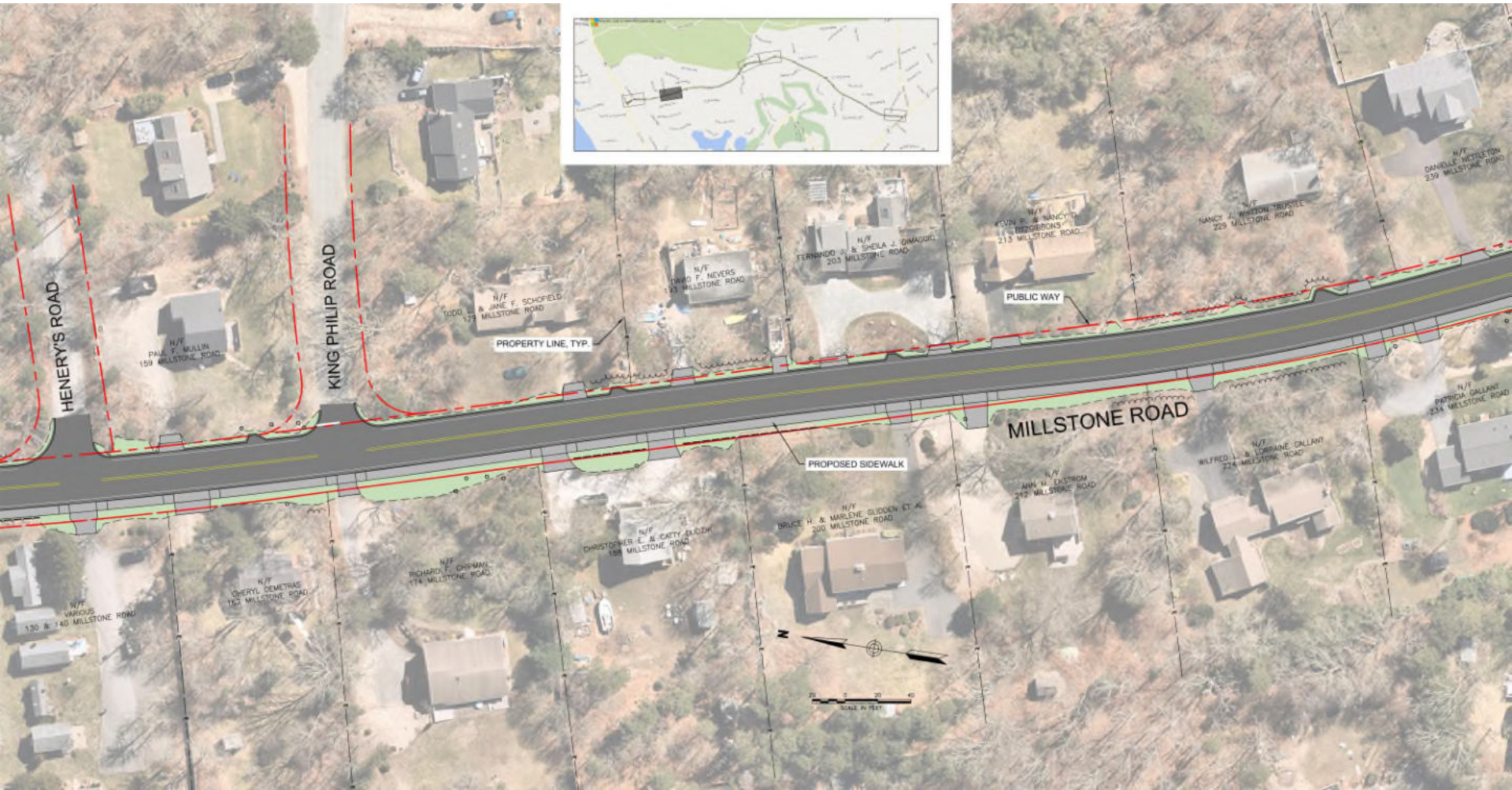
Simulation – Rail Trail Crossing

Looking North (To Route 6A)





Updated Plan – King Philip Road





Simulation – King Philip Road

Looking South (To Route 137)





Updated Plan – Fern Lane





Simulation – Fern Lane

Looking North (To Route 6A)





Updated Plan – Agassiz/Cliff Pond Road





Simulation – Agassiz/Cliff Pond Road

Looking South (To Route 137)





Simulation – Baron’s Way

Looking North (To Route 6A)





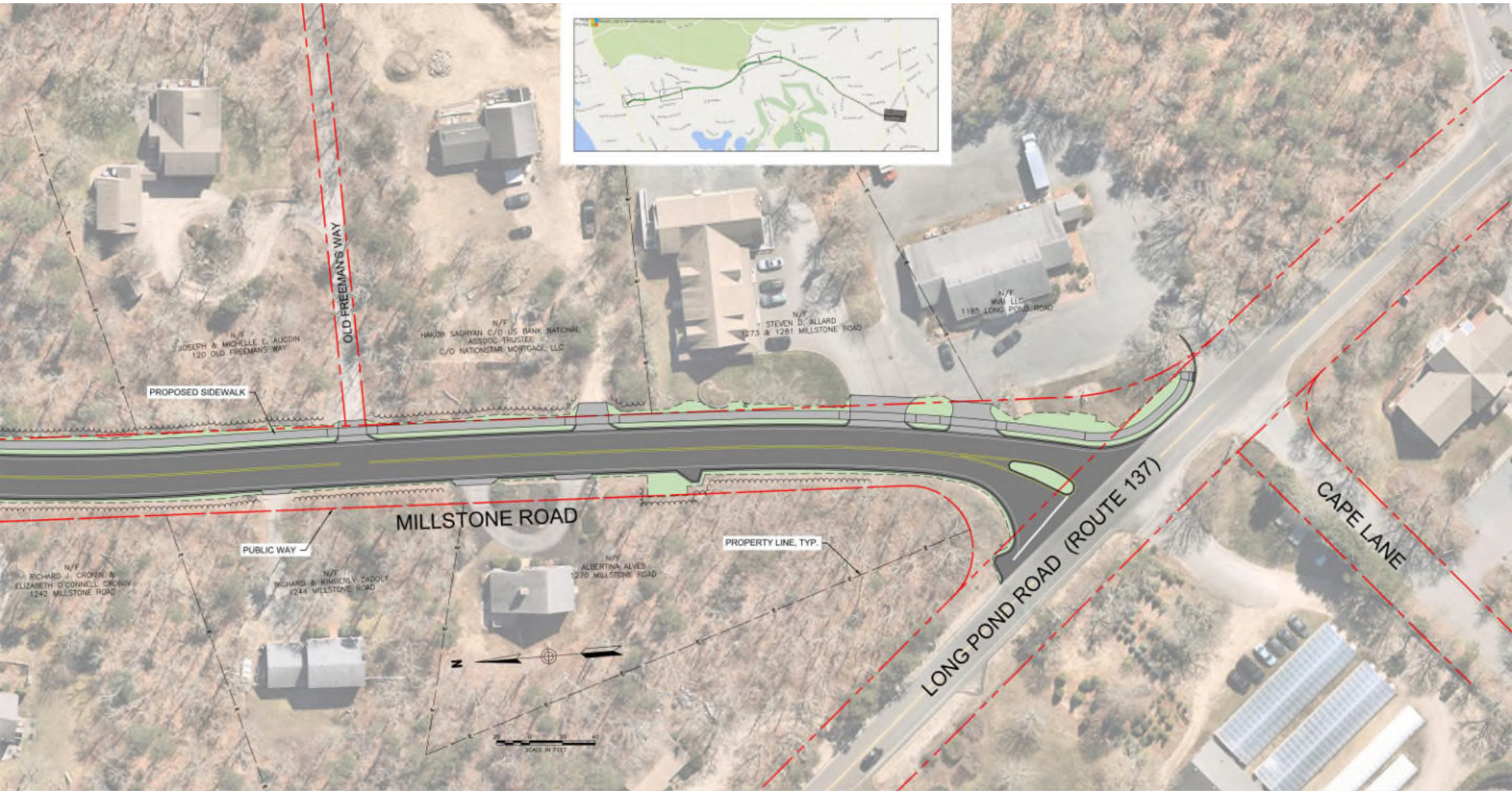
Simulation – Russell’s Path

Looking North (To Route 6A)





Updated Plan – Route 137





Next Steps



4TH PUBLIC FORUM

SELECT BOARD VOTES ON PROJECT NEXT STEPS

FEBRUARY 2022

MARCH 2022

SPRING 2022

DEADLINE FOR PUBLIC COMMENT





Thank You

Follow project updates at:

www.brewster-ma.gov/millstone-road-improvement-project

Send comments by March 3, 2022, to:

millstoneroad@brewster-ma.gov

For questions related to individual properties contact:

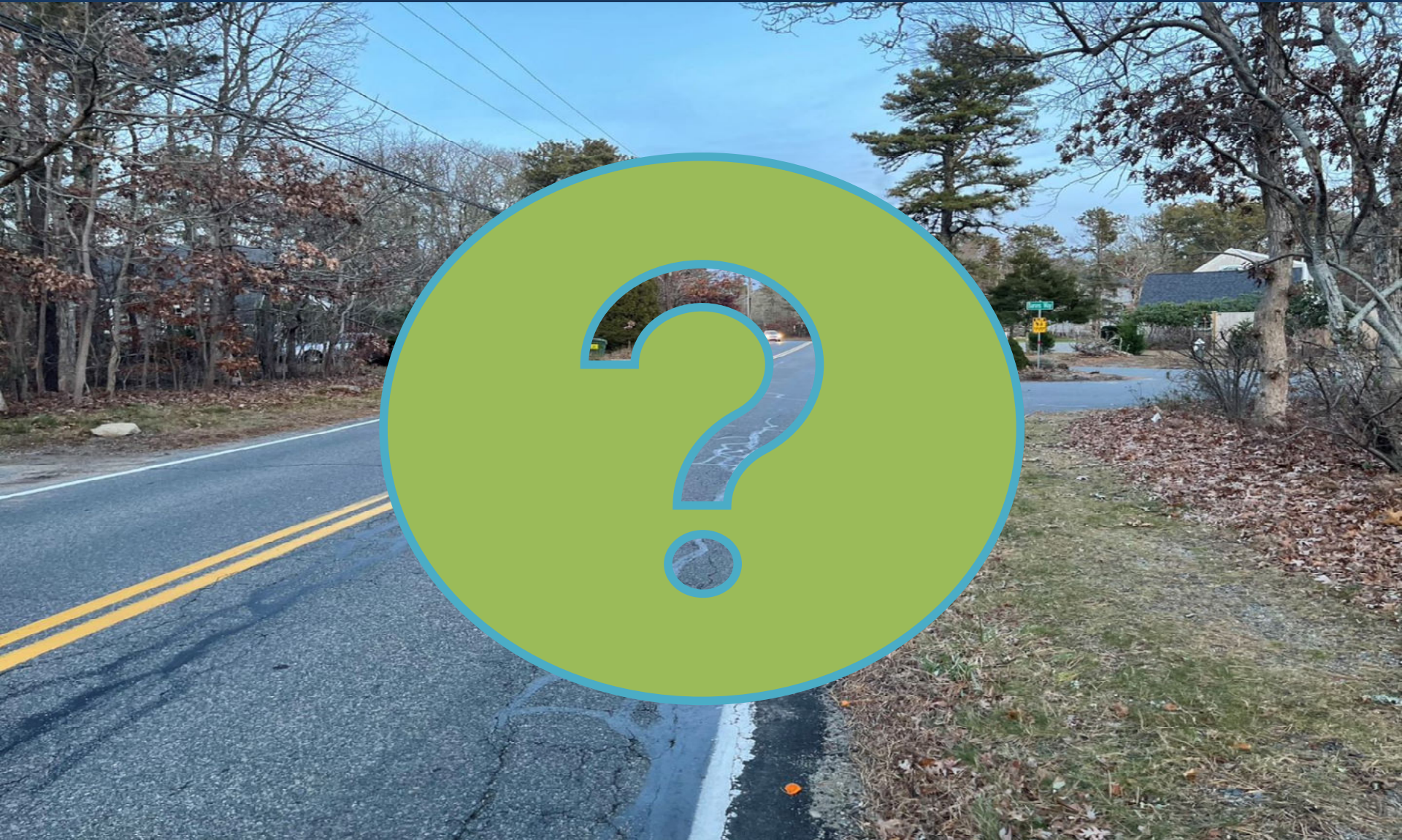
Griffin Ryder, DPW Director

gryder@brewster-ma.gov

508-896-3212



Questions & Answers





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

Office of:
Planning Department

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

At its meeting on August 23, 2023, the Planning Board voted to submit the above-referenced draft zoning amendments related to Accessory Single-Family Dwelling Units (ADUs) to the Select Board in order to commence the formal zoning amendment process set out under MGL Ch. 40A, Section 5.

The Planning Board respectfully requests that the Select Board, at its meeting on September 11, 2023, vote to accept the drafts and commit them back to the Planning Board for public hearing as proposed zoning amendments.

The Planning Board has noticed the public hearing for its meeting on September 13, 2023.

At a series of public meetings and listening sessions beginning in May 2023, the Planning Board prepared the draft amendments with input from the public, certain related boards and committees, and town staff.

The purpose of the amendments, as reflected in the drafts, is to liberalize the creation of ADUs to help address year-round housing supply concerns in the town while at the same time preserving residential neighborhoods. Though more liberal in certain ways, the draft amendments are more restrictive in others. The language has been strengthened that ADUs are not for commercial or short-term rental use but rather for year-round dwelling use, in keeping with the single-family residential uses to which they are accessory.

After the hearing process concludes, the Planning Board contemplates recommending the proposed amendments for adoption to Town Meeting, either as currently drafted or as might be further amended through the hearing process, and requesting that the Select Board include the proposed amendments on the Fall Town Meeting Warrant.

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

1. Removed the requirement to obtain a special permit for an ADU in the Pleasant Bay and Herring River Watersheds, and the Zone II;
2. Lowered the special permit minimum lot area requirement from 30,000 sq ft to 15,000 sq ft for an ADU;

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

CURRENT ADU ZONING PROVISIONS

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

Article IX Special Regulations

§ 179-33 General provisions.

[Amended 5-14-1984 ATM, Art. 110]

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

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

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

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

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

- I. A minimum of one parking space per bedroom of the ADU shall be provided.
- J. An ADU shall be clearly subordinate in use, size and design to the principal single-family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property and the privacy of abutting properties is maintained.

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

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

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

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

Article I General Provisions

§ 179-1 Authority; purpose.

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

§ 179-2 Definitions.

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

ACCESSORY COMMERCIAL DWELLING UNIT (ACDU)

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

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

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is accessory and clearly subordinate to a principal dwelling. An ADU may be located within a single-family house containing a principal dwelling, or in a building accessory to a single-family house. An ADU shall have no more than two bedrooms and shall have a maximum habitable area of 900 square feet or 40% of the habitable area of the principal dwelling, whichever is less. Unenclosed additions constructed to serve an ADU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ADU.

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

BUILDING, ACCESSORY RESIDENTIAL

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

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

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

DWELLING, MULTIFAMILY

A building containing three or more dwelling units.

DWELLING, ONE FAMILY DETACHED

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

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

DWELLING, ONE FAMILY SECURITY

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

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

DWELLING UNIT

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

FAMILY

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

FLOOR AREA, NET

The sum of the areas of the several floors of a building measured from the interior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirement of this chapter or any such floor space intended and designed for accessory heating and ventilating equipment.

ZONING

179 Attachment 1

**Table 1
Use Regulations
Town of Brewster**

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

KEY:

P = Permitted Use

S = Special Permit Use

Use with a dash ("-") = Prohibited Use

		District							
		R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
Residential									
1.	Accessory residential building	P	P	P	P	P	-	-	-
2.	Accessory commercial dwelling unit "ACDU"	-	-	-	S	S	-	-	-
3.	Accessory single-family dwelling unit "ADU" on a lot of 30,000 square feet or more	P	P	P	S	S	-	-	-
4.	Accessory single-family dwelling unit "ADU" on a lot less than 30,000 square feet	S	S	S	S	S	-	-	-
5.	Affordable multifamily dwelling units "AMFDU"	-	-	-	P	-	-	-	-
6.	Cluster residential development	S	S	S	-	-	-	-	-
7.	Construction trailer	P	P	P	P	P	P	-	-
8.	Major residential development	S	S	S	S	-	-	-	-
9.	Multifamily dwelling	-	-	-	S	-	-	-	-
10.	One-family detached dwelling unit	P	P	P	-	P	-	-	-
11.	One-family security dwelling	-	-	-	P	P	P	-	-
12.	Planned residential development	-	S	S	-	-	-	-	-
13.	Row or town houses	-	-	-	S	-	-	-	-
14.	Subsidized elderly housing	S	S	S	S	-	-	-	-

ZONING

179 Attachment 2

**Town of Brewster
Area Regulations**

Minimum Required Lots¹

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

BREWSTER CODE

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

NOTES:

- ¹ In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial development, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, public utilities, accessory single-family dwelling units (ADUs), and accessory commercial dwelling units (ACDUs) that comply with all provisions of §§ 179-42.2 and 179-42.3, respectively. ADUs may be permitted by right in the R-L, R-M and R-R zoning districts on lots of 30,000 square feet or greater, by Special Permit in these districts on lots less than 30,000 square feet, and by Special Permit in the C-H, V-B and I zoning districts. Also, residential lots may contain two single-family units if the lot is twice that required by the Table of Area Regulations for single-family residences in that district and if each unit is provided proper street access.
- ² The width of the lot, measured at the front yard setback line, shall be at least 80% of the lot frontage.
- ³ At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
- ⁴ No building, except a boathouse or building used for agricultural purposes, shall be within 50 feet of any water body, watercourse or wetland area or, if subject to flooding, within 50 feet beyond its flood line to the higher elevation.
- ⁵ Projections into required yards or other required open spaces are permitted subject to the following:
 Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
 Open terrace or steps or stoop, under four feet in height, up to 1/2 the required yard setback.
 Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
- ⁶ Accessory buildings and structures. Any permitted accessory building in any R District shall conform to the following provisions:
 It shall not occupy more than 40% of the required rear yard. It shall be not less than 40 feet for R-R and R-L Districts and 30 feet for an R-M District from any street lot line and shall be not less than 25 feet in any R-R or R-L District or 20 feet in the R-M District from any lot line. It shall not exceed 30 feet in height.
 A temporary stand for retail sale of agricultural or farm products, where permitted. May be six feet from the front lot line.
 Any permitted barn shall be at least 50 feet from any street lot line or side or rear property line and at least 100 feet from any abutter's dwelling.
- ⁷ The front, side and rear yard clearances shown in this table for multifamily dwellings are applicable to each structure containing dwelling units. These distances should be used as though each structure is set on a separate lot. For example, two structures sitting side by side would have side yard clearances each of 30 feet or a total of 60 feet between the structures.
- ⁸ Intensity of use applications to nursing convalescent home. For purposes of interpreting the portion of this chapter, the term "unit" shall mean each bed designed for use by an individual receiving care at such facility. The first three units of a nursing/convalescent home shall require a minimum land area equal to the lot requirements for any

XXXXXX

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

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

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

The lots shall be used for single-family residential purposes.

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

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

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

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

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

¹² For subsidized elderly housing, see S-I rather than Table 2.

¹³ An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor living area not exceeding 600 square feet, and including not more than one bedroom, a kitchen, living room and bath, shall be allowed by a special permit granted by the Board of Appeals. Such dwelling shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences during which the unit is not rented.

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

**PROPOSED AMENDMENTS TO ADU ZONING
PROVISIONS – MARK UP**

Article IX Special Regulations

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

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

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

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

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

~~An ADU may be located within a Zone II (Zone of Contribution to a Public Drinking Water Well), in the watershed of the Herring River, or the watershed to Pleasant Bay, subject to approval of a Special Permit by the Zoning Board of Appeals. All ADUs within these areas shall be required to install advanced nitrogen treatment septic systems, if deemed necessary.~~

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

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

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

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

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

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

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

~~The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that either the principal dwelling or the accessory single family dwelling unit will be, and/or has been, used as the principal residence of the owner for the next twelve month period and that the remaining dwelling will be leased for a period of not less than 12 months.~~

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

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

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

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

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

~~J. An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single family residential property and the privacy of abutting properties is maintained. K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.~~

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

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

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

Article I General Provisions

§ 179-2 Definitions.

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

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

~~A dwelling unit located housing on the same lot unit, complete with its own sleeping, cooking and sanitary facilities, that is accessory and clearly subordinate to as the principal single-family dwelling to which it is accessory. An ADU shall be considered an accessory use. An ADU may be located within a single-family house containing a principal dwelling, or in a building accessory to a single-family house. An ADU shall have no more than two bedrooms and shall have a maximum habitable area of 900 square feet or 40% of the habitable area of the principal dwelling, whichever is less. Unenclosed additions constructed to serve an ADU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ADU.~~

DWELLING, ONE FAMILY DETACHED

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

FLOOR AREA, NET

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

ZONING

179 Attachment 1

**Table 1
Use Regulations
Town of Brewster**

KEY:

P = Permitted Use

S = Special Permit Use

Use with a dash ("-") = Prohibited Use

		District							
		R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
Residential									
1.	Accessory residential building	P	P	P	-*P	P	-	-	-
2.	Accessory commercial dwelling unit "ACDU"	-	-	-	S	S	-	-	-
3.	Accessory single-family dwelling unit "ADU" on a lot of <u>1530,000</u> square feet or more	P	P	P	-*S	<u>PS</u>	-	-	-
4.	Accessory single-family dwelling unit "ADU" on a lot less than <u>1530,000</u> square feet	S	S	S	-*S	S	-	-	-
5.	Affordable multifamily dwelling units "AMFDU"	-	-	-	P	-	-	-	-
6.	Cluster residential development	S	S	S	-	-	-	-	-
7.	Construction trailer	P	P	P	P	P	P	-	-
8.	Major residential development	S	S	S	S	-	-	-	-
9.	Multifamily dwelling	-	-	-	S	-	-	-	-
10.	One-family detached dwelling unit	P	P	P	-	P	-	-	-
11.	One-family security dwelling	-	-	-	P	P	P	-	-
12.	Planned residential development	-	S	S	-	-	-	-	-
13.	Row or town houses	-	-	-	S	-	-	-	-
14.	Subsidized elderly housing	S	S	S	S	-	-	-	-

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

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

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

NOTES:

- 1 In general, only one principal structure shall be permitted on one lot. The exceptions are planned residential developments, row commercial development, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, and public utilities, ~~accessory single-family dwelling units (ADUs), and accessory commercial dwelling units (ACDUs) that comply with all provisions of §§ 179-42.2 and 179-42.3, respectively. ADUs may be permitted by right in the R-L, R-M and R-R zoning districts on lots of 30,000 square feet or greater, by Special Permit in these districts on lots less than 30,000 square feet, and by Special Permit in the C-H, V-B and I zoning districts.~~ Also, residential lots may contain two ~~principal~~ single-family ~~detached dwellings units~~, if the lot is twice that required by the Table of Area Regulations for single-family ~~dwellings residences~~ in that district and if each ~~dwellings unit~~ is provided proper street access.
- 2 The width of the lot, measured at the front yard setback line, shall be at least 80% of the lot frontage.
- 3 At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
- 4 No building, except a boathouse or building used for agricultural purposes, shall be within 50 feet of any water body, watercourse or wetland area or, if subject to flooding, within 50 feet beyond its flood line to the higher elevation.
- 5 Projections into required yards or other required open spaces are permitted subject to the following:
Balcony or bay window, limited in total length to 1/2 the length of the building, not more than two feet.
Open terrace or steps or stoop, under four feet in height, up to 1/2 the required yard setback.
Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features, not more than two feet.
- 6 Accessory buildings and structures. Any permitted accessory building in any R District shall conform to the following provisions:
It shall not occupy more than 40% of the required rear yard. It shall be not less than 40 feet for R-R and R-L Districts and 30 feet for an R-M District from any street lot line and shall be not less than 25 feet in any R-R or R-L District or 20 feet in the R-M District from any lot line. It shall not exceed 30 feet in height.
A temporary stand for retail sale of agricultural or farm products, where permitted. May be six feet from the front lot line.
Any permitted barn shall be at least 50 feet from any street lot line or side or rear property line and at least 100 feet from any abutter's dwelling.
- 7 The front, side and rear yard clearances shown in this table for multifamily dwellings are applicable to each structure containing dwelling units. These distances should be used as though each structure is set on a separate lot. For example, two structures sitting side by side would have side yard clearances each of 30 feet or a total of 60 feet between the structures.
- 8 Intensity of use applications to nursing convalescent home. For purposes of interpreting the portion of this chapter, the term "unit" shall mean each bed designed for use by an individual receiving care at such facility. The first three units of a nursing/convalescent home shall require a minimum land area equal to the lot requirements for any

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

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

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

The lots) shall be used for single-family residential purposes.

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

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

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

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

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

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

¹³ An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor ~~living~~ area not exceeding 600 square feet, and ~~including not more than one bedroom, a kitchen, living room and a bathroom, is~~ shall be allowed by a special permit granted by the Board of Appeals. Such ~~building dwelling~~ shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences ~~during which the unit is not rented. A lot shall not contain both an ADU and an accessory apartment.~~

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

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

**PROPOSED AMENDMENTS TO ADU ZONING
PROVISIONS – CLEAN**

Article IX Special Regulations

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

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

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

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

- I. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. An ADU shall not be used as an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms, or boarding of lodgers in an ADU on a short-term basis, and no Short-Term Rental use shall be permitted on a lot containing an ADU.
- J. An ADU shall be subject to all applicable State and local laws and regulations, including without limitation the State Building Code and related Certificate of Occupancy requirements; State plumbing, electrical, and fire codes; Title 5, 310 CMR 15.00, and the State Sanitary Code, 105 CMR 410.00, and corresponding local Board of Health regulations; and State and local Wetlands laws and regulations.
- K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.
- L. The owner of a property with an ADU shall be required to file a written affidavit with the Building Department certifying compliance with the standards of this Section, including the use and occupancy standards. The Building Department shall establish, administer, and maintain, and may amend from time to time, the affidavit process and forms referenced herein.
- M. The Building Commissioner is authorized to establish an administrative permitting and/ or registration process for ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational or zoning compliance purposes.
- N. Without limiting other enforcement remedies or actions available under this Chapter, including fines, the Building Commissioner is authorized to order that the cooking facilities and supporting utilities and fixtures within an ADU be removed in order to abate a violation of this Section.

Article I
General Provisions

§ 179-2 **Definitions.**

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

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

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

DWELLING, ONE FAMILY DETACHED

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

FLOOR AREA, NET

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

ZONING

179 Attachment 1

**Table 1
Use Regulations
Town of Brewster**

KEY:

P = Permitted Use

S = Special Permit Use

Use with a dash ("-") = Prohibited Use

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

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

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

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

NOTES:

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

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

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

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

The lots) shall be used for single-family residential purposes.

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

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

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

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

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

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

¹³ An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor area not exceeding 600 square feet and not more than one bedroom, is allowed by a special permit granted by the Board of Appeals. Such building shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences. A lot shall not contain both an ADU and an accessory apartment.

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

Editor's Note: The C-L District was removed pursuant to Article 51, Annual Town Meeting, May 8, 1989.



MEMORANDUM

To: Brewster Water Resources Task Force
From: Mark Nelson, P.G
Date: July 7, 2023
Re: Watershed Permit Regulations – De Minimis Exemption

The new watershed permit regulations have been issued by the Massachusetts Department of Environmental Protection (DEP) (314 CMR 21.00) and are effective as of today, July 7, 2023. I have reviewed the allowance for a de minimis exemption from a watershed permit and have evaluated how that could impact the watersheds partially located in Brewster.

The new regulations allow a town to apply for a De Minimis Nitrogen Load Exemption if the baseline load in the towns portion of the watershed does not exceed 3% of the controllable attenuated nitrogen load in the watershed. The baseline load represents the existing conditions load documented at the time the watershed assessment for a particular estuary was conducted. The controllable attenuated nitrogen load is the overall load from the watershed that migrates to the estuary.

If the baseline load is less than 3% of the controllable attenuated nitrogen load, then the Town must also document that any recent development has not caused the overall load to exceed 3%. The regulations define this as the updated nitrogen load. This means the Town must document the extent of additional development that has occurred since the original watershed model was developed and confirm that the overall current nitrogen load is less than 3% of the total watershed load.

If the updated nitrogen load is less than 3% the town can apply for the exemption. The application must include a planning document such as targeted watershed management plan or other similar document that provides information about the baseline load, the updated nitrogen load and any future load associated with buildout. Future development information is required because the Town will need to show that it will not increase its updated nitrogen load in the watershed (314 CMR 21.12.4 (b)). If there will be future development in the watershed, the Town can develop a strategy to manage it so there is no increase in the updated nitrogen load. Based on a conversation with DEP, they will consider the strategies to manage this additional load as used in a standard permit, including wastewater, fertilizer and stormwater runoff

management. If there is a future increase in the updated nitrogen load that is not managed, the exemption can be suspended, meaning the requirements to upgrade onsite septic systems must be met. However, if the Town manages the watershed to avoid an increase in load, the exemption will remain in effect unless terminated by DEP or the Town.

Based on a review of the nitrogen loading information for the Bass River and Swan Pond River watersheds, Brewster's overall load is below 3% and the Town can apply for an exemption for each estuary. For Bass River, Brewster's load is approximately 0.3% of the total load. For Swan Pond River, Brewster's load represents approximately 0.4 % of the total load. These numbers are based on the data from the Massachusetts Estuaries Project (MEP) reports for these estuaries and the data will need to be updated to calculate the updated nitrogen load.

From a brief review of the buildout data, Brewster will have to manage a nitrogen load of approximately 50 kg/year for Bass River and 70 kg/year for Swan Pond River. These numbers are preliminary and may incorporate a component of the updated nitrogen load if a property was developed since the MEP report was completed. They also don't factor in any conservation land purchases in these watersheds that would reduce the buildout load.

An application for a de minimis exemption for these two watersheds appears to make sense given the minor contribution from Brewster. Further work to confirm the updated nitrogen load and to plan for managing the impacts of buildout will be needed. Nitrogen reductions from the Town's current fertilizer bylaw could be applied in these watersheds to manage a portion of the buildout load. Updates to the Water Quality Review Bylaw, expanding its coverage into these watersheds may also be worth evaluating to reduce future loads.

The Nauset Estuary is currently not regulated under the new watershed permit regulations. However, it could be added in the future as the state reviews the water quality issues in this estuary. Brewster's portion of the overall load to the Nauset Estuary is approximately 0.2% of the total load, meaning an exemption could be requested if this becomes an estuary managed under the new regulations. The potential buildout load that would need to be managed is approximately 70 kg/year.

It will be helpful to have further discussions on how to proceed with the applications for the de minimis nitrogen load exemptions, in order to develop a schedule to put them together and to create a plan to manage the future nitrogen loads in each estuary. It might make sense to start with an exemption application for the Swan Pond River estuary first. This is the smallest watershed area in Brewster, and it would provide an opportunity to work through the process and gain insights that can be applied to the Bass River, and potentially the Nauset Estuary.

Based on an initial estimate, Brewster's contribution to the Herring River estuary is approximately 5-7% of the total load, so an exemption does not appear to be possible. However, the Town's only responsibility in this watershed is to manage the nitrogen load from future development. A detailed analysis of the buildout potential for the Herring River will be needed to quantify the nitrogen load that must be managed. This should begin soon to allow the Town to develop a nitrogen management plan for this watershed that can be included in a watershed permit application. The other estuaries with watersheds in Brewster do not have any

requirements to remove nitrogen, including Quivett Creek (for which no MEP report was developed, and the Namskaket Marsh estuary. These estuaries, like Cape Cod Bay have the benefit of a large tidal range which helps flush nutrients out of these estuaries, so they don't have the same impact on water quality.

DRAFT MEMORANDUM

To: Massachusetts Department of Environmental Protection

From: Peter Lombardi, Town Manager
Town of Brewster, Massachusetts

Re: Notice of Intent to File a Watershed Permit Application for Brewster’s Portion of the Herring River Watershed

Date: September 5, 2023

The Town of Brewster is filing this Notice of Intent to inform the Massachusetts Department of Environmental Protection (DEP) that the Town plans to file a watershed permit application pursuant to 314 CMR 22 for the Town’s portion of the Herring River watershed located in the southern portion of the Brewster (Figure 1). It is the Town’s understanding that the filing of this Notice of Intent will suspend the requirements for septic system upgrades using Best Available Nitrogen Reducing Technology both for existing septic systems (314 CMR 15.215(2)(a)) and for new construction (314 CMR 15.215(2)(b)).

The Town is requesting initial funding to begin this work at the November 2023 Town Meeting and plans to file the application no later than January 1, 2028. This is a conservative estimate, and the application may be filed before then if a plan to complete the necessary nitrogen load reductions can be finalized sooner. A more detailed schedule for the completion and approval of the watershed permit application is provided in Table 1.

Table 1: Schedule to Complete and File Brewsters’ Watershed Permit Application for the Herring River Watershed

Initial funding request to develop the Watershed Management Plan	November 2023 Town Meeting
Development of the Watershed Management Plan	January 2024-January 2028
Nitrogen loading assessment for Brewster’s portion of the watershed.	July 2024
Establishment of the necessary nitrogen load reduction for Brewster.	January 2025
Evaluation of strategies to reduce nitrogen loads.	January 2026
Estimate of Costs to implement the proposed strategies	January 2026
Development of draft Watershed Management Plan	January 2027
Development of final Watershed Management Plan	November 2027
Submission of final Plan and application documents	January 2028
Cape Cod Commission 208 compliance review	April 2028
Issuance of Watershed Permit by DEP	No Later Than July 6, 2030

In Brewster, the nitrogen load from the existing development at the time the Massachusetts Estuaries Project (MEP) Herring River report was published (SMAST March 2013) did not exceed the threshold loads for the relevant subwatersheds. Therefore, the Town’s nitrogen management responsibility is related to development that has taken place since the MEP report was developed. It also includes the load associated with future development within Brewster’s subwatersheds. The Watershed Management Plan that the Town proposes to develop will document this load and the proposed management strategies to comply with the necessary nitrogen load reduction in the new regulations

Brewster's application will include a Watershed Management Plan for Herring River that will be based, in part, on the Town's Integrated Water Resource Management Plan (HW 2013). As specified in DEP's watershed permit regulations (314 CMR 21.02(2)(b)), the plan will include the required information on the extent of nitrogen that must be removed and the proposed actions that will be implemented to meet the nitrogen reduction goals for Brewster's portion of the watershed. The plan will document both conventional and alternative options for nitrogen management. It will also provide a schedule to provide the necessary nitrogen reductions and describe the monitoring and reporting requirements required under the permit regulations.

Brewster's current plan is to file a permit application for the Town's portion of the watershed. If, during the planning process, the Town learns that it could be beneficial to file a joint permit with Harwich, then this option will be explored. If so, the Town will notify DEP and may need to adjust the schedule for completing the permit application. Brewster understands that the permit must be issued within 7 years of the issuance of the watershed permit regulations, or by July 2030, to avoid the implementation of the septic system upgrades under the new Title 5 regulations. The Town will work with DEP to ensure this deadline is met.

As required under the new Title 5 regulations (314 CMR 15.215(2)(C)(3)), the Town will publish an announcement regarding the filing of the Notice of intent in the Environmental Monitor and in the appropriate local newspaper. An announcement will also be placed on the Town's Water Resources website and the Town will comply with the required notifications to Environmental Justice Populations in Brewster.

If you have any questions on the proposed schedule to complete the application, please let me know.

References

Horsley Witten Group, Inc. (HW) 2013. Integrated Water Resource Management Plan, Town of Brewster, Massachusetts.

University of Massachusetts Dartmouth, School of Marine Science and Technology (SMAST). March 2013. Massachusetts Estuaries Project. Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for the Herring River Embayment System, Harwich, Massachusetts.



MEMORANDUM

To: Chris Miller, Director, Brewster Department of Natural Resources

From: Mark Nelson

Date: July 19, 2023

Re: Scope of Work for 2023-2024 Integrated Water Resource Management Plan (IWRMP) Implementation Related to Coastal Estuaries, Fresh Water Ponds, and Stormwater

As you requested, I have prepared this proposed scope of work for the Horsley Witten Group, Inc.'s (HW) support for the Town of Brewster in implementing the Town's Integrated Water Resource Management Plan (IWRMP). This scope includes:

1. Support for the ongoing implementation of the Pleasant Bay watershed permit,
2. Support for the Brewster Water Resources Task Force,
3. Water quality planning for properties near freshwater ponds in Brewster, and
4. Development of the Watershed Permit Exemption Application for the Swan Pond River Watershed.

Further information about each of these is provided below.

Task 1: Pleasant Bay Nitrogen Management

The bulk of the work relates to implementation of nitrogen management plans for the Pleasant Bay watershed. The work will be done at the direction of the Town and may change as priorities for implementation change. At this point, the following activities are planned:

- Continued support for the implementation of the Watershed Permit for Pleasant Bay. This includes attendance at regular meetings with the Pleasant Bay Alliance, and ongoing evaluations of nitrogen removal options for Brewster's portion of the watershed.
- Development of updates to the Watershed Permit Annual Report, providing details on the actions taken by the Town in 2023.
- Continued participation in discussions with the Pleasant Bay Alliance regarding updates to the watershed model for Pleasant Bay and the goals Brewster has for this modeling. HW will continue to analyze the results of new modeling scenarios

completed for Pleasant Bay to assess how they affect the nitrogen reduction goals for Brewster. We will also update our calculations for future development, or buildout, considering how the new model scenarios incorporate nitrogen attenuation in the Tar Kiln subwatershed to Pleasant Bay. This information will be helpful for evaluating the Town's options for managing future development to minimize additional nitrogen loading to Pleasant Bay.

- Presentations to the appropriate Town Boards, potentially including the Select Board, Planning Board, and the Board of Health.

Estimated Cost: \$30,000.00

Task 2: Support for the Water Resources Task Force

HW will attend the monthly Water Resources Task Force Meetings and provide information and presentations related to the work being conducted under this contract. This will include discussions related to the Pleasant Bay Watershed Permit, planning on how to respond to the new Watershed Permit regulations established by the Massachusetts Department of Environmental Protection (DEP) and support for ongoing planning to protect and restore freshwater ponds. It will also include planning on how to respond to requests from Orleans to participate in the management of the Nauset estuary.

Estimate Cost: \$10,000.00

Task 3: Ponds Restoration Planning

HW will continue to work at the Town's direction to continue planning and implementation of projects to restore freshwater ponds in Brewster. This will include evaluating an appropriate way to update the Board of Health's regulations for septic system leaching facilities adjacent to freshwater ponds. It will also include outreach to residents living near ponds to discuss options for wastewater management and other strategies to reduce nutrient inputs to ponds. In addition, HW will provide support for planning the Walker's Pond restoration project and for discussions with the Town of Orleans regarding the recent study of Baker's Pond.

Estimated Cost: \$15,000.00

Task 4: Development of the Watershed Permit Exemption Application for the Swan Pond River Watershed

The need for this task, and for future planning for the Bass River and Herring River watersheds is new; related to the Watershed Permit Regulations established by DEP in early July. HW will work with Town to develop and submit the De Minimis Watershed

Permit Exemption Application to the Massachusetts Department of Environmental Protection (DEP) for the Swan Pond River watershed within which a small portion of the southwest corner of Brewster is located. This work will include the following components:

- A calculation of the current nitrogen load to this watershed from Brewster described by DEP as the updated nitrogen load.
- A calculation of the potential additional nitrogen load from future development in Brewster's portion of the watershed.
- Development of a plan to manage the additional nitrogen load from buildout, including an assessment of the benefits of the existing fertilizer and stormwater bylaws and other options including the use of innovative/alternative septic systems for existing and future development (if needed).
- Creation of a Targeted Watershed Management Plan for Brewster's portion of the Swan Pond Watershed documenting that the updated nitrogen load is less than 3% of the total watershed load, and that the proposed management strategies will prevent any increase in the current nitrogen load.
- Development of an application for a De Minimis Nitrogen Load Exemption, the announcements of the proposed exemption request on the Town website and through publication in the State Environmental Monitor.

The development of this application will allow the Town to learn about this exemption process and determine how it will work for the Bass River watershed.

Estimated Cost: \$20,000.00

Task 4: Development of the Watershed Permit Exemption Application for the Bass River Watershed

HW will also work with Town to develop and submit the De Minimis Watershed Permit Exemption Application to the Massachusetts Department of Environmental Protection (DEP) for the Bass River watershed within which a small portion of the southwest corner of Brewster is located. This work will include the same steps as listed for the Swan Pond River watershed described above to confirm the current and buildout nitrogen loading rates and develop a plan to prevent any additional nitrogen load from future development.

Estimated Cost: \$25,000.00

Total Estimated Cost: \$100,000.00

HW is prepared to begin this work upon authorization from the Town and will continue through June 2024. A fee schedule that documents the hourly rates and direct cost amounts that will apply to this proposal is attached for your review.

Planning for Additional Watershed Permit Projects

HW will work with the town to develop a plan for the work needed to develop the Herring River Watershed Permit, including the analysis of additional nitrogen load from buildout and a development of a plan to effectively manage the additional load. It is anticipated that the budget for Herring River the cost will be approximately \$60,000-\$70,000. These numbers will be refined based on the work done for the Swan Pond River watershed exemption application. It is anticipated that a formal proposal for this additional work will be developed in the next 1-3 months for consideration by the town.

Watershed Permit Regulations and New Title 5 Septic System Requirements

How Do They Impact Water Resource Planning in Brewster?



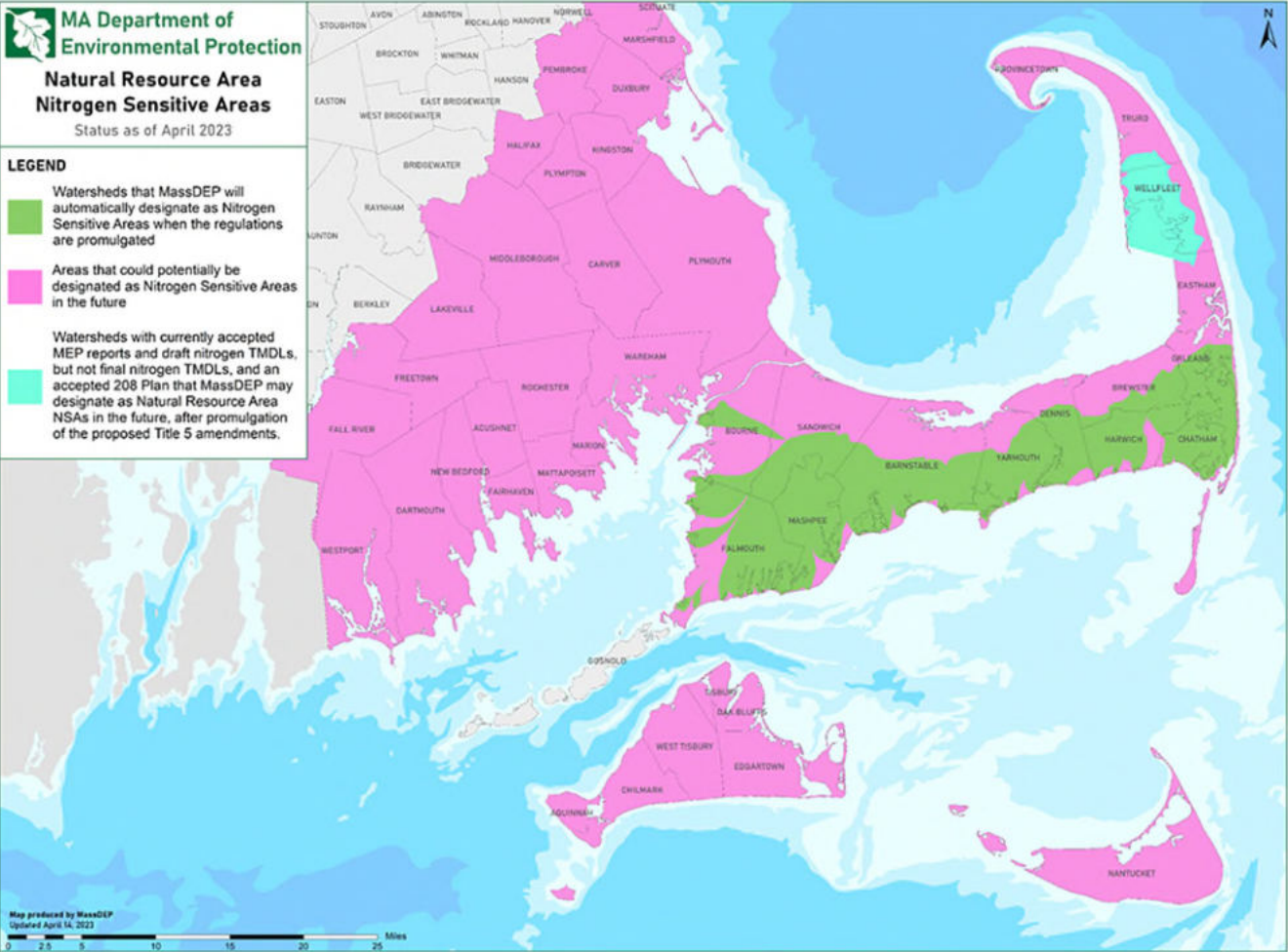
Mass DEP's Goal - Accelerate Restoration of Coastal Estuaries on Cape Cod

Options –

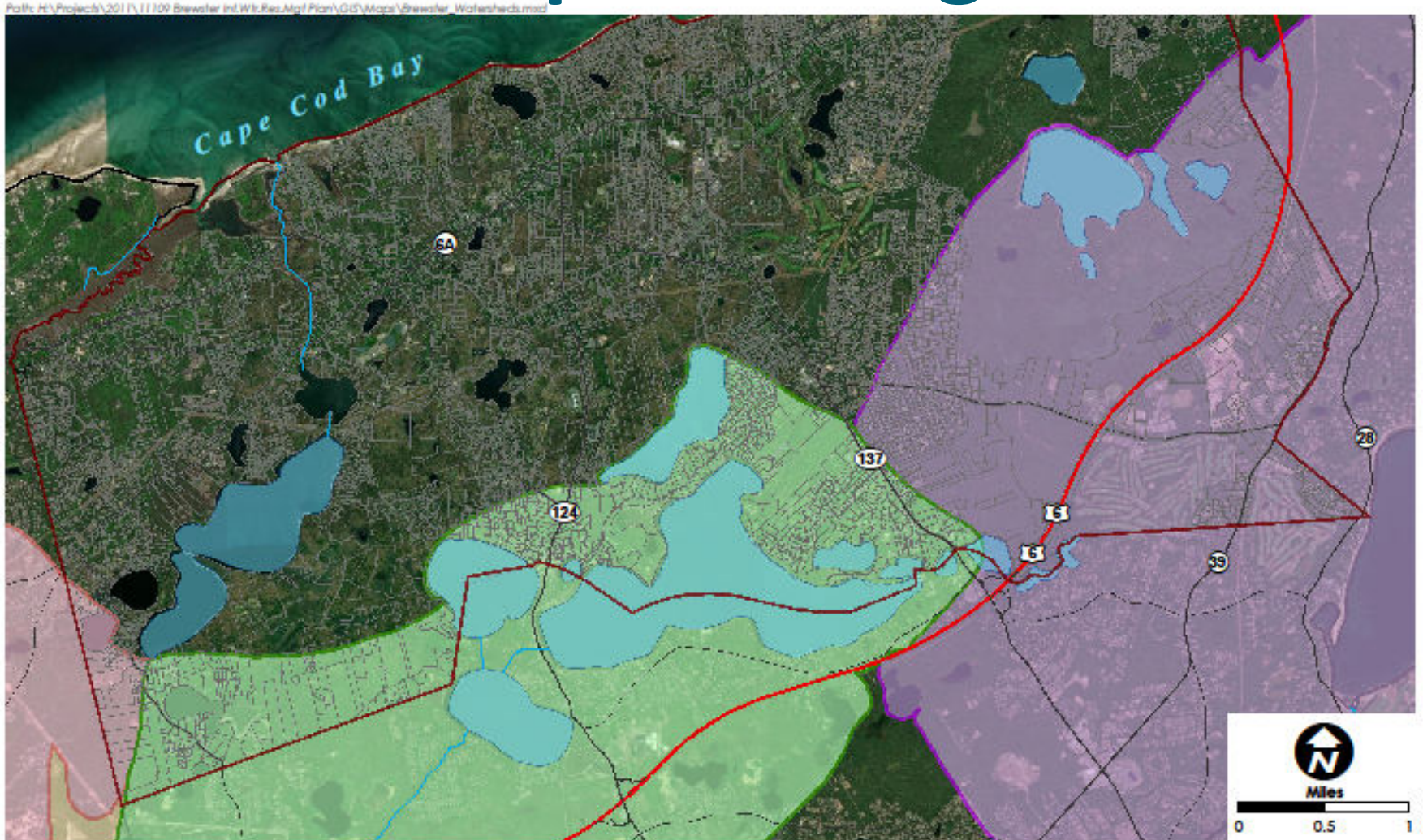
- Develop a Watershed Permit for Each Required Estuary, or
- Require Septic System Upgrades In these Watersheds Within the Next 5 Years



Overall Jurisdiction Of The New Regs

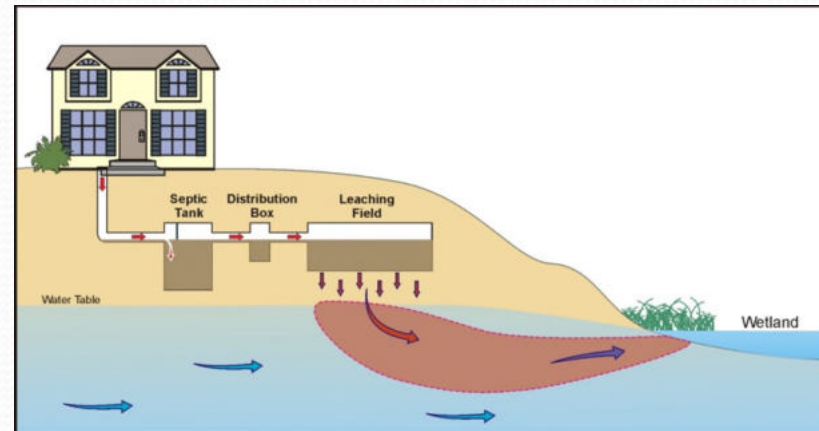


Brewster Watersheds Impacted by Proposed Regs



Proposed Title 5 Changes

- Septic Systems In Impaired Watersheds Must Be Upgraded to Treat for Nitrogen within 5 Years of the Regulations
 - Unless:
- A Town Files a Notice of Intent to Obtain a Watershed Permit



Proposed Title 5 Requirements

- If No Watershed Permit is Requested, Homeowners in Affected Areas have 5 Years to Upgrade their Septic System
- Must use “Best Available Nitrogen Reducing Technology” - Goal is to Install Systems that Treat Nitrogen to a Concentration of 10 mg/L or less
- Designed to Encourage Towns to Request Watershed Permits



Watershed Permits

- Similar to the Process Used to Obtain the Pleasant Bay Watershed Permit Issued to Brewster, Chatham, Harwich and Orleans



Watershed Permits

- If Town Files a Notice of Intent to Obtain a Permit Within 18 Months From When the Regulations Were Issued, the Title 5 Upgrade Regulations are Paused
- Proposed Permit Must Document the Removal of 75% of the Nitrogen Needed to Meet the Watershed TMDL in 20 Years
- Permit Can Be For 1 Town or Combination of Towns Sharing a Watershed



Watershed Permits

- Permit Requires Annual Reporting on Progress to Restore the Estuary
- Provides Flexibility in the Options to Remove Nitrogen as New Information Becomes Available – Can Include Adaptive Management Strategies that Evolve Over Time

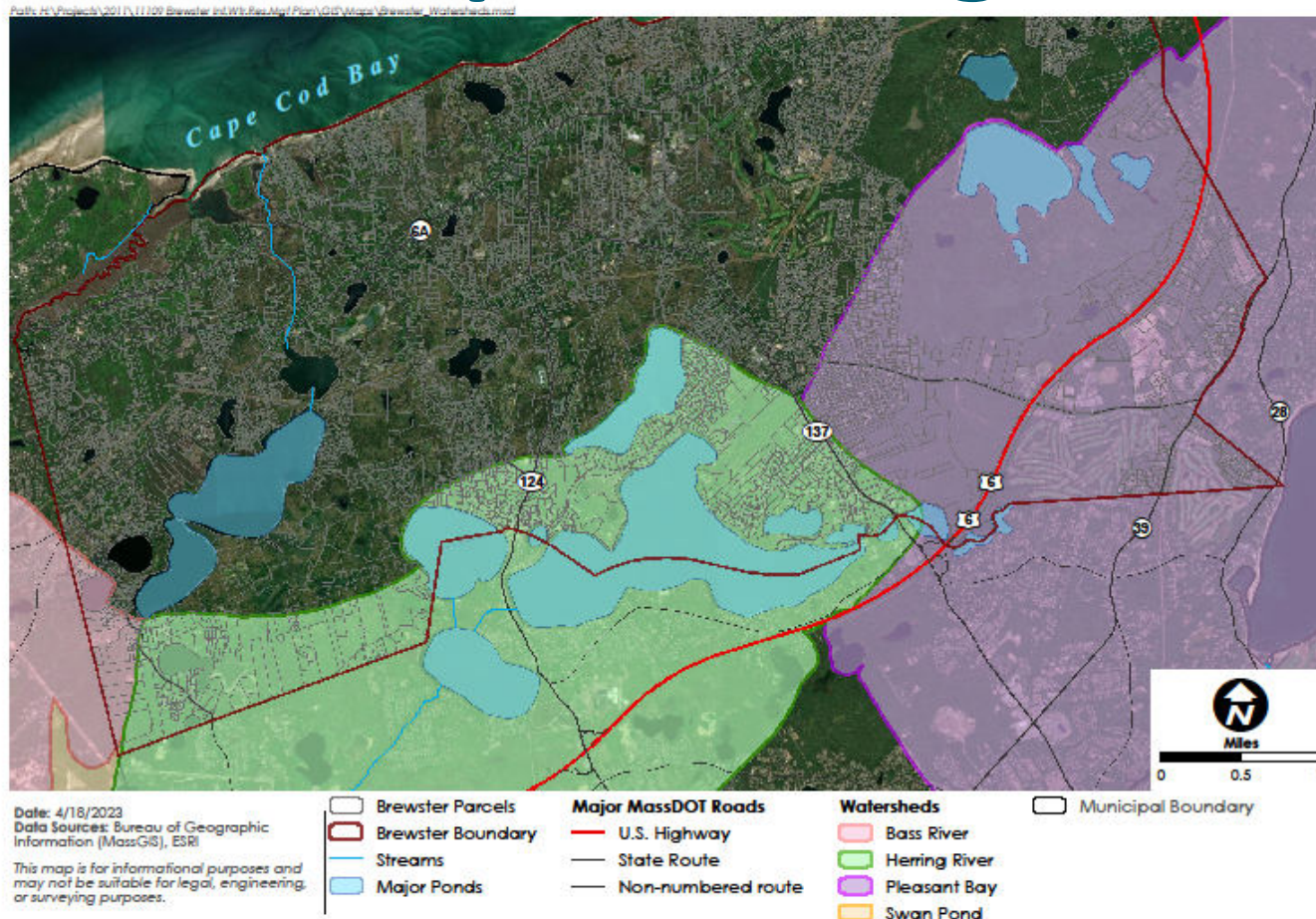


Impacts of New Regulations

- Pleasant Bay Permit Remains in Effect – New Title 5 Regulations Will Not Apply in This Watershed
- Regulations Will Affect Water Resource Planning for Herring River, Bass River, and Swan Pond River Watersheds (including Long Pond, Sheep Pond, & Seymour Pond, and Elbow Pond neighborhoods)
- Areas Outside These Watersheds Are Currently Not Subject to Title 5 Septic Upgrade Requirements



Brewster Watersheds Impacted by Proposed Regs



De Minimis Watershed Permit Exemption

- If a Town's Portion of the Nitrogen Load to an Estuary is less than 3% of the Total Load, an Exemption Request can be Filed to Eliminate the Need for a Watershed Permit
- Request Must Include an Evaluation of the Additional Load from Potential Future Development in the Watershed



De Minimis Watershed Permit Exemption

Current Opportunities for Permit Exemption Requests

Bass River Watershed	<0.3% of Total Nitrogen Load
Swan Pond River	< 0.3% of Total Nitrogen Load

Potential Future Development Must be Accounted For



Bass River and Swan Pond River Watersheds

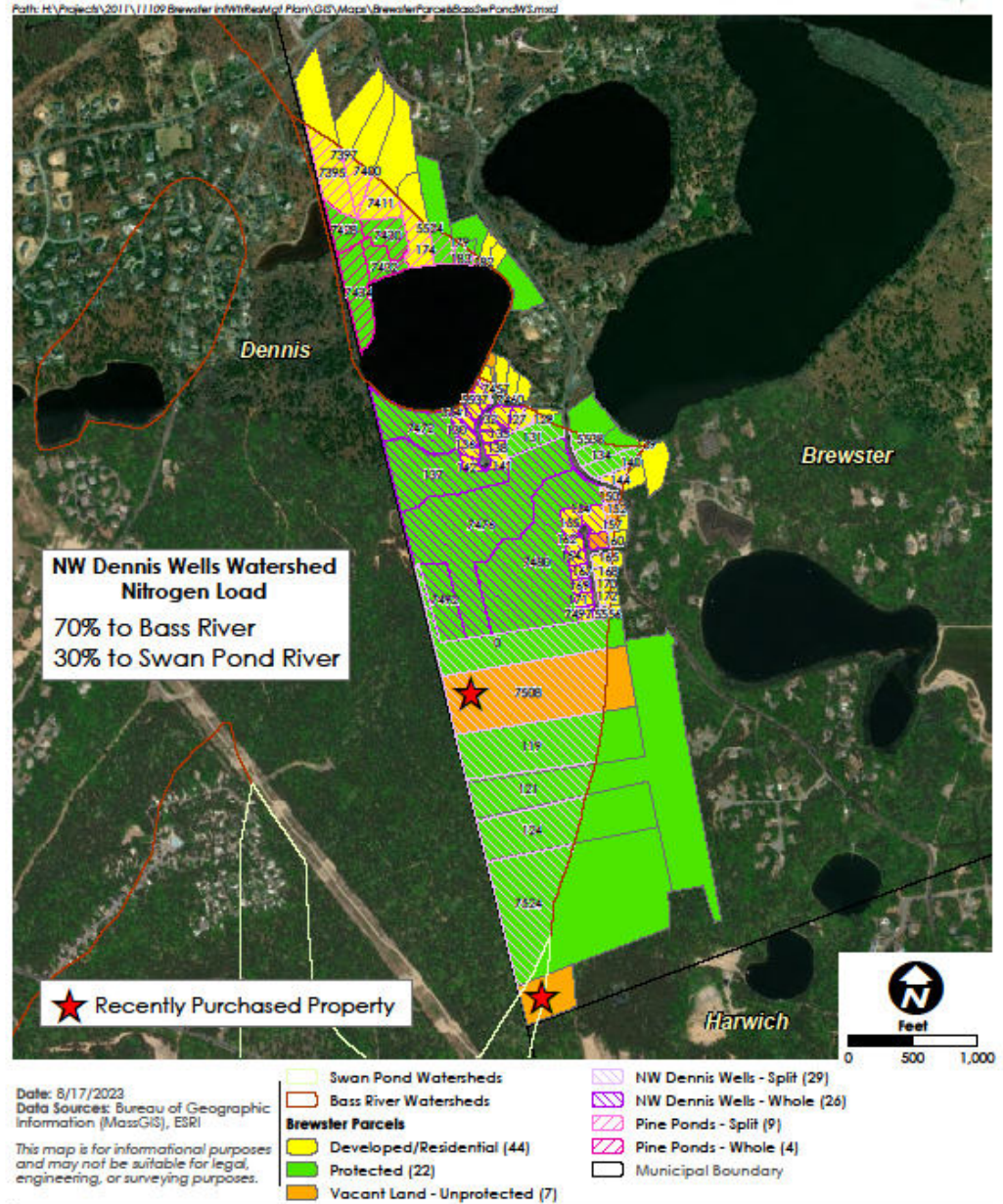
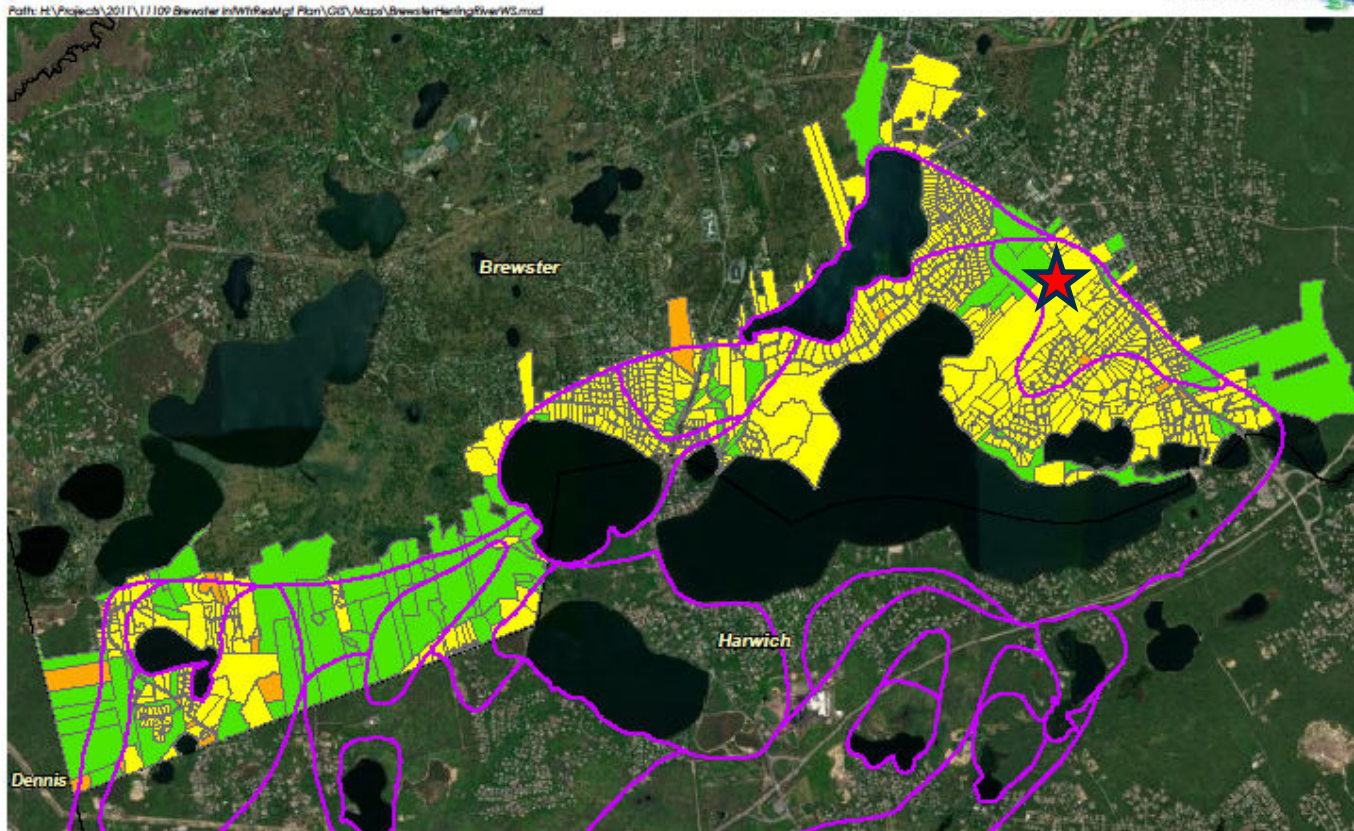


Figure 1
Brewster Parcels within Bass River and Swan Pond Watersheds

Herring River Watershed



★ Sea Camps Parcel

Date: 8/16/2023
Data Sources: Bureau of Geographic Information (MassGIS), BSR

This map is for informational purposes and may not be suitable for legal, engineering, or surveying purposes.

- Herring River Watersheds
- Municipal Boundary
- Brewster Parcels**
- Developed/Residential
- Protected
- Vacant Land - Unprotected

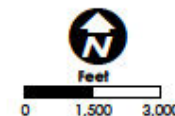


Figure 2
Brewster Parcels within Herring River Watersheds

Herring River Watershed

- Recent Data Suggests Town will Only Need to Manage Future Buildout
- Nitrogen Loading Projections for New Development Begin in 2013 (Baseline Year)
- Many Ponds are Within the Town's Portion of Watershed (Long, Sheep, Seymour, Elbow, etc)
 - Reducing the Nitrogen Load that Must Be Managed Due to Attenuation



Herring River Watershed

- Options For Managing the Load from Future Development Include:
 - Septic System Upgrades
 - Neighborhood Sewer Systems
 - Fertilizer and Stormwater Management
 - Nitrogen Trade
- Strategies to Reduce Nitrogen Loads Should Consider Beneficial Impacts on Ponds



Water Resource Task Force

- Convened by Town Manager in Winter 2022
- Comprised of Select Board Chair, Board of Health Chair, Natural Resources Advisory Commission Chair, Brewster Ponds Coalition President, Health Director, Natural Resources Director, Town Planner, and Water Superintendent
- Meet on a Monthly Basis to Collaborate and Identify Consensus Solutions



Water Resource Task Force

- Significant Time Spent on Proposed DEP Regulations and Potential Brewster Impacts
- Provided Formal Comments to DEP, Several of Which were Incorporated in Final Regulations (e.g. De Minimis Watershed Permit Exemptions)



Next Steps/Timing

- Water Resources Task Force Recommendations:
 - File De Minimis Watershed Permit Exemption Application for Swan Pond this Fall, followed by the Application for Bass River
 - Planning Work For the Herring River Watershed Permit Should Begin by Early 2024 - Notice of Intent to File a Permit is Needed By December 2024



Impacts of New Regulations

- Since Town Plans to Obtain a Watershed Permit for Herring River and Permit Exemptions for Bass River and Swan Pond River, the New Title 5 Septic System Regulations Will Not Impact Brewster
- State Mandate to Upgrade Existing Septic Systems Will Not Apply



Impacts of New Regulations

- Town May Decide to Use Innovative/Alternative Systems to Reduce Nitrogen Loads to Pleasant Bay and Herring River
- I/A Systems Can Also Be Required In Zone II Wellhead Protection Areas and Near Fresh Water Ponds Under Other Title 5 and Board of Health Regulations

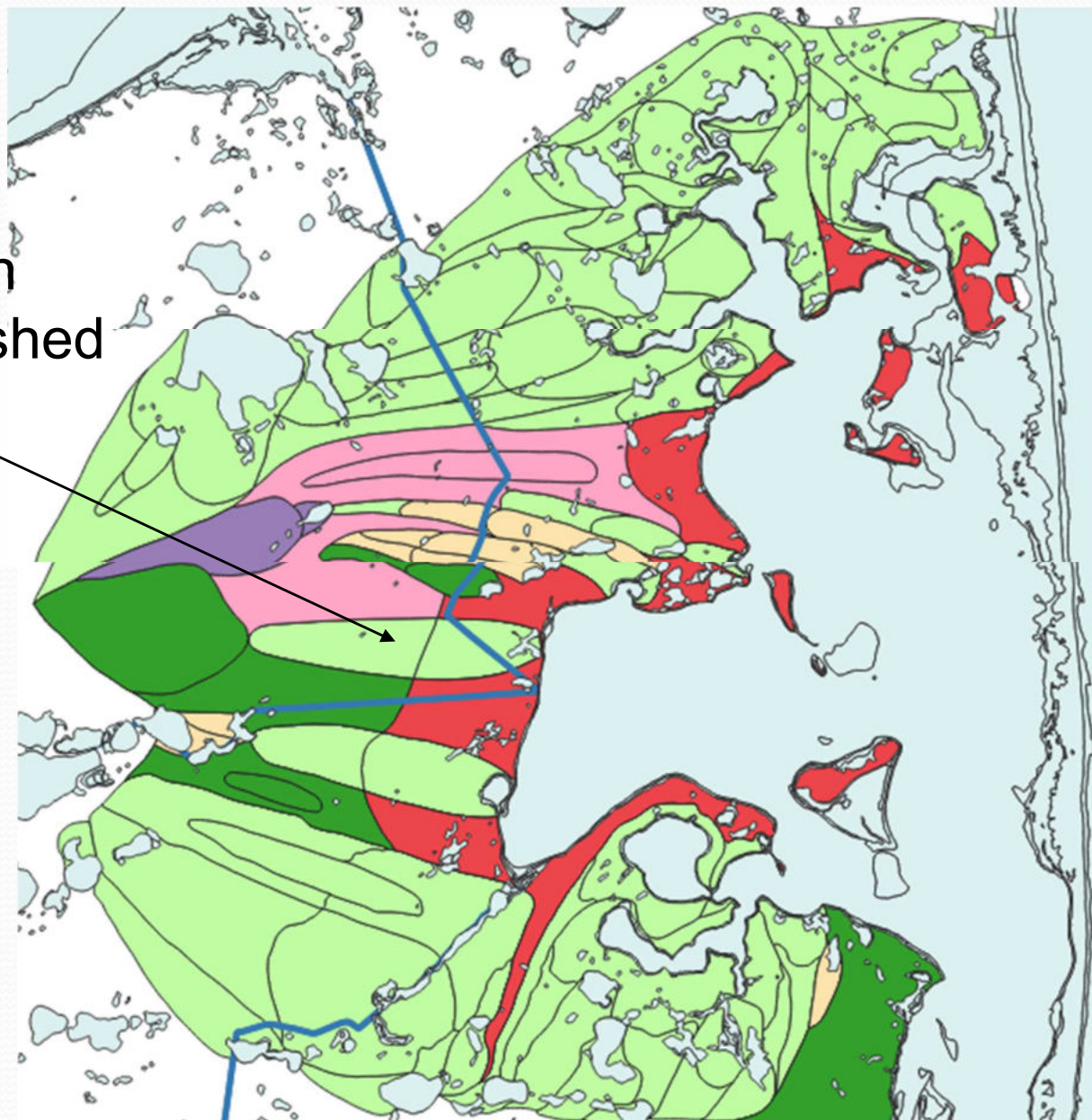


Pleasant Bay Permit Update

- Planned Updates to Permit Given New Attenuation Rate for Tar Kiln Subwatershed – Reducing Brewster’s Obligations
- Captains Golf Course Fertilizer Reduction Practices Account for More than 80% of the Nitrogen Removal that Brewster Must Provide
- Ongoing Golf Course Fertilizer Leaching Rate Study May Document Additional Nitrogen Load Reductions, Further Reducing our Obligations



Tar Kil
Subwatershed



Pleasant Bay Permit Update

- Need for I/A Septic Systems or a Neighborhood Wastewater Treatment Plant Will Be Re-Evaluated After Permit is Updated
- Further Work is Needed to Evaluate the Nitrogen Load from Future Development



Finance Update

- Brewster Has Spent \$600,000+ in the Last Five Years On Implementation of our IWRMP
- Fiscal Year 2024 Funding
 - \$100,000 (Previously Approved at May 2023 Town Meeting) for IWMRP Management, including Swan Pond and Bass River Watershed Permit Exemption Applications
 - \$50,000 (New Funding Request for November 2023 Town Meeting) for Herring River Watershed Future Buildout



Fresh Water Ponds

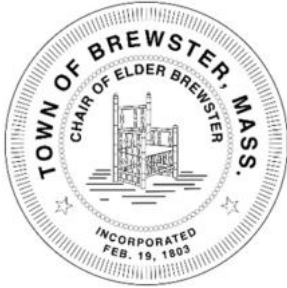
- Work to Aggregate and Analyze Pond Water Quality Data is Underway (\$50k)
- Strategies to Improve Water Quality In Walkers Pond is Being Evaluated (\$40k)
- Development of a Pond Management Plan Could be Helpful Next Step (see Wellfleet, Chatham, Orleans, etc)
- Data on Phosphorus Transport from Septic Systems to Ponds from an Ongoing Brewster Ponds Coalition Project Will be Helpful



Questions?

Mark Nelson, Principal
Horsley Witten Group, Inc.
mnelson@horsleywitten.com





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

Office of:
Town Manager

Date: September 8, 2023
To: Select Board
From: Donna Kalinick, Assistant Town Manager
Re: Request for Addition at Commerce Park, #5, Antinarelli

Mr. Antinarelli, AMA Excavating, has a lease at Commerce Park with the Town for Lot #5, through 2039. Under the terms of the lease, any alterations to the premises or change of use require the approval of the Select Board. Mr. Antinarelli is current on his lease payments. Mr. Antinarelli met with the Building Department, Health Department and Planning Department; they had the following comments:

Planning: No regulatory permits are required, including stormwater as the proposed addition is under 400 feet.

Building: Building Permit will be required.

Health: Health Department requested and has not received an updated lot plan with the location of the septic on it. This is required before any work can be performed.

Administration requested formal building plans for the request and received a current site plan with the proposed addition drawn on the site plan. The addition must be used, according to the terms of the lease for the following purposes:

For the operation of an excavating business including the construction of a metal building on the site and the storage of bulldozers, loaders, trucks, backhoes, and all other necessary equipment and for no other purpose without Lessor's express written consent. Lessee may store loam and related materials on the premises, provided that any necessary approvals have been obtained from the Water Quality Review Committee.

A. Michael Antinarelli
PO Box 793
South Orleans, MA 02662

Erika Mawn
Executive Assistant
Town Manager/Select Board Office
2198 Main Street
Brewster, MA 02631

August 8, 2023

Dear Ms. Mawn,

I would like to construct a 16' x 24' addition on the back of Building 87, which I own, located on the town owned lot #5 Commerce Park Road, Brewster, MA, which I lease from the town.

The space would be used for additional indoor parking and storage.

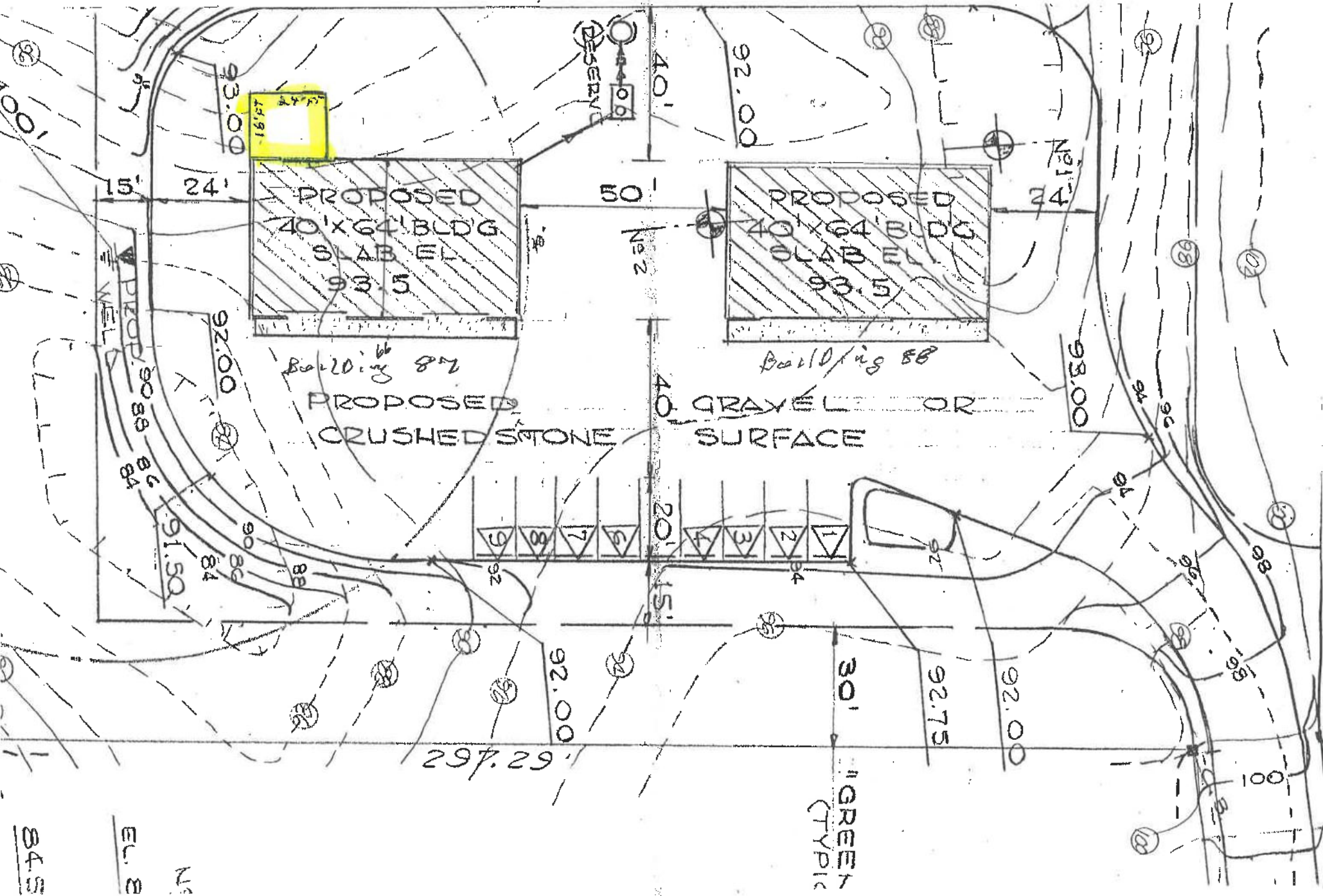
I recently had a meeting with the Town Planner, The Building Inspector and the Health Director, Amy L. Von Hone/ They all thought this project would be something that I would be allowed to accomplish.

I would appreciate being put on the agenda for the upcoming Select board meeting to have my request reviewed.

Sincerely,

A. Michael Antinarelli

384 SQ FT



84 5
 EL. B
 N

30'
 "GREEN
 (TYPIC)

297.29

92.00

92.75

92.00

93.00

92.00

93.00

24'

15'

40'

50'

24'

40'

20' 15"

PROP. WEL

DESERVED

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

Building 87

Building 88

PROPOSED CRUSHED STONE

PROPOSED GRAVEL FLOOR SURFACE

PROPOSED 40' X 64' BLDG SLAB EL. 93.5

PROPOSED 40' X 64' BLDG SLAB EL. 93.5

100'

10'

10'

10'

10'

10'

92.00

91.50

84

84

88

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thereafter.

6. At the election of the Lessor, the minimum rent to be paid by the Lessee shall be increased in three (3) year increments, the first such increase to be made on March 19, 1989. Said increase shall be determined by Lessor in his sole discretion but after consultation with Lessee, and shall be based on the costs and expenses incurred by the Lessor in operating and maintaining Freeman's Way Industrial Park. Said increase shall not exceed \$100 per acre per year.

7. It is the intention of the parties that the rent payable hereunder shall be net to the Lessor, so that this Lease shall yield to Lessor the net annual rent specified herein, without offset or deduction, during the term of this Lease, and that all costs, expenses and obligations of every kind and nature whatsoever relating to the leased premises shall be paid by the Lessee.

ARTICLE IV Option to Renew

8. The Lessee may extend the term of this Lease for a further term of twenty (20) years, upon the same terms and conditions as herein set forth except that the rent shall be increased pursuant to Article III, Paragraph 6, of this Lease. The Lessee shall notify the Lessor in writing prior to a date ninety (90) days before the effective date of termination as to whether it intends to exercise this option to extend Lease.

ARTICLE V Construction and Maintenance of Building

9. Lessee shall have the right, at its own costs and expense, to construct on any part or all of the leased premises, at any time and from time to time, such buildings, parking areas, driveways, walks, and other similar improvements as the Lessee shall from time to time determine, provided that the same shall be in compliance with all the then applicable building codes and ordinances of the Town of Brewster, and Commonwealth of Massachusetts. Lessee shall at all times during the term of this Lease, and at its costs and expense, keep and maintain or cause to be kept and maintained in repair and good condition, ordinary wear and tear excepted, all buildings and improvements at any time erected on the leasehold premises, and shall use all reasonable precaution to prevent waste, damage or injury.

10. At the time of the commencement of the term of this Lease, the Lessee shall submit to the Lessor for its approval, which approval shall not be unreasonably delayed or withheld, plans and specifications for the proposed construction on the leased property for a building or buildings, other appurtenant

having jurisdiction thereover. Lessee further agrees that he shall not permit or commit any waste on the leased premises and the building and appurtenances constructed thereon.

13. Lessee agrees and covenants that he shall not make any exterior alterations, improvements and/or additions to the buildings and appurtenances constructed on the leased premises without first obtaining, in each instance, the written consent of the Lessor, which consent shall not be unreasonably withheld.

ARTICLE VI
Utilities

14. The Lessee covenants and agrees to pay for all charges for gas, electricity, light, heat, power and telephone or other communication services used, rendered or supplied upon or in connection with the lease premises and the building constructed thereon, and shall indemnify the Lessor against any liability or damages on such counts.

ARTICLE VII
Maintenance and Use of Leased Premises

15. The Lessee covenants and agrees that the leased premises and all buildings and appurtenances constructed thereon shall be used and occupied only as and for the following purpose:

For the operation of an excavating business including the construction of a metal building on the site and the storage of bulldozers, loaders, trucks, backhoes, and all other necessary equipment and for no other purpose without Lessor's express written consent. Lessee may store loam and related materials on the premises, provided that any necessary approvals have been obtained from the Water Quality Review Committee.

Any changes alterations, or other deviations from the aforementioned use of the premises by the Lessee, shall be prohibited unless first approved in writing by the Lessor. If in the opinion of the Lessor, the premises or any part thereof are not being used in the usual and legitimate manner in the conduct of such business, the Lessor may give the Lessee written notice requiring the Lessee to terminate such improper use within thirty (30) days thereafter. Failure to comply with such request shall constitute a breach of this Lease, which will entitle the Lessor to immediate possession of the premises hereby leased (in addition to all other remedies given to the Lessor in case of the breach of any of the conditions or covenants of this Lease).

16. The Lessee further covenants and agrees to conform to the following provisions during the entire term of this Lease:

a. Lessee shall maintain a "greenbelt"

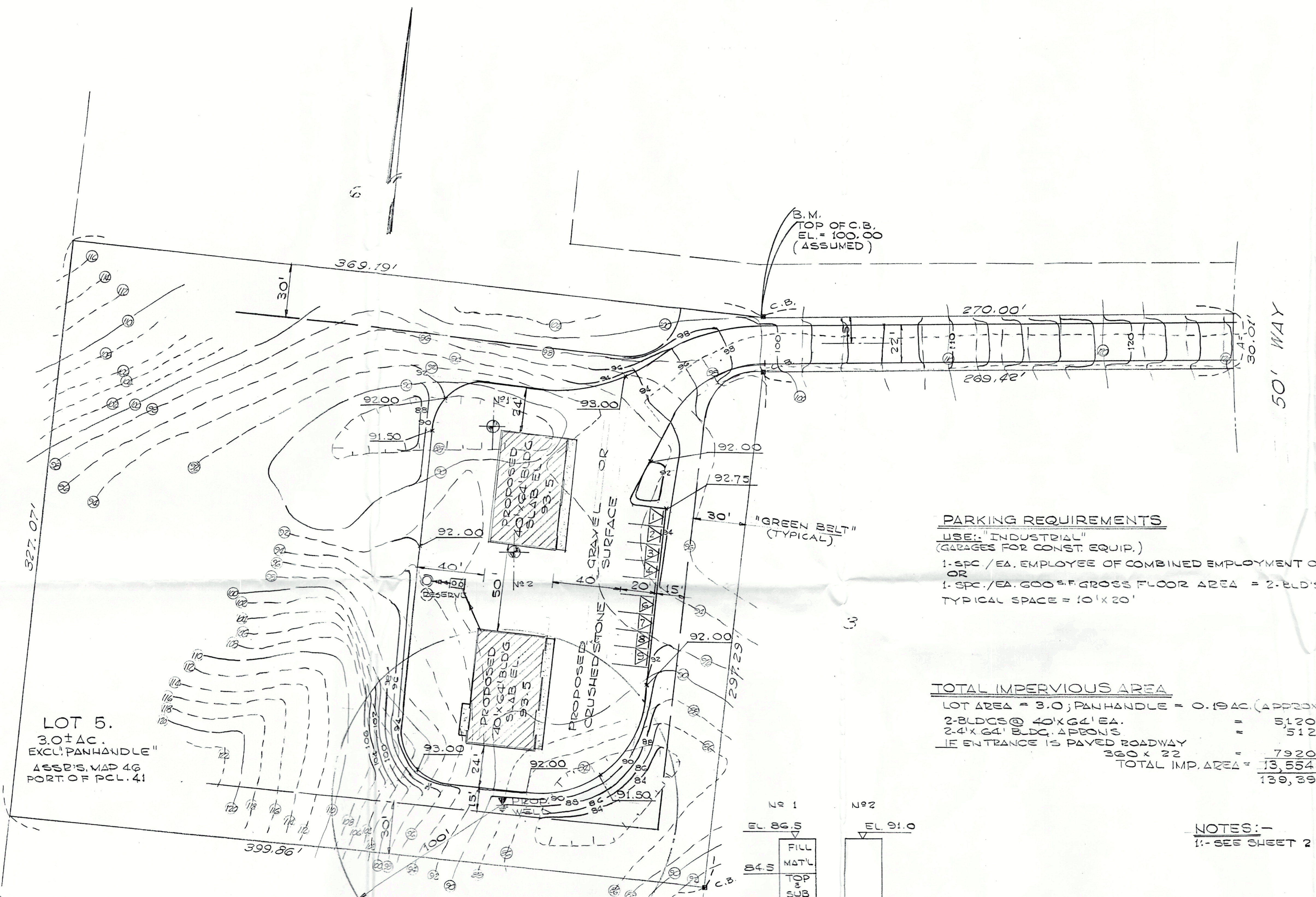
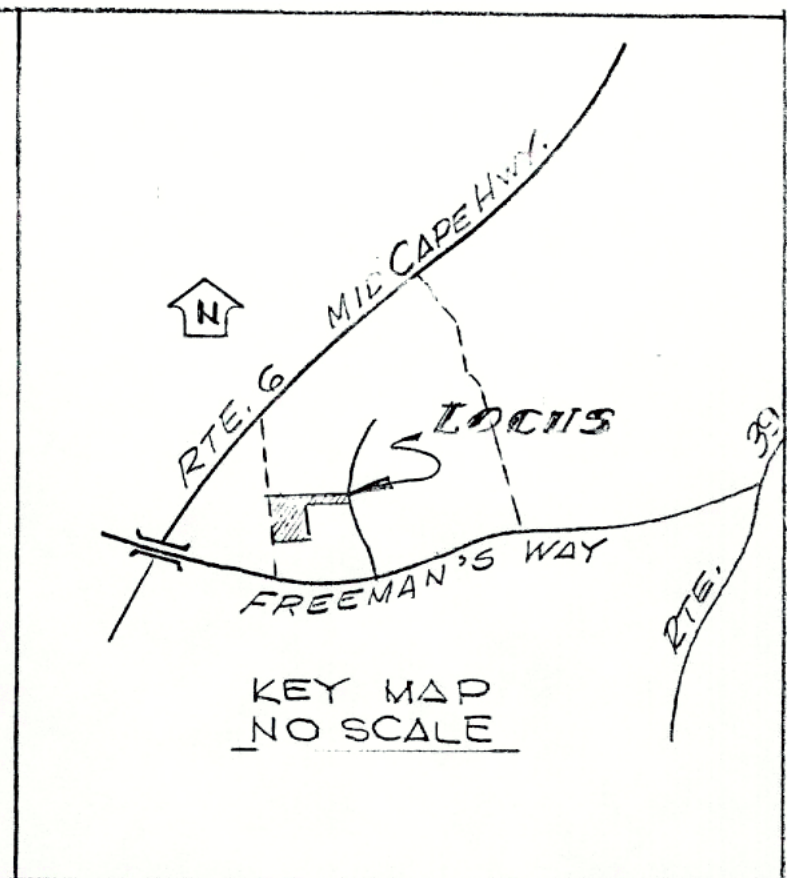
evening asking for a special event license to allow a larger tent, 180 feet length for a specific event in September. Selectman Foley asked how the original tent size in the permit was determined. Mr. Webb said that was the size they needed for the normal size of events. Since the special permit was issued, they have asked for 2 exceptions; one in 2011 and this one. The event is a trade show for New England Produce and will generate \$8,000 in tax dollars. Selectman Dickson asked how many events they have with front lawn tents this summer. Mr. Webb said they are only allowed a certain amount in season; they have 6 scheduled. Selectman Dickson asked if there would be any amplification. Not at this event, but the others are weddings and the music is restricted to 10pm. Mr. Embury said the only issue here is the size of the tent; it is not as wide, it is longer. Selectman Dickson said the concern he has is about noise as it is a sensitive issue with neighbors. Mr. Webb said they work with everyone to restrict noise levels as they have guests and private homeowners they have to be aware of as well. Selectman Norton asked when the event was and what the hours are. It is mid-week, September 21 to 23. Selectman Hughes noted that the special permit is issued by the Planning Board and asked if Ocean Edge will go back to that Board. Mr. Webb explained that when they were granted the exception in 2011, they were told any other exceptions would require a special permit modification, but they don't have time for that process for this event. Ocean Edge does plan to modify the special permit. Mr. Embury said he needs to work with Ocean Edge to see what should be modified; he doesn't think the actual size of the tent should be in the permit. Selectman Foley moved that the Board approve the Special Event license for Ocean Edge for September 21 to 23, 2016, Selectman Dickson second. The Board voted **5-Yes, 0-No**.

Review, Discuss & Vote on Option to Renew Lease for Commerce Park Lot 5, AMA Excavating

Michael Antinarelli has been there 30 years and has a 20 year renewal option in his lease. They have been an excellent tenant. Selectman Hughes asked if any excavation is done on site. It is not, just excavation equipment is stored there. Ms. Douglass explained that there is a 4% annual escalation built into the lease on the rent. Selectman Norton moved to approve the 20 year renewal option for Commerce Park Lot 5, AMA Excavating, Selectman Foley second. The Board voted **5-Yes, 0-No**.

Presentation by Brewster Chamber of Commerce on Route 6A Business Zoning-

Kyle Hinkle & Dave Bennett presented a power point on their study of Route 6A. Mr. Bennett stated that the Chamber of Commerce wants to be part of the vision/master plan of the town. The study they did looks at changes that will maintain the quality of the community, but also incorporate business. The maps in the slides demonstrate the concentration of business activity on Route 6A; there are about 120 businesses, many with special permits. They believe there is a need to update the zoning laws and zoning use table & definitions. They have a few suggestions from their study: to allow for village center planning concepts including putting apartments over businesses which is currently not allowed in Village Business; to change Café Alfresco to match the zoning of the Lemon Tree shops; to expand Village Business to the Orleans town line from east Brewster and to recognize the "downtown area of Brewster" which is the area of Route 124/137 that includes the general store, inns, the library, office buildings and the new historical society building. There is a cluster of business activity in that area and it could be a new village business zone, perhaps a cultural zone that could qualify for a MA cultural grant. They would also like to rename the Village Business to Historic Village Business as a marketing tool. Mr. Bennett said they are ready to go in front of the Planning Board and work on this. Chairman deRuyter said he sees this as part of the long range vision work group. Selectman Foley said he thinks some of the ideas make sense and this would be a good project for the new Town planner. Selectman Dickson noted that any proposed changes will necessitate a lot of public input, but he thinks they are positive steps, particularly to recognize downtown Brewster as downtown Brewster. Selectman Hughes stated that the Vision Planning process will involve many groups and will stimulate conversation about what people want. Chairman deRuyter noted that he believes the Board of Selectmen need to be champions of true visioning. Mr. Bennett said the Town can move forward in the future and still maintain the character of Brewster, but



LOT 5.
3.0± AC.
EXCL. PANHANDLE"
ASSD'S MAP 46
PORT. OF PCL. 41

ZONED
INDUSTRIAL

REFERENCE
COMPOSITE SKETCH
FOR "BREWSTER IND.
DEVELOPMENT FIN.
AUTHORITY" 2 NOV '81

LEGEND
—○— EXIST. CONTOUR
—○— PROP. CONTOUR
—○— PROP. "SPOT" ELEV.

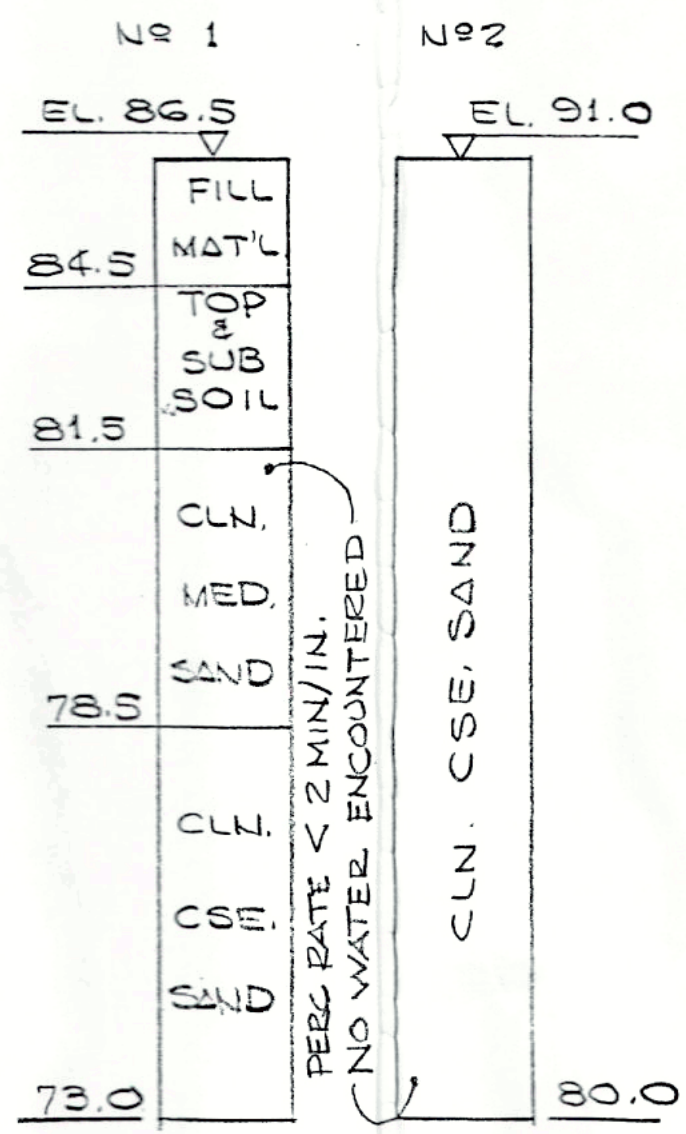
PARKING REQUIREMENTS

USE: "INDUSTRIAL"
(GARAGES FOR CONST. EQUIP.)
1-SPC./EA. EMPLOYEE OF COMBINED EMPLOYMENT OF 2 LARGEST SUCCESSIVE SHIFTS = 6 SPCS. (MAX)
OR
1-SPC./EA. 600 SF GROSS FLOOR AREA = 2-BLD'GS. @ 40'x64' = 5120 SF/600 = 9 SPCS.
TYPICAL SPACE = 10'x20'

TOTAL IMPERVIOUS AREA

LOT AREA = 3.0; PANHANDLE = 0.19 AC. (APPROX.) = 3.2± AC. = 139,392± sq ft
2-BLDGS @ 40'x64' EA. = 5,120 sq ft
2-4'x64' BLDG. APRONS = 512 sq ft
IF ENTRANCE IS PAVED ROADWAY 360 x 22 = 7,920 sq ft
TOTAL IMP. AREA = 13,554± sq ft
13,554 / 139,392 = 10%

NOTES:-
1:- SEE SHEET 2 FOR SANITARY SEWAGE DESIGN.



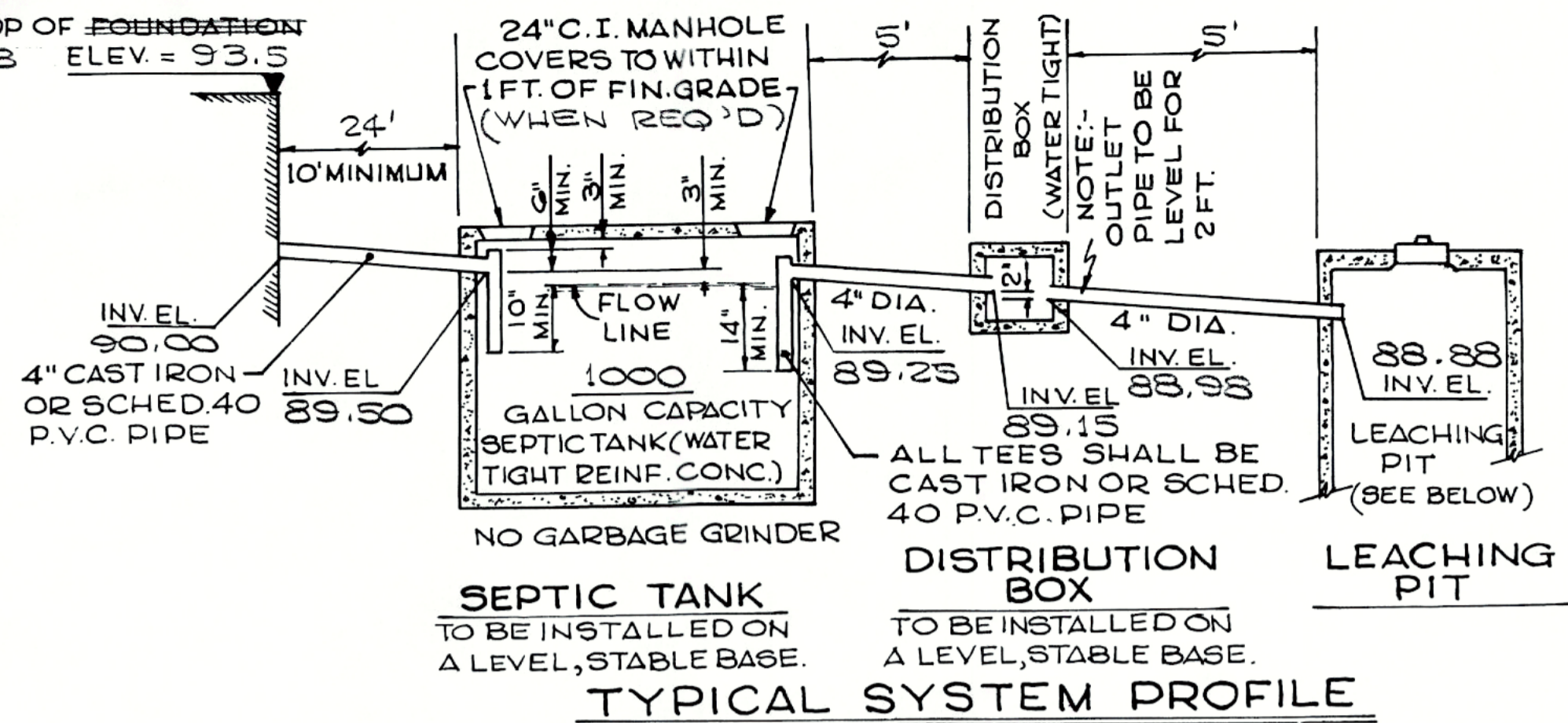
INSP BY: T. BAUER - R & W # P. MCGUIRE - BD. OF HEALTH
DATE: 11/13/86

SITE PLAN LAND IN BREWSTER, MASS.
PREPARED FOR
MICHAEL ANTINARELLI

SCALE: 1" = 30'
12 DEC, 1986
RYDER & WILCOX, INC. M.P.E. & R.L.S. 30 ORLEANS, MASS.



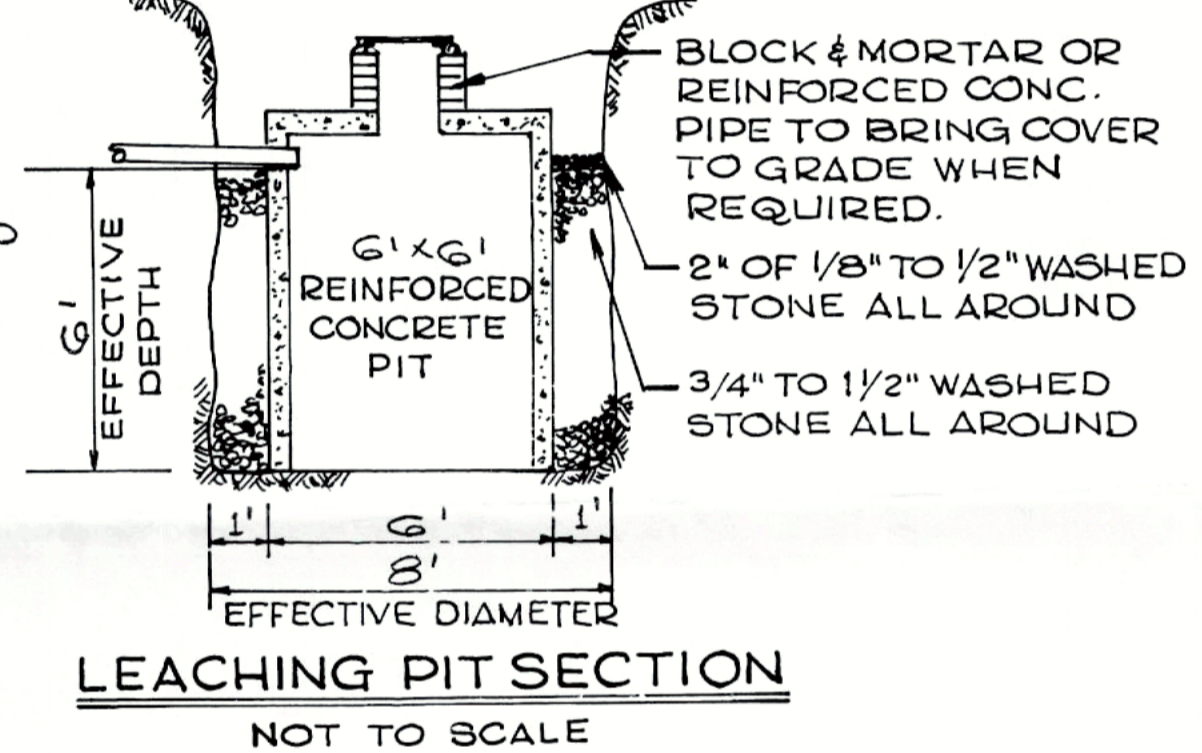
Jerry A. Ryan
12/1/86



TYPICAL SYSTEM PROFILE
 NOT TO SCALE
 ENTIRE SYSTEM SHALL BE H-20 RATED
 18" C.I. MANHOLE COVER (H-20 RATED) WHEN REQ'D.

DESIGN DATA

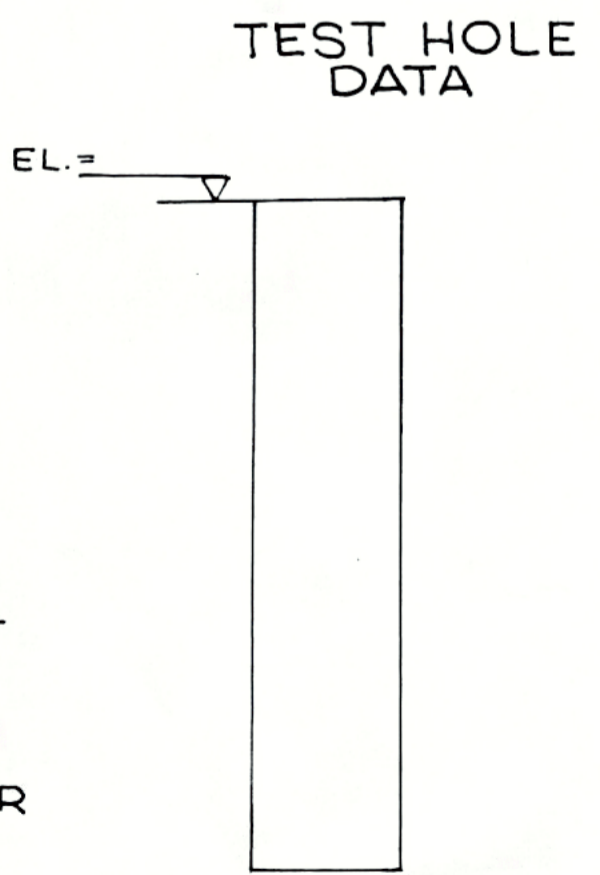
TEMP. MAX. @ 15°/D/EA.
 NO. OF BEDROOMS: -
 ESTIMATED DAILY EFFLUENT: - 90 G/D
 TOTAL LEACHING AREA AS PROPOSED: -
 SIDEWALL: $\pi \times \text{DIA.} \times \text{H.} = 150 \text{ S.F.}$
 BOTTOM: $\pi \times \text{R}^2 = 50 \text{ S.F.}$
 LEACHING CAPACITY AS PROPOSED: -
 SIDEWALL: $150 \times 2.5 = 375$
 BOTTOM: $50 \times 1.0 = 50$
 TOTAL = 425 G/D



FOR DATA NOT SHOWN ON THIS SHEET, REFER TO SHEET 1

GENERAL NOTES

- 1:- SYSTEM IS DESIGNED IN ACCORDANCE W/ "COMMONWEALTH OF MASSACHUSETTS, DEPT. OF ENVIRONMENTAL QUALITY ENGINEERING, THE STATE ENVIRONMENTAL CODE MINIMUM REQUIREMENTS FOR THE SUBSURFACE DISPOSAL OF SANITARY SEWAGE, 1977 TITLE V" & THE TOWN OF BREWSTER REGULATIONS.
- 2:- NO WELLS OR WATER SUPPLIES ARE KNOWN TO EXIST WITH 100 FEET OF THE PROPOSED LEACHING SYSTEM.
- 3:- PRIOR TO BACKFILLING COMPLETED SYSTEM, NOTIFY BOARD OF HEALTH FOR INSPECTION.
- 4:- ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE BOARD OF HEALTH.
- 5:- NO LEACHING FACILITIES EXIST WITHIN 100' OF PROPOSED WELL.



SITE PLAN - PROPOSED SEWAGE DISPOSAL SYSTEM

FOR: - MICHAEL ANTINARELLI
 LAND IN: - BREWSTER, MASS.
 RYDER & WILCOX, P.E. & R.L.S. BOX 439 SO. ORLEANS CENTER
 SO. ORLEANS, MASS. TEL. 617/255-8312

- LEGEND**
- TEST HOLE LOCATION
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - SEPTIC TANK
 - DISTRIBUTION BOX
 - 6' x 8' LEACHING PIT
 - C.B. CONCRETE BOUND



SCALE: - N/A
 DRAWN BY: - VB
 DATE: - 12 DEC. 1986
 DATE OF TEST: -
 INSP. BY: -



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
Fax: (508) 896-8089

Office of:
Human Resources

MEMORANDUM

TO: Select Board
FROM: Susan Broderick, Human Resources Director
RE: Town Manager FY23 Performance Evaluation and FY24 Priority Goals
DATE: September 7, 2023

Town Manager Performance Evaluation and Vote on Merit Increase

The annual performance evaluation is outlined in the Town Manager's contract and is important to advancing Town-wide organizational and operational priorities. The performance evaluation contains eight categories of evaluation criteria. Each criteria contains statements to describe a behavior standard for that category with a rating key to score each category. The performance evaluation in your packet represents the aggregate of the Select Board's individual reviews with the average score for each category and all comments from each category. The FY23 review also contains a review of the five priority goals that the Board set for the Town Manager for FY23. The Board should vote on a merit increase for the Town Manager. Per the employment contract, the Board may increase the base salary on an annual basis to account for cost-of-living adjustment as provided to other employees covered by the Personnel Bylaw Agreement, and/or provide him with a merit increase. A merit increase will be retroactive to July 1st. The Town Manager did receive a cost-of-living adjustment on July 1, 2023.

Discuss and Vote on FY24 Goals for Town Manager

In addition to completing a performance evaluation for the Town Manager, each Select Board member was also asked to identify three goals for the Town Manager to achieve in this fiscal year. All the goals identified by the Select Board are included in the packet. I would ask that you discuss the goals, which are broken out by category, and come to a consensus on a maximum of five goals for the Town Manager for FY24. These goals will then be reviewed and discussed next year during the Town Manager's annual performance evaluation.



**TOWN OF BREWSTER
TOWN MANAGER
PERFORMANCE EVALUATION FORM**

Period Covered: July 1, 2022 – June 30, 2023 (FY23)

Evaluator: Aggregate Select Board Review

INSTRUCTIONS

This evaluation form contains eight categories of evaluation criteria. Each category contains statements to describe a behavior standard in that category. For each category, use the following rating key.

5 = Outstanding: superior performance, performance consistently exceeds all exceptional standards.

4 = Above average: very strong performance, performance consistently meets and often exceeds standards.

3 = Satisfactory: performance meets all standards; employee is considered to be “fully competent”.

2 = Below expectations/Needs Improvement: sometimes meets performance standards, performance in most areas is below the level expected. Performance meets some standards but falls short of some.

1 = Unsatisfactory: performance is below the job requirements and unsatisfactory.

The evaluation form also contains a provision for entering narrative comments for each specific category and a review of goals set during the previous review period.

1. Board Support and Relations	Aggregate Score = 4.8				
<p>Maintains a professional working relationship with the Select Board and other Town committees, promoting a climate of mutual respect and trust. Works with the Board Chair to establish an agenda that addresses issues in a timely manner and provides supporting material necessary to inform the Board's deliberations. Supports the actions of the governing body after a decision has been reached, both inside and outside the organization. Provides regular information and reports to the Board concerning matters of importance and responds in a timely manner to requests for information. Takes initiative to provide quality analysis, information, advice, and recommendations on matters that are non-routine or non-administrative in nature. Listens and understands Board members concerns. Reports produced are accurate, comprehensive, concise, and written to their intended audience.</p>	1	2	3	4 4.8	5
<p>Comments: Mr. Lombardi (Peter) continues to maintain a climate of trust and respect. He provides analysis of issues faced by not only the Select Board, but issues that affect the entire Town. When dealing with Board relations, he provides support and guidance in a fair manner, providing personal attention. He ensures that every Board member is up to date on important information, generously offering to meet individually with board members on a regular basis.</p> <p>Peter provides outstanding support to the board. I am appreciative of the depth of background materials and context provided to support decision making.</p> <p>Is a consummate professional with broad expertise who supports well-reasoned decision-making by the Select Board. Maintains productive relationships with all town leaders, understands relationships and works effectively with varied leadership styles. Meets Board member information needs rapidly and provides concise summaries of complex issues. Provides concise reports at every Select Board meeting and offers valuable comments on all agenda items; responds to questions on nearly every topic during a public meeting; all written products are flawless.</p> <p>Peter has an excellent relationship with the Select Board. The agenda process is well thought out and executed. Meeting packets are inclusive and very informative.</p> <p>Has made the decision not to get involved with Select Board personalities. I still believe we have much to learn from the Wing Island experience.</p>					

2. Financial Management	Aggregate Score = 5				
<p>Develops and maintains a long-term financial plan and works with the Select Board to develop strategies and direction. Develops and implements alternative strategies for dealing with change and planning for the future. Accurately forecasts and reports the Town's financial condition. Establishes annual budget process and considers needs, goals, and priorities set by the Board. Presents budget information in a manner that promotes full understanding of the issues and needs. Manages the Town's capital improvement program and financing plan to responsibly meet the needs of the Town. Keeps the Select Board apprised of major financial issues affecting the organization. Ensures that prudent financial management is maintained for the continued success of the Town.</p>	1	2	3	4	5
<p>Comments: Municipal finance is a significant strength. The use of OpenGov has been an important tool to help residents, voters, and board/committee members to understand the fiscal needs of the Town, including past and future debt. There were no surprises in this year's budgets. A recent highlight and demonstration of the strength of this administrative finance team is the submission of the Town budget to the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award. It will be important to continue to communicate with the NRSD, as their budgeting process differs from that of the Town, needing a vote from the community for an override as well as an additional budget transfer at the end of the fiscal year.</p> <p>Has remarkable municipal finance expertise and inspires great confidence by Board members and the public. Accomplishes all financial goals expertly. Established a highly effective financial team. Overhauled the town budget process making it more transparent and inspiring trust in those who manage the budget. Always informs the Select Board of significant updates and issues, and interprets what those changes mean for the Town and taxpayers.</p> <p>This is one of Peter's strongest points. His leadership of our finance team is unparalleled among our peer municipalities and public agencies.</p> <p>Outstanding</p> <p>The budget development process and presentation has evolved to become clear, concise, and easily understood. Peter deserves great credit for assembling a financial team that is able to handle complex matters and present them in a logical manner.</p>					

3. Community Leadership/Public Relations	Aggregate Score = 4.6				
<p>Provide leadership in the community by being visible and approachable. Is accessible to members of the community to discuss their concerns and strives to understand their interests. Interacts with business/civic community groups and other key stakeholders. Conveys an attitude and feeling of professionalism through respect, courtesy, and sensitivity to the public, and promotes the same behavior in Town employees. Prioritizes producing and disseminating timely and accurate information to residents. *Maintains effective relationships with neighboring communities, regional partners, and County and State agencies to enhance the Town's position*.</p>	1	2	3	4 4.6	<u>5</u>
<p>Comments: Peter has worked to create a transparent and open Town Hall. He has worked with all Town departments to maintain an "open door" feel; enabled the creation of a new user-friendly Town website with direct links to news, projects, boards/committees, and an easy way for residents to communicate directly to the Administration with questions, concerns, and comments; offered the community "office hours" with him and members of the Select Board. This has been a difficult year, setting back the trust in government from some community members. In light of the roll out of a project that was not well received by Town residents/voters, Peter made every effort to get accurate information out to the community. Considering the negative outcome of that project, the public engagement for the Sea Camps Comprehensive Planning process has been extremely thorough, reaching out in multiple ways to gather and listen to the opinions of residents. Peter continues to maintain relationships with Federal, State, County, and Cape agencies and elected officials to keep Brewster's needs in the forefront.</p> <p>Peter's accessibility and approachability with the public is excellent. In the case of written communication with the public I would encourage Peter to continue to asses the extent to which the public is seeking information, vs seeking to be heard by town officials on a case-by-case basis.</p> <p>Is a highly effective community leader and communicator. Is visible, listens and interacts respectfully, and makes himself readily available to residents. Has excellent relationships with other Barnstable County leaders which is a benefit to Brewster. Produces clear, high quality press statements on current issues.</p> <p>Peter's performance throughout the controversies of the last year was outstanding as he dealt with irrational behavior in a calm, professional, and open demeanor.</p> <p>We need to keep a constant pulse on those who hold opposing views. Conducted office hours for the public to be visible and approachable. Now trying meetings at various town locations. *Excellent.</p>					

4. Town Operations and Infrastructure	Aggregate Score = 5				
<p>Provides effective oversight and direction of Town programs and services. Understands the principles of service delivery in functional areas of Town government. Promotes use of technology and innovation in service delivery. Anticipates future needs and organizes work operations and establishes appropriate timetables to enhance or expand municipal services. Refers to strategic plan when addressing operational issues. Manages physical facilities so that the Town's infrastructure is well maintained, and future problems are anticipated.</p>	1	2	3	4	5
<p>Comments: As with last year, Peter can see the big picture while focusing on Town operations and infrastructure. He has been open to the changing demands on the Town departments and has assisted them to develop methods to meet the updated needs of our residents. He has been able to begin to streamline services by overseeing the implementation of on-line permitting and licensing and the roll out and adjustments of the new Town website. With his leadership, the Select Board's Strategic Plan is a roadmap for operational issues and planning for the future. His development and implementation of the Capital Improvement Plan ensures that Town properties are maintained now and in the future.</p> <p>Provides expert leadership to all town departments and maintains excellent relationships with department directors. Uses the strategic plan to guide decisions and priorities. Is extremely knowledgeable about Town infrastructure and facilities; able to identify priorities in maintenance and work with other town leaders to achieve goals.</p> <p>Excellent, only constraint being money.</p> <p>First Light Beach, the community pool, new Town website, on line permitting, etc.</p>					

5. Leadership	Aggregate Score = 4.8				
<p>Maintains high standard of ethics, honesty, and integrity in all professional matters. Exercises fair and unbiased professional judgement in providing services and arriving at decisions. Promotes honesty, integrity, and fairness across the organization. Effectively deals with unforeseen issues and problems and develops action plans to address issues. Effectively delegates tasks and assignments. Communicates necessary information appropriately and timely.</p>	1	2	3	4 4.8	5
<p>Comments: Peter's continued professionalism and dedication to ethics, honesty, and integrity is evident in his work and relationships. He expects the same from all Town employees. Peter has created an effective management team and provides opportunity and support for them to work effectively - separately and in tandem. The "team approach" of all departments is evident when needs arise and departments, without question, reach out to help one another.</p> <p>I have learned to trust Peter completely to communicate information in a timely and comprehensive way. This is fundamentally important and I am greatly appreciative that it is a strong point in his leadership style.</p> <p>Brewster benefits every day from the remarkable leadership provided by Peter Lombardi. Is an ethical and trustworthy leader with great integrity. Demonstrates exceptional leadership at all times, and is a sophisticated decisionmaker who applies policy fairly and treats all with great respect. Adapts to "incoming" issues quickly and effectively with maturity and a balanced demeanor.</p> <p>Again, Wing Island needs to be dissected at some point to be looked at as how not to conduct business without knowing the pulse of the total community.</p> <p>Navigating the Fire Union contract is a good example of Peter's professional judgement and leadership. No recriminations, no legal issues, just a continuous focus on achieving the goal. Personally displays ethical conduct in all matters.</p>					

6. Personnel Management	Aggregate Score = 4.8				
<p>Establishes high standards of performance for all department heads. Encourages department heads to make decisions within their jurisdiction, instills confidence and promotes initiative in subordinates while still monitoring operations of departments. Assures annual performance evaluations of personnel under the authority of the Town Manager. Mentors department heads to assist in further developing or maintaining their performance standards. Supports training and development opportunities for employees at all levels of the organization. Encourages teamwork, innovation, and effective problem solving among staff. Effectively manages personnel to maintain high staff morale. Provide leadership in negotiating labor contracts; keeps Select Board informed of progress.</p>	1	2	3	4 4.8	<u>5</u>
<p>Comments: Brewster continues to be a busy town. Town government holds responsibility to our residents, visitors, and businesses. Expectations for the performance of all department heads and employees continue to be clear. The implementation of the Classification and Compensation Plan provides a fair and structured system for salary increases and improved the clarity of job descriptions. Peter has been able to work across the table to secure positive outcomes for all involved regarding labor contracts. Peter's continued support of staff has made a positive difference in the workplace environment and climate of Town Hall. The upcoming event to recognize the dedication and service of volunteers has been planned for a long time and will finally be realized and a welcome occasion for all.</p> <p>As in last year's notes, I find this difficult to assess – I would be interested to explore an annual 'state of the staff' report from Peter and Sue to address high level staff morale, work load, and management issues. I believe these issues do get communicated to the board on an as-needed basis, but I also believe it would be useful context for planning and timing projects.</p> <p>Serves as an influential role model for his team; he models hard work with a focus on meeting the community's needs with creative problem solving. Has great expertise in negotiating labor contracts and discussing implications of decisions with Select Board. Trusts his team to perform their duties without micromanagement or interference; he clearly has their respect.</p> <p>Excellent! Not always that easy when folks are overworked.</p> <p>The collaboration and cooperation between Town Departments is evidence of Peter's skill at Personnel Management. To all appearance, town employee genuinely enjoy working across departmental lines to accomplish projects and enhancements for the Town.</p>					

7. Personal/Professional: Individual Qualities and Professional Skills and Status	Aggregate Score = 4.8				
<p>*Is able to resolve difficult problems, manage conflict and work effectively under pressure.* Is creative, anticipative, and innovative when dealing with issues, problems, and unusual situations. Acts in a fair and equitable manner, decision making process indicates fairness and impartiality and is based on logic and reason. Remains flexible, objective and receptive to suggestions and new ideas or change; demonstrates willingness to try new ideas proposed by Board members and/or staff. **Demonstrates commitment to continuously enhance professional knowledge of the field of local government management. Demonstrates integrity and loyalty to the Town. Participates in professional municipal management associations.**</p>	1	2	3	4 4.8	5
<p>Comments: Peter is not shy regarding resolving a disagreement or issue. He works hard to manage conflict with a gentle manner. He uses data and analysis and communicates in a respectful manner. He continues to attend training courses and keeps up to date on initiatives and changes that affect our Town. He continues to be responsive to concerns brought by Board members or staff. It seems that he is most effective when he reaches out personally to those with issues to address. Peter is extremely involved in the Brewster community, attending many events with his family, in a personal manner. He always has the best interests of Brewster's residents, businesses, and visitors in mind.</p> <p>Was confronted this year with numerous complex leadership challenges; his expert skills led to resolution of even the most difficult. Has the ability to analyze multiple aspects of a problem and can design the most effective and feasible path forward. Manages difficult personnel matters fairly and reasonably, and seeks legal consultation when appropriate. Is an active leader in the County municipal managers association; works with other town managers/administrators to achieve common goals (e.g., energy management).</p> <p>*Still a work in progress **Excellent</p> <p>Peter has quickly become a leader among Town Managers/Administrators in the region. He is professional and diplomatic in all relationships. His ability to accept and embrace new ideas, no matter the source, is excellent.</p>					

8. Strategic Planning	Aggregate Score = 5				
<p>Supports development of strategic planning initiatives that identify community needs and values. Actively encourages feedback from residents and participation of appropriate staff members and volunteer committees in planning. Works with the Select Board to annually evaluate, develop, and implement goals. Communicates the Board's plans, goals, and accomplishments to staff, other committees, and the community. Makes significant progress in coordinating and implementing priority goals.</p>	1	2	3	4	5
<p>Comments: Peter's leadership during yearly Strategic Planning initiatives are based on the Brewster Vision Plan, the draft Local Comprehensive Plan, and other guiding documents. This provides guidelines for the Board to develop goals that are in direct response to the needs of the Town, as expressed by our residents and stakeholders. This year, Peter reached out to the community to collect their opinions of what was important to residents regarding the development of the Strategic Plan. This information was helpful and considered in the Select Board's discussions. Peter communicates to staff and committees the need for community input into projects and is willing to listen to input from all, considering all opinions.</p> <p>Another strength of Peter's. I especially commend Peter's commitment to keeping our strategic planning processes and documents alive and updated.</p> <p>Has implemented a strategic planning process that works; he is visibly enthusiastic about the value of strategic planning to guide the Town's activities. Makes well-informed contributions to strategic planning discussions to ensure goals are achievable and carefully targeted. Effectively shares the strategic plan with all stakeholders.</p> <p>This provides the direction for all the work. Excellent.</p> <p>This is Peter's greatest strength. He excels in every area of planning, especially strategic and goal setting, financial, and capital.</p>					

The annual performance evaluation process is outlined in the Town Manager's contract and is important to advancing Town-wide organizational and operational priorities. This review represents the aggregate of the Select Board members individual reviews.

REVIEW OF GOALS SET DURING PREVIOUS REVIEW PERIOD

Goal	Status of Goal			Explanation of Status
<p>1. Cape Cod Sea Camps</p> <p>Guide and supervise Bay Property Planning Committee and Pond Property Planning Committee activities including interim public use/access to the bay and pond properties throughout FY23.</p>	<p align="center">Completed</p> <p align="center">X 1</p>	<p align="center">In Progress</p> <p align="center">X 4</p>	<p align="center">Tabled</p>	<p>The comprehensive planning process is ongoing and will continue even after the community votes at Spring Town Meeting.</p> <p>While the SC planning process continues, I consider this goal fulfilled for FY23.</p> <p>Plans for the two Sea Camps properties are on schedule to be presented to Town Meeting 5/24.</p> <p>Need to put some emphasis on the Pond property.</p> <p>This long term goal will be achieved over a number of years. Progress to date is substantial and on target.</p>
<p>2. Water Quality</p> <p>Convene water quality planning task force and develop plan and timeline for advancing integrated water quality initiatives, including adapting to DEP's proposed changes to Title V regulations and continuing collaboration with external stakeholders.</p>	<p align="center">Completed</p> <p align="center">X 2</p>	<p align="center">In Progress</p> <p align="center">X 3</p>	<p align="center">Tabled</p>	<p>Dealing with water quality is ongoing. The development and implementation of the new watershed permits will continue for years. Other initiatives are in process and will depend on data collection and study results.</p> <p>Excellent work on this.</p> <p>Peter successfully convened this important task force and has launched the group's work.</p> <p>I believe this will be a work in progress for the next 20-30 years, if not forever.</p>

				WQTF convened. Strategy has been developed for Brewster's response to new Title V regulations.
<p>3. Parks and Recreation Department</p> <p>Evaluate the need for and structure of a new Parks and Recreation Department to manage Drummer Boy Park, the former Sea Camps, the Dog Park, and current recreation programs including long range planning for new multigenerational programs.</p>	Complete	<p>In Progress</p> <p>X 5</p>	Tabled	<p>This goal is tied to the Sea Camps goal. The outcome of the comprehensive plan and FY24 recreation survey will help to frame the decisions regarding the structure of the Department.</p> <p>Progress was made on this goal this year, but I do not think it can be completed until the Sea camps committees report out.</p> <p>This goal had a lower priority than some others. Intermediate steps were taken including adding staff to DPW.</p> <p>New position approved by SB 8/23. Structure of Rec Dept continues to evolve. Closely tied to Bay property development.</p>

<p>4. Housing</p> <p>Being implementing priority strategies of updated Housing Production Plan.</p>	<p>Completed</p> <p>X 1</p>	<p>In Progress</p> <p>X 4</p>	<p>Tabled</p> <p>The Housing Production Plan is a multiyear plan that will continue to be considered and implemented through 2027.</p> <p>Peter's support of AHT financial plan, Spring Rock development, new housing assistant and other initiatives helped us to make progress on HPP strategies</p> <p>Town's Housing Production Plan was certified and progress to achieve its goals was made.</p> <p>This is another long term plan, great head way is being made.</p>
<p>5. Town Website</p> <p>Oversee implementation of new town website by November 1, 2022 and identify preferred enhancements to current communication model throughout FY23.</p>	<p>Completed</p> <p>X 5</p>	<p>In Progress</p>	<p>Tabled</p> <p>The new website is up and running. The adjustments and additions to the specific department/projects/news pages will be ongoing as part of the regular operations of the Town. Communication is ongoing.</p> <p>Website is excellent, and the communication tools native to it are working well – see my recommendations for '24 goals re communications</p> <p>Town launched a new website with considerable effort on Peter's part. It has received highly positive reviews and improved access to public information.</p> <p>Completed but constantly will need updating.</p>

OVERALL COMMENTS *(Please consider adding this section to future evaluation forms)*

Peter Lombardi is an exceptional municipal leader who, I would argue, is the best in Massachusetts. His leadership is vital to the efficient and progressive operations of the Town of Brewster. I, the Brewster Select Board and the entire community are fortunate to have Peter Lombardi at the helm.

I appreciate being able to evaluate Peter's performance because it is rare to have the opportunity to evaluate such a top-flight professional. The complexities of serving as a town manager grow each year and demand sophisticated knowledge, skills and emotional intelligence. Peter Lombardi has all of those in abundance.

I consider it an honor to work with him, I learn from him frequently, and I see the positive impacts of his work in our community every day.

ACKNOWLEDGEMENT OF RECEIPT

This is to acknowledge that the performance review was conducted by the Select Board and that the Town Manager has received the overview document with the compilation of scores.

Select Board Member Signature *Date*

Select Board Member Signature *Date*

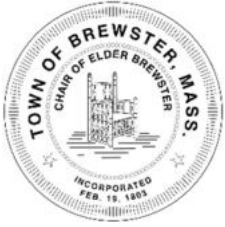
Select Board Member Signature *Date*

Select Board Member Signature *Date*

Select Board Member Signature *Date*

Town Manager *Date*

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Date Received by HR	
Date Filed	



TOWN OF BREWSTER TOWN MANAGER GOALS FORM

Goals for Fiscal Year: FY24, July 1, 2023 – June 30, 2024

Evaluator: Aggregate of Select Board Goals

Please identify and list 5 goals for the upcoming fiscal year. Goals should be:

Specific – Goals should be straightforward and emphasize what you want to happen. Specifics help to define the objectives or outcome you want.

Measurable – Establish criteria for measuring progress toward the attainment of each goal you set.

Achievable/Realistic – Goals should be achievable within an appropriate time frame.

Time-limited – Set one or more target dates, the “by when” to guide your goal to successful and timely completion.

Cape Cod Sea Camps

1. Continue community planning process, engaging residents and stakeholders, to develop long-term comprehensive plans for both Sea Camps properties.
2. Continue to guide and supervise Bay Property Planning Committee and Pond Property Planning Committee activities including interim public use and public access to the bay and pond properties, develop strategies leading to a positive outcome at Town Meeting regarding the long-range comprehensive plans, and explore revenue generating opportunities and financing of priority projects.
3. The Town Manager will guide progress toward 2024 Town Meeting adoption of long-term plans for former Sea Camps properties. (The Brewster community is excited to craft long-term plans for the Cape Cod Sea Camps properties. The Town Manager will play a central and influential role in shaping the process to design these plans.)

Water Resources

1. Continue to manage Pleasant Bay watershed permit, develop new watershed permits for Bass River and Swan Pond and educate the community about changes to Title V regulations and new DEP nitrogen sensitive watershed permit regulations by mid-2024
2. File permit exemption with Mass DEP for Swan River and Bass River Watersheds. Advance the planning process for the Herring River Watershed. Complete exemption process prior to Annual Town Meeting

Governance

1. Develop and implement holistic communications plan, with special focus on social media outreach by Jan 1 24
2. Create a list of recommendations for allocation of departmental staff and financial resources to meet the priorities that were generated through the Sea Camps comprehensive plans, FY 2024 Recreation Survey, and the COA survey.
3. The Town Manager will establish a plan, and make significant progress toward implementing it, to optimize communications with the public in a changing communications environment by June 2024. (It is vital that the Town adapt its already strong communications strategies to a continually changing communications environment. Using the upcoming town communications analysis, strategies to build on current communications tools to enhance communications, including social media, will benefit Brewster residents.)

Infrastructure

1. Complete the Long Pond boat ramp project in time for the 2024 summer season, June 30, 2024. Advance the Lower Mill Pond project to begin construction in Fall 2024

Open Space

1. Develop standard criteria and process to evaluate potential land acquisitions.

Other

1. Child Care Subsidy - Create a task force to evaluate the feasibility of a potential childcare subsidy program and plan implementation in an equitable and fiscally sustainable manner.
2. CONFLICT MANAGEMENT: The Town Manager should see that Town staff, and committee members, are prepared to handle conflict and confrontational interactions safely by determining education and policy needs by June 2024. (Municipal employees are increasingly being confronted with angry or hostile citizens. Staff and others should be provided with knowledge and skills to resolve conflict and manage their own stress when faced with angry constituents. Staff training within FY24 would be desirable as well as consideration of a policy that aims to educate and resolve conflicts).

For Your Information (FYIs)

1. Cape Cod Regional Transit Authority Administrator's Report
2. Health and Human Service Report from Consumer Assistance Council, Inc.
3. Moderator Finance Committee Appointment- Patrick Buckley
4. Chatham Bars Inn Farm One Day Liquor License Rain Date Approval
5. Massachusetts Division of Marine Fisheries Small Grants Program Information
6. Massachusetts Pension Reserves Investment Management Board (MassPrim) July 2023 Report
7. Department of Natural Resources Ellis Landing Littleneck Schedule
8. Resident Feedback on Shellfish Permits
9. Suicide Awareness Month Ribbon Ceremony and Trainings
10. Local and Regional Preference Request for Spring Rock Village (0 Millstone Road) Affordable Housing

CCRTA Administrator's Report
September 13, 2023

FY24 State Budget – RTA Funding

Both branches of the State Legislature approved the FY24 State Budget at the end of July and the Governor signed the budget into law on August 10th. Included in the enacted budget is a \$56 million increase in Regional Transit Authority (RTA) State Contract Assistance (SCA) funding through what is referred to as “Fair Share” funding. The CCRTA’s portion of the increased budget totals \$2.30 million, with total CCRTA SCA funded at \$7.4 million. This additional funding is provided to “Regional Transit Authorities to support operational enhancements and improvements, including expanded service hours, weekend services and route expansions.” In addition to the \$56 million, the FY24 budget includes new RTA funding for the following amounts and purposes: 1) \$15 million for a Fare Free program; 2) \$15 million for an Innovation Grants program; and 3) \$4 million for a Transit Provider Grant program to support expanded mobility options for older adults. The distribution of funds under these 3-programs will require RTAs to submit grant proposals to MassDOT in order to access funding. The CCRTA is in the process of planning for the programming of these additional funds, which will be communicated to Advisory Board Members in the near future and presented at the December Advisory Board meeting for further discussion. The additional funding referenced above was not included in the CCRTA’s FY24 Budget approved by the Advisory Board this past May and will require a budget amendment in order to properly reflect increases in revenues and expenses.

FTA Required Ferry Service Commuter Survey

In my previous reports to the Advisory Board, I described the substantial funding benefits achieved from the CCRTA’s revenue enhancement initiative that began in 2017, which successfully pursued the approval of ferry service reporting to the Federal Transit Administration (FTA) National Transit Database. In 2018, FTA provisionally approved both the Steamship Authority (and at a later date, Hy-Line Cruises) ferry routes from Hyannis to Nantucket as a “Commuter Service.” FTA’s provisional approval status required the CCRTA to engage the services of an accredited statistician to develop and evaluate results from a valid passenger survey that would be conducted over a 1-year period to confirm commuter status (i.e. 50% plus 1 passenger same day trip from the mainland to/from the islands). Great importance was placed on this effort because the inability to document commuter status for SSA and Hy-Line routes would result in a CCRTA federal fiscal year funding reduction of approximately \$5 million. Through the tremendous collective efforts of the CCRTA, Cape Cod Commission, Steamship Authority and Hy-Line staff, along with the great work of the statistician and direct support from Congressman Keating, FTA recently approved permanent commuter status for

these ferry service routes. FTA's permanent commuter status approval provides a predictable and uninterrupted flow of this critically important federal funding source in support of the Cape Cod region's transportation services.

Revenue Anticipation Notes – Eliminated Borrowing

As I have reported to the Advisory Board Members over the many years, I place great importance on the continued reduction of Revenue Anticipation Notes (RANs) borrowings as a fiscally responsible cost savings measure. Dating back to calendar year 2013, the CCRTA's RANs borrowing stood at \$12.3 million and has been continually reduced each year over a 9-year period through calendar year 2022. I am pleased to inform Advisory Board Members that the CCRTA has completely eliminated its Revenue Anticipation Notes borrowing this year through the full outstanding balance payment of \$6,623,377.78 on July 21, 2023. In the current interest rate borrowing market, annual cost savings equates to approximately \$250,000 each year. Elimination of the CCRTA's RANs borrowing required a comprehensive strategy to ensure that proper cash flow and compliance with state and federal regulations was maintained throughout, which the CCRTA successfully completed without issue. In communications with the State regarding the CCRTA's RANs elimination accomplishment, MassDOT staff highly commended the CCRTA's good government efforts on this front and acknowledged that none of the other fourteen (14) Regional Transit Authorities have achieved this outcome.

The Bourne Rail Trail

I continue to work closely with MassDOT, the friends of the Bourne Rail Trail (BRT), and numerous stakeholders in an effort to expedite the completion and connection of the BRT to the popular Shining Sea Bikeway in Falmouth. As I mentioned in the past, because our transit service runs in close proximity to the trail, FTA encourages transit agencies to contribute to bicycle and pedestrian projects of regional significance. With that in mind, the CCRTA presented documentation to FTA seeking approval for the use of federal stimulus funding in support of the BRT construction project, which was subsequently granted. Several months ago, there was a pivot away from the costly and time-consuming BRT rail-with-trail option to the significantly more cost effective and expedient rail-to-trail option, with construction completion in a 4-to-5-year time period. In further efforts to move the BRT project along, Senator Moran arranged a meeting with Lieutenant Governor Driscoll on August 10th to present an overview of the BRT project, including the numerous economic, health, and quality of life project benefits. I attended along with Senator Moran and the President of the Friends of the Bourne Rail Trail. The meeting with the Lieutenant Governor was quite encouraging given her personal interest in bike and pedestrian projects and pertinent and engaging questions related to the BRT. As a

follow-up to the meeting, a fact sheet white paper was provided for the L.G.'s review. As expected, the L.G. will undertake due diligence follow up efforts with MassDOT's Rail and Transit Division to complete her understanding of the BRT project from their perspective and the CCRTA, along with the Friends of the BRT, will be available to address any outstanding questions.

Cape Cod Climate Change Collaborative

We continue to participate on the Advisory Board of the Cape Cod Climate Change Collaborative (5Cs). I and CCRTA staff member, Stephanie Spadoni, participated in 5C's "It's Time for Climate Collaboration" event in June. The evening hosted incredible climate leaders and visionaries Bill McKibben, founder of 350.org and Third Act; Soren Hermansen, community energy leader and CEO of the Samsø Energy Academy in Samsø, Denmark; and Melissa Hoffer, the first-in-the-nation state climate chief under Gov. Maura Healey.

The day of the event I was also invited to a luncheon with Soren, where we discussed what he had seen on Cape Cod. Later I also attended a dinner with the speakers prior to the public event.

Overall, it was a day filled with incredible learning and collaboration.

Zero Emission Vehicle Transition Plan and Regional Support Study:

CCRTA's journey to a zero-emission future is making significant progress. Our Transition Plan and Support Study is moving along well, with several key deliverables having been delivered since my last report. Hatch has delivered their analysis and recommendations for transitioning our fleet to electric vehicles, a cost/benefit analysis of our maintenance depot in South Dennis, and a custom tool to track CCRTA's greenhouse gas emissions now and over time as we electrify. CCRTA is also continuing to ensure we share what we learn from the study by publishing our monthly newsletter.

First Wave of Electric Vehicles

CCRTA is getting our first electric transit service vehicles! Fully funded through the FY23 MA State MAP (Mobility Assistance Program) program, CCRTA ordered 20 Ford E-Transit vehicles. These 20-foot fully electric transit vans have a usable battery range of 80+ miles, so we plan to deploy them for our SmartDART services, as well as for DART trips local to the Hyannis Transportation Center or our South Dennis Operations site. All these services are for local trips and will allow for on-route charging throughout the day. The vehicles were initially to start being delivered this summer, but due to supply chain backups with the camera system, delivery has been delayed. CCRTA is eagerly awaiting their arrival. In preparation for the vehicles, we

are working on the installation of new charging equipment at Operations and determining where best to install on-route chargers. CCRTA has also prepared new EV striping for the vehicles, which will be added once delivered, and is working to procure operator training as well as enacting new EV-specific safety protocol.

Partnerships with Local Schools:

In June, CCRTA coordinated and hosted a meeting with three major schools on Cape Cod to discuss potential partnerships as CCRTA (and the automotive industry) moves into the electric vehicle space. I invited Cape Cod Community College, Cape Cod Technical High School, and Upper Cape Cod Regional Technical High School to our Hyannis Transportation Center. During our meeting, CCRTA shared an update on our ZEV Study and Transition Plan (conducted by Hatch) and the schools shared any electric vehicle technician training programs they are currently working on or have planned. All in all, the discussion was a great success and served as a solid foundation for future conversations on the topic such as training or facilities partnerships, joint grant applications, and more. CCRTA was also invited to tour the EV training bays at the Cape Cod Technical High School. We plan to schedule the tour and visit the facility this fall.

Outer Cape Bus Stop Amenities Focus:

CCRTA has been focusing on updating bus stop amenities along Route 6 on the Outer Cape. Due to Route 6 being a state-owned highway, processes to make changes at our bus stops can be complex, but CCRTA is pursuing multiple initiatives and projects to add more seating and signage at these stops.

MassDOT has several projects in their pipeline to repave sections of the Outer Cape Route 6 corridor. The project furthest along in design-stage is the Wellfleet Route 6 Pavement Preservation project. CCRTA staff have been working with MassDOT staff to provide input and feedback. This project will include 8 new permanent bus pullouts as well as new seating and digital signage for riders. If things continue to progress as planned, construction for this project is expected to begin in Spring 2024.

CCRTA is also exploring installing bus shelters at various stops along Route 6 in the Outer Cape. This is a complex, and on-going project. CCRTA is making great progress, and we are excited about the partnerships that are helping us move these initiatives forward.

Management Contract

The management contract with MV Transportation expires on September 30, 2023. We issued a Request for Proposal (RFP) dated July 17, 2023. The only proposal that we received was from

MV Transportation. The contract will be for one year with the option for four (4) one-year extensions. We are currently working on the new contract which will begin October 1, 2023.

SmartDART

The CCRTA SmartDART service currently running in Barnstable, Yarmouth and Falmouth has expanded to Dennis and Sandwich beginning on September 5th with the start of our fall schedule. The service territories are split between zones with Falmouth being its own zone.

Barnstable, Yarmouth and Dennis are Zone 2 and Barnstable and Sandwich is Zone 3.

Passengers will be able to hail a ride with the SmartDART app and travel anywhere within their zone. If they wish to travel further, the vehicle will deliver them to a fixed route. An aggressive ongoing recruiting effort has resulted in several new drivers allowing for this expansion.

CapeFLYER

The CapeFLYER wrapped up our 10th Anniversary season on Labor Day with a 40% increase in ridership. In June, we celebrated our milestone by offering a \$10 round-trip fare for the entire month. Planning has already begun for our 2024 season. Kathy Jensen works tirelessly throughout the year and has done so for the past decade. The CapeFLYER continues to be recognized as an enormous success. It offers very unique amenities and would not enjoy such popularity without Kathy's attention to detail.

CCRTA Elderly and Disabled Transportation Partnership

Cape Cod Regional Transit Authority (CCRTA) has reinstated a program beginning in Fiscal Year 2024 to encourage additional older adult transportation on Cape Cod with \$50,000 in funding to support the Cape Cod Councils on Aging (COAs). The distribution of these funds has been allocated among the fifteen Cape Cod COAs based on the percentage of: older adult population by COA; vehicle miles traveled; and trips provided.

CCRTA hosted the following MassDOT / MarTAP trainings for Council on Aging (COA)

Drivers:

- May 23 Passenger Assistance Training (PAT) and Accessible Lift use and Passenger Protection (wheelchair securement). This training class was full with 15 COA drivers.
- June 21 CPR / First Aid / Bloodborne Pathogens. This training reflected the latest resuscitation science and treatment recommendations including use of AED and was attended by 8 COA drivers.
- July 10 Passenger Assistance Training (PAT) and Accessible Lift use and Passenger Protection (wheelchair securement). This class was attended by 4 newly hired COA drivers.

All COAs have adequate driving staff and are compliant with trainings.

CCRTA will participate in several COA Vendor Fairs this fall.

Consumer Assistance Council, Inc.

Working in Cooperation with the Massachusetts Attorney General's Office since 1974
www.consumercouncil.com

The Beecher Building
149 Main Street
Hyannis, MA 02601

Telephone: 508-771-0700
Fax: 508-771-3011
info@consumercouncil.com

ANNUAL STATISTICS

Date: August 24, 2023

To: Conor Kenny

Town of Brewster

2198 Main Street, Brewster, MA 02631

From: Consumer Assistance Council

For:

Services for children, teens, families-at-risk; seniors; veterans; immigrants; the disabled; legal referral services; services addressing housing needs & landlord/tenant problems.

STATISTICS:

Because of staffing shortages and the unexpected loss of our lease in June, we were delayed in compiling results for FY23.

During FY23 (July 1 – June 30), we opened 14 cases involving Brewster residents and/or businesses. During this same period, we closed 13 cases involving Brewster. Some of the cases we closed originated in the prior fiscal year and some of the cases we opened are still in progress in the new fiscal year.

Much of our work involves providing advice and counsel, and helping people resolve issues. This often means convincing a contractor to go back to complete a job they had let languish, getting a repair shop to complete a job it had started but didn't finish, getting poorly done work re-done properly, convincing a landlord not to evict a family that was behind on its rent, and so on.

Some cases involve getting refunds on merchandise delivered in broken condition or the return of payments made for work not done. These cases are far fewer than the other kind, but are still important components of our work. In FY 23, we helped Brewster residents recover \$2,640.00 in expenses.

Cases from Brewster involved 1.8% of our total caseload, which is somewhat more than Brewster's contribution to our overall budget, but is approximately the same. We do not expect the Towns to cover all of our expenses incurred on their behalf. We provided 119 units of service to Brewster during FY23.

Going into FY24, we plan to launch an aggressive marketing campaign to build awareness of our services in the Lower Cape region, which has traditionally lagged behind the mid-Cape and Upper Cape communities in reporting problems to us.

August 20, 2023

Patrick M. Buckley

[REDACTED]
Brewster, MA 02631

2023 AUG 22 10:07AM
TOWN CLERK

Dear Patrick,

The purpose of this letter is to inform you that I would like to offer you appointment to a one-year term on the Finance Committee for the Town of Brewster. The term will begin immediately and will expire on June 30, 2024. I would simply ask that you contact our Town Clerk, Colette Williams to be sworn-in to this position. Under the current conditions I understand that the Brewster Town Hall is open to the public on Monday through Thursday from 8:30am to 4:00pm. Additionally, you can make an appointment on Fridays, by contacting Ms. Williams directly.

Clearly your impressive professional background and interest in our community are of great value to the Town of Brewster. I have decided to use the Code of Conduct policy as adopted by the Select Board for those members that I appoint to the Finance Committee. I believe that it is appropriate to establish a reasonable standard of conduct that is consistent with those town volunteers that are appointed by the Select Board. Ms. Williams will provide some important information relative to the Open Meeting Law, the Massachusetts Ethics Law and the Select Board's Code of Conduct when you are sworn-in.

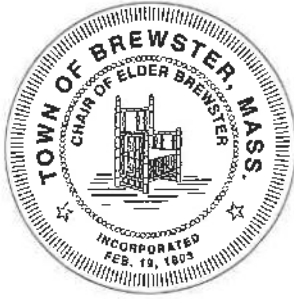
If you have any questions or wish to discuss this matter in more detail do not hesitate to contact me at either [REDACTED]. Once again thank you for your interest in continuing to serve as a volunteer for the Town of Brewster.

Sincerely,

Charles L. Sumner
Town Moderator

CC: Colette Williams, Town Clerk
Pete Dahl, Vice-Chairman of the Finance Committee
Peter Lombardi, Town Manager

8.23.2023
Williams



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
Fax: (508) 896-8089

Office of:
Select Board
Town Manager

2023-ODL-#28

FEE: \$35.00

Town of Brewster Local Licensing Authority

This is to certify that: **Chatham Bars Inn Farm**

IS HEREBY GRANTED A ONE-DAY LIQUOR LICENSE PERMIT TO ALLOW:

Beer, Wine & Liquor

To be consumed on the premises for Public Farm-to-table dinner

At the following address: **3034 Main Street, Brewster MA 02631**

This one-day permit is effective: **Thursday August 31, 2023, from 3pm – 9pm**

This license is granted and accepted upon the express condition that the license shall, in all respects, conform to all of the provisions of the Liquor Control Act, Chapter 138 of the General Law, as amended, and any rules or regulations made thereunder by the licensing authorities.

Date of Re-issue: August 30, 2023

Brewster Assistant Town Manager

Rain Date:

Due to the forecasted weather on Aug. 30, 2023, Town Administration has approved the One Day Liquor License to be valid on August 31, 2023, from 3pm -9pm.

Conditions:

- Barrier or signage should clearly delineate where people are permitted to consume the alcohol served.
- All roadways must remain unobstructed for emergency vehicle access. No parking within fire lanes, on interior roads, or around main building that will inhibit or delay the response of fire apparatus or EMS vehicles to an emergency incident.



The Commonwealth of Massachusetts Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

Friday, August 25, 2023

Attention Municipalities & NGOs,

Welcome to the 11th offering of the Massachusetts Division of Marine Fisheries Small Grants Program to improve recreational fishing access. DMF is tasked with finding and funding projects that enhance recreational saltwater fishing opportunities through improved public access. In order to improve saltwater fishing opportunities, we are funding a grant program in the form of a Request for Responses to above listed entities. The maximum obligation of this grant opportunity is \$25,000.

The current grant application is available on CommBuys or by contacting Ross Kessler at ross.kessler@mass.gov. The below URL includes a template that identifies all required questions and acts as a form for completing the competitive portion of the application. **In order to simplify this process please utilize the template.**

This opportunity exists for all appropriate entities that can promote or enhance saltwater fishing opportunities in Massachusetts.

The Grant has a closing date of Friday, October 6, 2023 and is limited to \$25,000.00 / project. Some of the requirements that municipalities must agree to include an equitable public access agreement. Any questions should be directed to Ross Kessler ross.kessler@mass.gov.

<https://www.commbuys.com/bsa/bid/bidSummary.sdo?docId=BD-24-1046-DMF-FW201-92199&mode=initial>

Thank you,

Ross. K. Kessler
Public Access Coordinator



Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109

Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trotsky, CFA, Executive Director and Chief Investment Officer

Town of Brewster State Retirees Benefits Trust Fund July 01, 2023 to July 31, 2023

	<u>Month To Date</u>	<u>Fiscal Year To Date</u>	<u>Calendar Year To Date</u>
Your beginning net asset value for the period was:	3,790,975.25	3,790,975.25	3,268,481.19
Your change in investment value for the period was:	66,270.65	66,270.65	288,764.71
Your exchanges from (to) the Cash Fund for the period were:	0.00	0.00	300,000.00
Your ending net asset value for the period was:	<u>3,857,245.90</u>	<u>3,857,245.90</u>	<u>3,857,245.90</u>
Net Change in Investment Value represents the net change through investment activities as follows:			
Gross Investment Income:	6,647.44	6,647.44	56,656.63
Less Management Fees:	(725.86)	(725.86)	(9,963.95)
Net Investment Income:	<u>5,921.58</u>	<u>5,921.58</u>	<u>46,692.68</u>
Net Fund Unrealized Gains/Losses:	60,059.31	60,059.31	221,418.50
Net Fund Realized Gains/Losses:	<u>289.76</u>	<u>289.76</u>	<u>20,653.53</u>
Net Change in Investment Value as Above:	<u>66,270.65</u>	<u>66,270.65</u>	<u>288,764.71</u>

As of July 31, 2023 the net asset value of your investment in the SRBT Fund was: \$3,857,245.90

If you have any questions regarding your statement, please contact the Client Services team at clientservice@mapension.com.
A detailed statement of your account is attached to this summary sheet.



Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109

Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trotsky, CFA, Executive Director and Chief Investment Officer

Town of Brewster

Cash Investment

July 01, 2023 to July 31, 2023

	<u>Month To Date</u>	<u>Fiscal Year To Date</u>	<u>Calendar Year To Date</u>
Your beginning net asset value for the period was:	0.00	0.00	0.00
Your investment income for the period was:	0.00	0.00	0.00
Your total contributions for the period were:	0.00	0.00	300,000.00
Your total redemptions for the period were:	0.00	0.00	0.00
Your total exchanges for the period were:	0.00	0.00	(300,000.00)
Your state appropriations for the period were:	0.00	0.00	0.00
Your ending net asset value for the period was:	0.00	0.00	0.00

As of July 31, 2023 the net asset value of your investment in the Cash Fund was:

\$0.00

If you have any questions regarding your statement, please contact the Client Services team at clientservice@mapension.com.
A detailed statement of your account is attached to this summary sheet.



Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109

Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trotsky, CFA, Executive Director and Chief Investment Officer

PHTF90200002
Commonwealth Of Massachusetts

Town of Brewster

Investment Detail

7/31/2023

	Investments	Units Of Participation	Cost	Price	Market Value	Unrealized Gain/Loss
14,488.717	HCST OPEB MASTER TRUST		3,632,072.77	266.2241	3,857,245.90	225,173.13
	Total Investment:		3,632,072.77		3,857,245.90	225,173.13



Pension Reserves Investment Management Board

84 State Street, Suite 250
Boston, Massachusetts 02109

Deborah B. Goldberg, Treasurer and Receiver General, Chair
Michael G. Trotsky, CFA, Executive Director and Chief Investment Officer

PHTF90200002
Commonwealth Of Massachusetts

Town of Brewster Statement of Change In Net Assets 07/31/2023

	Current Period		Fiscal Year		Year To Date	
	<u>7/1/2023</u>	<u>7/31/2023</u>	<u>7/1/2023</u>	<u>7/31/2023</u>	<u>1/1/2023</u>	<u>7/31/2023</u>
NET ASSETS - BEGINNING OF PERIOD		3,790,975.25		3,790,975.25		3,268,481.19
DISBURSEMENTS:						
CASH FUND EXCHANGES		0.00		0.00		300,000.00
RECEIPTS:						
CONTRIBUTIONS:						
PARTICIPANTS		0.00		0.00		300,000.00
INVESTMENT INCOME:						
UNREALIZED GAIN/LOSS-INVESTMENT		60,059.31		60,059.31		221,418.50
MASTER TRUST ALLOCATED EXPENSES		-138.73		-138.73		-1,594.62
MASTER TRUST CHANGE IN REALIZED G/L		289.76		289.76		20,653.53
MASTER TRUST INVESTMENT INCOME		6,647.44		6,647.44		56,656.63
MT ALL INVESTMENT MANAGER FEES		-587.13		-587.13		-8,369.33
UNIT EXCHANGES		0.00		0.00		300,000.00
Total Receipts		66,270.65		66,270.65		888,764.71
Total Disbursements:		0.00		0.00		300,000.00
Net Assets - End of Period:		3,857,245.90		3,857,245.90		3,857,245.90

STATEMENT EXPLANATION

Below you will find a description of each item posted to your statement.

CAPITAL ACCOUNT

Summary of Account Activity:	A summary statement produced for your investment in the State Retiree Benefits Trust Fund (SRBTF) includes both month-to-date and fiscal year-to-date information. This statement is also furnished to the Public Employee Retirement Administration Commission (PERAC).
Your beginning net asset value for the period:	The total balance of your investment as of the opening date of the statement period.
Your change in investment value for the period:	The total increase or decrease in your investment includes net investment income, realized gains or losses, and unrealized gains or losses.
Your total exchanges from (to) cash fund:	Movement of funds occurring on the first business day of each month between your Cash Fund and Capital Account (SRBTF).
Your ending net asset value for the period:	The total balance of your investment as of the closing date of the statement period.
Gross investment income:	Represents your allocable share of the SRBTF's income associated with securities and other investments (i.e. real estate), except for realized and unrealized gains or losses. It is principally interest, dividends, real estate income, and private equity income.
Management fees:	Represents your allocable share of the SRBTF's expenses related to PRIM's investment advisors, consultants, custodian and operations expenses.
Net investment income:	Represents your allocable share of the SRBTF's gross investment income, less Management Fees.
Net fund unrealized gains/losses:	Represents your allocable share of the SRBTF's increase or decrease in value, attributed to a change in value of securities or other investments held in the PRIT Fund, relative to original cost. These gains or losses are "unrealized" because the investments have not yet been sold.
Net fund realized gains/losses:	Represents your allocable share of the SRBTF's increase or decrease in value attributed to the PRIT Fund's sale of securities or other investments (i.e. real estate property). Whether you "realize" a gain or loss depends upon the price at which the investment was sold in relation to its original purchase price.

CASH FUND

Your beginning net asset value for the period:	The total balance of your investment as of the opening date of the statement period.
Your investment income for the period:	Interest earned for the period.
Your total contributions for the period:	Sum of all funds (i.e. wires and/or checks) sent into your SRBTF account during the statement period. Cash contributed any day during the month except the first business day will remain in your Cash Fund until the first business day of the following month, when it will then be exchanged into the General Allocation Account (SRBTF).
Your total redemptions for the period:	Sum of all funds sent by wire from the PRIT Fund's custodian bank to your government entity during the statement period. A redemption made be made at any time throughout the month as long as your Cash Fund balance equals or exceeds the amount you wish to redeem.
Your ending net asset value for the period:	The total balance of your investment as of the closing date of the statement period.

If you have any questions regarding your statement, please contact the Client Services team at clientservice@mapension.com.



2023 Ellis Landing



Littleneck Schedule

Littleneck beds at Ellis

Landing will be open

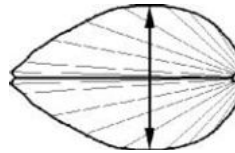
Sept. 26th – Oct. 1st

Tuesday - Sunday

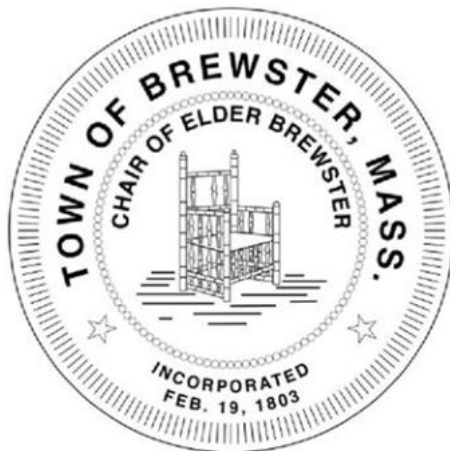
5 - quart limit per week

Must be 1" thick

All seed must be returned to rock bed



For Questions call: 508-896-4546



2023 FALL
Littleneck Week
Low Tides

Sunday – 9/24

Not a good tide

Monday – 9/25

Not a good tide

Tuesday – 9/26

3:00 pm / 0.8 height

Wednesday – 9/27

3:59 pm / 0.1 height

Thursday – 9/28

4:55 pm / -0.6 height

Friday – 9/29

5:48 pm / -1.0 height

Saturday – 9/30

6:12 am / -1.0 height

Opens at Sunrise

6:40am

Sunday – 10/1

7:00 am / -0.7 height

Opens at Sunrise

6:40am

08/31/2023

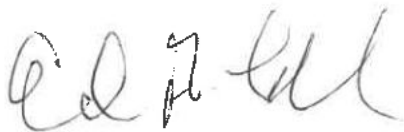
To The Board of Selectman:

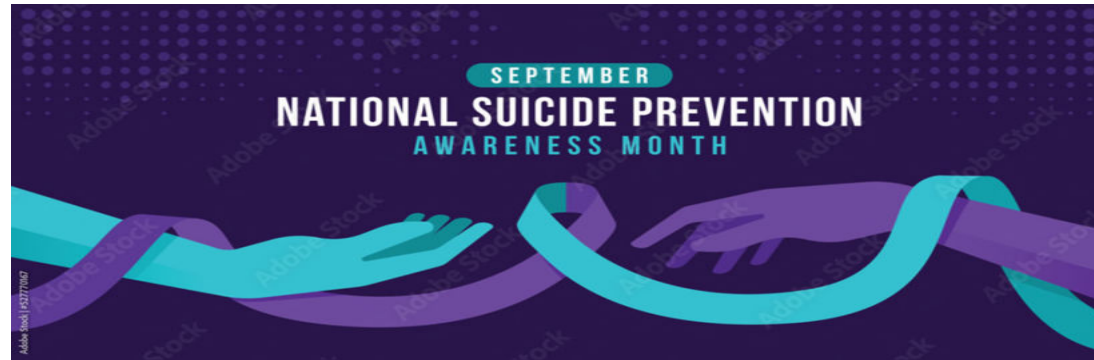
In reading the recent July/August publication of Bayside Chatter I notice that the Town of Brewster has unilaterally decided to take away what is not theirs to take away. I have reference to page 14 License News in which we are told that we (seniors over the age of 70) are required to seek a new "annual" permit for a fee of 15 dollars per year. "Bring your Senior Permit with you". I insert parenthetically: The very license that the town sold to me on 07/15/2003 reading Lifetime Shellfish Permit. My Permit includes the number of it (180) the fee charged, the limit allowed including shell, legal resident over 70 years of age, Town of Brewster, Office of Selectman as well as my name and address. It is signed by June Gallant/ authorized signature. I have lived up to my responsibilities under that contract and grant no one the right to disallow what I have paid for. My lifetime has not ended and so I shall continue to exercise my rights under the provisions that the town at the time dictated. One cannot unilaterally alter the terms of an agreed upon contract. Such terms can be altered for any new agreements that the town enters into with those newly aged.

I would appreciate this matter being rapidly clarified and a new update shown in the Council's publication.

Thank you. Ed Abel Age 91 and still counting.


136 Chapman Lane, Brewster, Ma. 02631

A handwritten signature in cursive script, appearing to read "Ed Abel".



Ribbon Ceremony and Lunch

Please join us as we hang ribbons of remembrance for those we have lost to suicide and support the many survivors of suicide loss for National Suicide Prevention Month.

Cape & Islands
Suicide Prevention
Coalition
A member of 



Cape Cod Community College
Inner Courtyard, Tilden Library Steps

1:00-2:00 pm

September 14, 2023

All are welcome to attend the Cape and Islands Suicide Coalition General Membership meeting following the ribbon ceremony and lunch from 2:00-3:00pm, in person or virtual <https://capecod.zoom.us/j/98375687504?from=addon>

The Institute for Mental Health Training Offerings

QPR, a 1-1/2 hour training, stands for Question, Persuade, and Refer — the 3 simple steps anyone can learn to help save a life from suicide. Just as people trained in CPR and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help.

SafeTALK is a half-day training program that teaches participants to recognize and engage persons who might be having thoughts of suicide and to connect them with community resources trained in suicide intervention. SafeTALK stresses safety while challenging taboos that inhibit open talk about suicide. Training must be held in person.

Mental Health First Aid is a 6-7 hour skills-based training course that teaches participants to identify, understand and respond to mental health and substance-use issues. Training can be a blended format of virtual and in person.

ASIST Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. Although ASIST is widely used by healthcare providers, participants don't need any formal training to attend the workshop—anyone 18 or older can learn and use the ASIST model. Training must be held in person.

For more information, or to schedule a training, please contact Maura Weir, Chief Wellness Officer, Cape Cod Community College and Co-Chair Cape and Islands Suicide Prevention Coalition, capeandislandsSPC@gmail.com



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
Fax: (508) 896-8089

Office of:
Select Board

August 29, 2023

Margaux LeClair
Commonwealth of Massachusetts EOHLIC
100 Cambridge Street, Suite 300
Boston, MA 02114

RE: Local and Regional Preference Request for Spring Rock Village (0 Millstone Road) Affordable Housing

Dear Ms. LeClair,

On June 13, 2023, the Brewster Zoning Board of Appeals approved a comprehensive permit for Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) to create 45 low-to-moderate income affordable rental homes at 0 Millstone Road. At the time of the comprehensive permit application, Brewster had a certified Housing Production Plan. With the approval of the 0 Millstone Road Comprehensive Permit, Brewster has, once again, received certification of the Town's Housing Production Plan. Brewster's plan is currently certified from June 14, 2023- June 13, 2024.

The Town of Brewster is seeking to offer 55% of the Spring Rock Village affordable units (25 of 45 units) with a local preference. Because housing is a regional issue on Cape Cod, with community members often working and living in other nearby towns, the Town is requesting the corresponding maximum allowable regional preference for Barnstable County, our understanding is that this would be either 15% or 20% regional preference (encompassing 6 to 9 of the 45 units). In preparation for this local/regional preference request, on August 17th a Local Preference Information Session was held as a joint meeting with the Housing Partnership, Select Board, Affordable Housing Trust, Community Preservation Committee and Finance Committee. The Local Preference PowerPoint presentation is also linked to the Housing Office webpage. This session helped participants to better understand the affordable fair housing process as well as local and regional preference. The Town also held a Local Preference and Fair Housing Educational Forum with presentations by Mass Housing Partnership in March 2021. We believe the following data supports the need to provide affordable rental housing to Brewster and Barnstable County as well as the Town's commitment to this endeavor.

Brewster's 2022 DHCD approved Housing Production Plan (HPP) has a goal to "Increase and diversify year-round housing options in Brewster for a range of income levels and household types." (HPP, pg. 56) Spring Rock Village intentionally helps to meet this goal. The Housing Plan also has a strategy to "Continue to work with nearby communities on the Cape by pooling CPA funds and other resources to construct affordable housing in suitable locations throughout the region and meet regional housing needs." (HPP, pg.68) Over the past seven years, Brewster has voted and approved over \$500,000 in CPA funds to five different local housing initiatives located in nearby towns. Additionally, over the past six years, Brewster has both financially supported and participated in the Community Development Partnership's regional Cape Housing Institute.

Brewster is below the mandated 10% threshold for affordable housing. The current Brewster Subsidized Housing Inventory (SHI) is 7.2% which represents 372 affordable SHI units.

Brewster, like many communities across Cape Cod, is challenged by the competing interests of year-round and seasonal housing. 42% of Brewster's housing stock and 36% of Barnstable County's housing stock is occupied part-time, seasonally, or only on occasion. Since the pandemic and growth in Cape Cod home values, the town has seen an increase in rental homes being sold. This is exacerbating the existing limited supply of rental housing in Brewster as well as other Cape Cod communities. Home ownership is also out of reach for many residents with a 2022 median home sales price of \$686,000 for Brewster and \$638,500 for Barnstable County. Brewster has a \$88,110 median income, slightly higher than Barnstable County at \$82,619. (Cape Cod Commission Brewster & Barnstable County Housing Profile 2023)

Despite Brewster efforts to create more diverse housing options, only 9% of Brewster's housing stock is rental housing versus 34% in Massachusetts and 19% in Barnstable County. 64% of Brewster renters are estimated to be either cost burdened or extremely cost burdened. This is similar to Barnstable County where 52% of renters are cost burdened. (US Census American Community Survey (ACS) 5-year estimates, 2017-2021). The Brewster Housing Plan Needs Assessment reports that 78% of Brewster's very-low income (31-50% AMI) are housing cost burdened. (HPP, pg. 37) In response to the great need, the Housing Trust has developed and financed (\$225,000 CPA funds) a rental assistance program which provides up to \$500/ month for cost burdened low-to-moderate income (up to 80% AMI) rental households. Currently eleven households are receiving ongoing rental assistance.

All five affordable rental properties in Town, the Brewster Housing Authority, Wells Court (senior housing), and King's Landing (multi-age), Brewster Woods (multi-age, opened in 2023) and Serenity Apartments in Brewster (Age 55+, opened in 2023), have wait lists for openings. Several waitlists are estimated to be over 5 years long. In 2022, there were 240 applicants for 27, extremely low-to-moderate income (up to 60% AMI) affordable apartments at Brewster Woods. During the same time in 2022, Serenity Apartments at Brewster received 72 applicants for 27, age 55+ affordable units at 80% AMI. For both Brewster Woods and Serenity Apartments, 81% of lottery applicants were from Barnstable County. Additionally, the Town Housing Coordinator regularly receives calls from Brewster and Barnstable County residents seeking affordable rental housing. Surrounding towns in Barnstable County have similar housing wait lists and people who live and work in Barnstable County are looking for affordable housing throughout the region.

Brewster has demonstrated a large and on-going commitment to the Spring Rock Village (0 Millstone Road) affordable housing initiative. In 2005 the Town authorized investigating a land locked 15 acre Town-owned parcel off Millstone Road for affordable housing. During May 2018 Special Town meeting, the Town voted to designate \$285,000 for the purchase of a 1.58 acre parcel to connect the Town-owned land to Millstone Road. Additionally, the Town designated the purchased parcel and the abutting Town-owned land, a total of 16.6 acres, for community housing. Over the next several years, the Affordable Housing Trust developed a Request for Proposals (RFP) for the property. The RFP was informed by Brewster's Housing Plan, a technical assistance grant from Mass Housing Partnership, significant community outreach, and ongoing input from residents. The Select Board accepted POAH and HAC's development proposal and signed a land disposition agreement in 2022. Currently a \$500,000 Community Preservation Act (CPA) funding request for Spring Rock Village (0 Millstone Road) is before the Community Preservation Committee. The Affordable Housing Trust also expects to receive an application from POAH & HAC for \$500,000. POAH and HAC have also shared that they will be requesting CPA funds from other Cape Cod municipalities. The regional preference will support the anticipated CPA neighboring town funds.

The Brewster Select Board unanimously voted at their August 21st meeting to request a 55% local preference and the corresponding maximum regional preference, expected to be 15-20%, for the Spring Rock Village development. Any person or household who qualifies under local preference shall have equal consideration in the local pool and regional pool and will be eligible in the general pool. Any person or household who qualifies under the regional pool shall have equal consideration in the regional pool and will be eligible in the general pool. An Affirmative Fair Marketing and Lottery Plan will be required for the property, if the percentage of minority local resident applicants in the local and/or regional preference pool, is less than the percentage of minorities in the Barnstable MSA, adjustments to the local and/or regional preference pool will be made in accordance with EOHLIC's Comprehensive Permit and affirmative fair housing guidelines.

The Town has worked for well over 5 years on this housing opportunity in Brewster. The Town also understands that housing is a regional issue, and a regional response is needed. This mixed age, mixed income (up to 80% AMI) affordable rental housing will meet a significant need in the town and community as identified by the Town's Housing Plan. Please let us know if you would like additional supporting documentation.

Thank you for your consideration of Brewster's local and regional preference request.

Regards,

Edward B Chatelain

Ned Chatelain
Chair, Brewster Select Board

Attachments:

1. Comprehensive Permit for 0 Millstone Road
2. Project Eligibility Letter for 0 Millstone Road

cc: Vitalia Shklovsky, Preservation of Affordable Housing
David Quinn, Housing Assistance Coordinator
Peter Lombardi, Brewster Town Manager
Donna Kalinick, Assistant Town Manager
Jill Scalise, Brewster Housing Coordinator
Jillian Douglass, Brewster Housing Partnership