



Town of Brewster Select Board

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

SELECT BOARD MEETING AMENDED AGENDA 2198 Main Street October 16, 2023 at 6:00 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=WHM2V3hrVklhSTloWWWhVU09kanUzQT09>
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 officials 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 3-8)
8. Consent Agenda (pages 9-49)
 - a. Meeting Minutes: September 27, October 2, and October 4, 2023
 - b. One Day Liquor License Applications (16): Cape Rep Theatre
 - c. Drummer Boy Park Facility Use Request: Brewster Chamber of Commerce
 - d. Request for Pro-rated Seasonal Liquor License Fee: Pico's Taco Shack
9. Review 2022-2023 Hunting Season Data & Vote on 2023-2024 Town Property Hunting Policies - Joint Meeting with Conservation Commission (pages 50-124)
10. Discuss and Vote on Fall 2023 Special Town Meeting Warrant Articles (pages 125-202)
 - a. Citizens Petitions: Short Term Rental Restriction Bylaw; Short Term Rental Bylaw Registration - Matilda Delano
 - b. Opioid Settlement Funds Appropriation
 - c. Zoning Bylaw Amendments: Accessory Dwelling Unit- Amanda Bebrin
11. Vote to Close Fall 2023 Special Town Meeting Warrant
12. Review Status of FY23 Goals & Discuss and Vote on FY24 Town Manager Goals (pages 203-209)
13. FYIs (pages 210-230)



Select Board

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14. Matters Not Reasonably Anticipated by the Chair
15. Questions from the Media
16. Next Meetings: November 6, November 13 (Town Meeting), November 27, December 4 (Joint with Finance Committee), and December 18, 2023
17. Adjournment

Date Posted:
10/12/2023

Date Revised:
10/14/2023

Received by Town Clerk:

BREWSTER TOWN CLERK

'23 OCT 19 3:24PM

DRAFT 10.5.2023 NPS Enrollment Comparison 10-1-2023 and 10-1-2022 (2022 in Red)

School	PK	K	01	02	03	04	05	Total	Difference
Eastham Elementary School	12/11	30/19	37/29	24/37	26/24	30/25	32/32	191/177	-14
Eddy Elementary School	0/0	0/0	0/0	0/0	69/62	75/71	58/74	202/207	5
Orleans Elementary School	0/0	17/29	30/14	21/32	19/20	28/21	30/26	145/142	-3
Stony Brook Elementary	37/38	63/59	65/63	66/71	0/0	0/0	0/0	231/231	0
Wellfleet Elementary School	0/0	13/7	19/15	17/20	14/17	20/14	15/18	98/91	-7
Elementary Totals	49/49	123/114	151/121	128/160	128/123	153/131	135/150	867/848	-19

Nauset Middle School	06	07	08	Total	Difference
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Brewster	67/53	70/64	69/68	206/185	-21
Eastham	32/28	25/33	27/31	84/92	8
Orleans	28/30	31/30	33/33	92/93	1
Provincetown	0/0	2/1	0/1	2/2	0
Truro	10/6	13/9	7/12	30/27	-3
Wellfleet	24/18	16/22	17/15	57/55	-2
Choice	14/3	23/14	25/19	62/36	-26
Middle School Totals	175/138	180/173	178/179	533/490	-43

Nauset High School	09	10	11	12	SP	Total	Difference
Brewster	67/62	64/63	74/64	67/71	2/1	274/261	-13
Eastham	28/28	35/25	28/33	25/30	0/2	116/118	2
Orleans	30/30	35/32	27/35	29/27	0/1	121/125	4
Provincetown	9/5	5/9	4/5	5/3	0/0	23/22	-1
Truro	9/10	16/8	12/17	14/14	3/2	54/51	-3
Wellfleet	11/19	32/9	13/30	20/12	0/2	76/72	-4
Choice	22/28	35/25	34/34	45/35	0/0	136/122	-14
High School Totals	176/182	222/171	192/218	205/192	5/8	800/771	-29

SUMMARY	2023	2022	Difference	NOTES
Preschool	49	49	0	
Elementary	799	818	-19	
Nauset Region	1000	1027	-27	
School Choice	164	210	-46	
Truro	73	74	-1	Truro Grade 6 is School Choice, Grade 7-12 is Tution In.
Provincetown	24	23	1	Provincetown: Grade 6-8 Is School Choice. Grade 9-12 are Tuition In.
Grand Total	2109	2201	-92	

DRAFT 10.5.2023 NPS October 1, 2023 Official Enrollment - 10.2.2023

Elementary Schools	PK	K	01	02	03	04	05	Total
Eastham Elementary	<u>11</u>	<u>19</u>	<u>29</u>	<u>37</u>	<u>24</u>	<u>25</u>	<u>32</u>	<u>177</u>
Eddy Elementary	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>62</u>	<u>71</u>	<u>74</u>	<u>207</u>
Orleans Elementary	<u>0</u>	<u>29</u>	<u>14</u>	<u>32</u>	<u>20</u>	<u>21</u>	<u>26</u>	<u>142</u>
Stony Brook Elementary	<u>38</u>	<u>59</u>	<u>63</u>	<u>71</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>231</u>
Wellfleet Elementary	<u>0</u>	<u>7</u>	<u>15</u>	<u>20</u>	<u>17</u>	<u>14</u>	<u>18</u>	<u>91</u>
Elementary Totals	<u>49</u>	<u>114</u>	<u>121</u>	<u>160</u>	<u>123</u>	<u>131</u>	<u>150</u>	<u>848</u>

Nauset Middle School	06	07	08	Total	NOTES
Brewster	53	64	68	185	
Eastham	28	33	31	92	
Orleans	30	30	33	93	
Wellfleet	18	22	15	55	
Truro	6	9	12	27	Truro students in Grade 6 are funded under School Choice. Truro students in Grades 7-12 are funded under a tuition-in agreement.
Provincetown	0	1	1	2	Provincetown students in Grade 6-8 are funded under School Choice. Provincetown students in 9-12 are funded under a tuition-in agreement.
School Choice	3	14	19	36	
Middle School Totals	138	173	179	490	

Nauset High School	09	10	11	12	SP	Total	NPS Summary	
Brewster	62	63	64	71	1	261	Preschool	49
Eastham	28	25	33	30	2	118	Elementary	799
Orleans	30	32	35	27	1	125	Nauset Region	1000
Wellfleet	19	9	30	12	2	72	School Choice	164
Truro	10	8	17	14	2	51	Truro (Tuition)	73
Provincetown	5	9	5	3	0	22	PTown(Tuition)	24
School Choice	28	25	34	35	0	122	10-1-23 Total	2109
High School Totals	182	171	218	192	8	771		

FOR IMMEDIATE RELEASE

September 29, 2023

For more information, contact:

Technical Services Center

Phone: (312) 977-9700

Fax: (312) 977-4806

E-mail: budgetawards@gfoa.org

(Chicago, Illinois)--Government Finance Officers Association is pleased to announce that **Town of Brewster, Massachusetts**, has received GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual(s) or department designated as being primarily responsible for having achieved the award. This has been presented to **Finance Department**.

There are over 1,700 participants in the Budget Awards Program. The most recent Budget Award recipients, along with their corresponding budget documents, are posted quarterly on GFOA's website. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources and practical research for more than 22,500 members and the communities they serve.



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**Town of Brewster
Massachusetts**

For the Fiscal Year Beginning

July 01, 2023

Christopher P. Morrill

Executive Director



**The Government Finance Officers Association
of the United States and Canada**

presents this

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION

to

**Finance Department
Town of Brewster, Massachusetts**



The Certificate of Recognition for Budget Preparation is presented by the Government Finance Officers Association to those individuals who have been instrumental in their government unit achieving a Distinguished Budget Presentation Award. The Distinguished Budget Presentation Award, which is the highest award in governmental budgeting, is presented to those government units whose budgets are judged to adhere to program standards

Executive Director

Christopher P. Morill

Date: **September 29, 2023**

Consent Agenda Cover Page

- a. **Meeting Minutes:** Draft minutes from Select Board meetings on September 27 (Joint with Planning Board), October 2 and October 4 (Joint with BPPC and PPPC), 2023, have been submitted for review and approval.

Administrative Recommendation:

We recommend the Select Board approve the meeting minutes as presented.

- b. **One Day Liquor License Applications (16): Cape Rep Theatre**

Cape Rep Theatre has requested 16 One Day Liquor Licenses to be able to serve beer and wine at their location of 3299 Main Street for the performance of “Come On-A My House” in October and November. They expect 120 attendees on each of the performance days. The performance will run October 19- November 12, 2023, Thursday-Sundays. Cape Rep Theatre has not reached their limit of 30 One Day Licenses in a calendar year.

The Police Department, Fire Department, Town Planner, Health Department, Building Department and Town Administration have reviewed the applications. They have recommended the following 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 buildings 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.

Administrative Recommendation:

We recommend the Select Board approve the 16 One-Day liquor license applications with the conditions outlined.

- c. **Drummer Boy Park Facility Use Request from Brewster Chamber of Commerce**

The Chamber of Commerce submitted a Facility Use Application for Drummer Boy Park on December 1, 2023. The Annual Holiday Tree Lighting event will take place from 3pm – 6pm and they expect 400 attendees to watch the tree lighting and Santa’s arrival. Select Board Policy on waiver of Town permit fees states that the Board may consider the waiver of fees associated with the use of Town facilities by non-profit organizations upon proof of current 501(c)(3) status. Any such waiver amount shall not exceed \$1,000 for a particular request. The fee for use of the park and electricity totals \$350.00

The Police Department, Fire Department, Town Planner, Health Department, Building Department, Conservation Department and Town Administration have reviewed the application. The Chamber will receive the following conditions pertaining to use of Drummer Boy Park in addition to what they have outline in their cover memo:

- No vehicles are to cross the walking path, including setup and breakdown of the event.
- Maintain a road width of 20' in between the rows of parked vehicles for fire department access. No parking on interior roadways.
- Parked vehicles or generators shall not be located closer than 20 feet to and stand, table, or concession area.
- The sale of single use plastic bottled water is prohibited on town property.
- Any temporary signage must be applied for through the building department in advance.
- The Chamber of Commerce is responsible for trash removal.

Administrative Recommendation:

We recommend the Select Board approve the facility use request with the outlined conditions and waive the facility use fees.

d. Seasonal Liquor License Request for Pro-rated Fee: Pico's Taco Shack

Pico's Taco Shack was approved for an All-Alcohol Seasonal Liquor License on July 24, 2023, by the Select Board, the application was then submitted to the Alcoholic Beverages Control Commission (ABCC) for final approval. The approval from the ABCC was received on September 27, 2023. All-Alcohol Seasonal Liquor Licenses are valid from April 1 through December 31 each year at the cost of \$1,500. Since Pico's Taco Shack will be operating with their license from October through the end of December their attorney is requesting a pro-rated fee of \$500 for their license in 2023.

Administrative Recommendation:

We recommend the Select Board approve the request at an amount to be determined.



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

Approved:
Vote:

MEETING MINUTES
Wednesday, September 27, 2023 at 6:30 pm
Brewster Town Office Building

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

6:32 PM PUBLIC ANNOUNCEMENTS AND COMMENT

None.

6:33 PM JOINT PUBLIC HEARING WITH SELECT BOARD

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

Documents:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7:08 PM APPROVAL OF MEETING MINUTES

Approval of Meeting Minutes: September 13, 2023.

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

7:09 PM COMMITTEE REPORTS

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

7:11 PM FOR YOUR INFORMATION

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

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

Respectfully submitted,

Lynn St. Cyr, Senior Department Assistant, Planning



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: October 2, 2023
TIME: 5:30 PM
PLACE: 2198 Main Street, Room A

Participants: Chair Chatelain, Selectperson Bingham, Selectperson Chaffee, Selectperson Hoffmann, Town Manager Peter Lombardi, Assistant Town Manager Donna Kalinick, Finance Director Mimi Bernardo, Project Manager Conor Kenny, Faythe Ellise, Jill Scalise, Stuart Heaton, Ben Freidman, Amanda Bebrin, Jay Coburn
Absent: Selectperson Whitney

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

Chair Chatelain called the meeting to order at 5:30pm, read the meeting participation, the recording statements and declared a quorum.

Executive Session

Selectperson Hoffmann moved to enter the executive session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares in the case of Parisi Filippatos v. Town of Brewster Select Board and to review and vote on executive session minutes at 5:31pm. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

The Select Board returned to open session at 5:46pm

Discuss and Vote on Fall 2023 Special Town Meeting Warrant Articles

a. Private Road Betterment Bylaw Revisions

Project Manager Conor Kenny joined the meeting and summarized the proposed revisions to the bylaw, stating that the town runs a program to facilitate the repair of private roads. Several department heads and Town counsel have identified several revisions that are needed. The main proposed changes include:

- Delete article VII of Chapter 157 as it is a duplicate of article VIII.
- Define what a private road is which is currently missing from the bylaw.
- Update the Planning Boards role in the process as to not be duplicative with that of the Select Board.
- Change the verifier of accuracy of signatures to verify that the signatures are those of current owners of record.
- Define the circumstances in which the Department of Public Works can make certain minor or temporary repairs.
- Clarify that maintenance on private roads cannot include construction, re-construction, or re-surfacing.
- Clarify that assessments/betterments are recorded as liens on the property.



Town of Brewster

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www.brewster-ma.gov

Office of:
Select Board
Town Manager

Mr. Kenny pointed out that the revisions does clarify that private owners may need to obtain permits and approval for work from other departments.

Selectperson Hoffmann moved to recommend the Private Road Betterment revisions article. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

b. Community Preservation Committee Articles: Faythe Ellis, CPC Chair

Ms. Ellis provided an overview of the Committees work and introduced the two community housing projects for Town Meeting approval:

- Application from Brewster Affordable Housing Trust (BAHT) seeking funding for the Affordable Buy Down Program. This funding request may provide up to \$50K in grant assistance to first time affordable home buyers purchasing in Brewster. Amounts above \$50K may be considered but will require Select Board approval. Eligible households may earn up to 80% of Area Medium Income (AMI) and must agree to place a permanent deed restriction on the home. The grant funds reduce or buy down the purchase price of the home to make it affordable, homebuyer funds are provided as an interest free loan, forgivable after 30 years. The program is targeted to preserve affordable homes already on the town's Subsidized Housing Inventory. The original request was for \$250K and the CPC increased the award by \$5K to offset legal and administrative expenses. The source of the funds is the undesignated fund balance. The Brewster Housing Partnership recommended approval to the CPC, and the CPC voted 9 in favor and 0 opposed.
- The Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) applied for funds to help develop affordable housing units at Spring Rock Village on Millstone Road. This new development of 45 affordable housing units includes 15 one-bedroom units, 25 two-bedroom units and 5 three-bedroom units. The project is scheduled for completion in June 2026, the initial lease up selection process for tenants will include a 55% local preference and a 15% regional preference. The developers are planning to apply for CPA funds from Orleans, Harwich, Chatham, Eastham, and Dennis. The total project cost is \$27.1M, and the funding request is \$507,500. Of this, \$500K will be used for construction costs and \$7,500 will be set aside to pay CPC legal and administrative expenses. The source of the funds is the undesignated fund balance, the Brewster Housing Partnership recommended approval to the CPC, and the CPC voted 8 in favor and 0 opposed.

Selectperson Hoffmann moved to recommend the Community Preservation Act Funding article as described by Ms. Ellis. Selectperson Chaffee second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

Public Announcements and Comment

Dr. Richard Hoffmann, Old Bog Road, as the Brewster representative to Cape Cod Technical High School Committee, announced that on September 19 the Mass Department of Elementary and Secondary Education (DESE) acknowledged CC Tech as a school of recognition for the strong growth and overall progress towards



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meeting or exceeding the 2023 improvement targets for the MCAS exam. These are the results for the class of 2025, recognizing the work of all students, in particular the high attendance rates when the test is being administered. Dr. Hoffmann noted that only 65 schools were recognized out of 1,000 across the Commonwealth. He expressed how proud he is of the students, the staff and other community members who make this possible. Thanked the Brewster community for continuing support of the High School.

Select Board Announcements and Liaison Reports

Selectperson Hoffmann attended the “Bash” event that benefited Nauset Youth Alliance and Brewster Recreation, which raised money for their scholarship fund.

Town Manager’s Report

Mr. Lombardi shared the following:

- The County Commission took the last step in terms of approving the request to release Brewster’s share of American Rescue Plan Act (ARPA) funds of just under \$500K. The funds will help cover costs for the planned remediation at the former shooting range at the Bay property and the ongoing work at Long Pond Landing to upgrade the ramp and improve the parking area.
- Lt. Governor Driscoll is meeting with municipal leaders across the State seeking feedback on legislative, regulatory, or procedural improvements. The meeting with Cape officials will be later this week.
- The Pleasant Bay Alliance is developing a Climate Adaptation Action Plan and will be holding a forum on Saturday October 21 from 9am – 2pm at the Chatham Community Center. There is also an online survey for residents to provide feedback.
- The community survey about the Town’s outreach and communication efforts is open until Tuesday October 10.

Consent Agenda

- a. Meeting Minutes: August 21, September 11, and September 18, 2023
- b. Appointments: Bicycle & Pedestrian Committee: Sharon Donohue and Kelly Messier
- c. Application Requests from Great Cape Co-Op Inc. for One Day Entertainment License, One Day Liquor License, and Special Event License
- d. Special Event Request: Friends of Brewster Dog Park
- e. One Day Liquor License Application: Maplewood at Brewster
- f. Fee Waiver Request: Blueberry Hills Property Owner’s Association
- g. Town Landing and Public Beach Access Request: Saints Landing
- h. Request for Approval to Submit MassDOT Shared Streets and Spaces Grant Application on Behalf of Town

Selectperson Hoffmann moved to approve the Consent Agenda with the exception of 9c as presented with conditions listed in the packet. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.



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Selectperson Chaffee requested to consider item 9c separately as there were numerous violations with different town departments in the past. It was noted that the Board of Health and Zoning and Planning Board violations have been resolved. Some building code violations still need to be resolved and the Building Commissioner is working with the property owner to complete. Mr. Lombardi shared that the Conservation Commission has been working with the property owner to make progress and the Conservation Commission expects to ratify a revised site plan in the near future. Mr. Lombardi stated that one issue with the permits is that there are proposed activities in the set back to the wetlands, the Conservation Commission will be seeking an amended site plan to approve.

Selectperson Chaffee moved to approve the Great Cape Co-Ops request pending scheduling and funding a police detail for the period of the event, all food vendors obtain pertinent food service permits from the Health Department, tents that are 400ft or larger require a permit from the Building Department, a representative from the Great Cape Co-Op should meet prior with the Natural Resources Department to determine if a Conservation permit is required, the area where alcoholic beverages will be consumed needs to be determined in conjunction with the Police Department and clearly delineated, and an appropriate number of trash receptacles should be provided. Selectperson Bingham second. Chair Chatelain reinforced that some of these are required by any applicant through the licensing permit process, except for the Conservation requirement. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

Discuss and Vote on Serenity at Brewster Request for 2023 Affordable Rental Rates

Housing Coordinator Jill Scalise provided some background information on the Town's relationship with Elevation Financial Group for Serenity Apartments at Brewster. There are 132 studio apartments, with 27 affordable apartments as part of the Local Action Unit project. There is an annual process that is required for any rental increases by Financial Elevation Group.

Mr. Friedman, Elevation Financial Group, reviewed that three years ago they worked with Brewster to increase the number of affordable housing units available to residents. Over the last two years there has been significant inflation and Financial Elevation Group has seen sharp increases in insurance, utilities, and mortgage rates, though they have not increased their rental rates from the original 2021 numbers. The plan that they are presenting is the result of a detailed and aggressive effort to keep rates as low as possible for affordable units while keeping the property economically viable. Mr. Friedman shared that the top priority is to keep current residents in their homes, the affordable renewal rates are on average almost \$200 below the maximum rates in the agreement with the Town. The rates are higher for new residents, though 26 out of 27 units are still comfortably below the 80% AMI threshold. Mr. Friedman stated that by combining resident affordability and economic viability, Elevation Financial Group has established a schedule of rents and are requesting the Select Board to certify them as they are within the guidelines of the agreement.

Ms. Scalise provided some information on Fair Market Rent (FMR) in Barnstable County, noting that FMR is determined using a separate formula. The rate that Housing Assistance Corporation is currently using is 120% of the FMR for the region. Mr. Friedman noted that the vast majority will be on the renewal rate and that 25 of the 27 units are below the 100% FMR.



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Stuart Heaton of Elevation Financial Group reviewed their rate structure and how electric, gas, water, sewer, and trash are calculated for residents. He commented that across all properties they want to be able to bear the economic cost, but not pass 100% on to residents. Their goal is to keep rents as low as possible, cover all operating expenses, return some capital to the investor, and make sure there is long term viability and success.

Selectperson Hoffmann moved that the Board approve the Serenity at Brewster request for the 2023 affordable rental rate increase. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

Housing Update from Community Development Partnership- Amanda Bebrin

Jay Coburn, President and Chief Executive Officer, shared the Community Development Partnership's mission to build a stronger and more diverse year-round community of residents on the lower cape who can afford to live, work and thrive. Amanda Bebrin, Director of Housing Advocacy, introduced the Lower Cape Housing Institute (LCHI) which provides education to appointed and elected officials across the region. Ms. Bebrin reviewed the quarterly peer group forums and ongoing workshops that the Community Development Partnership hosts at no costs. For more information visit their website www.capecdp.org.

Ms. Kalinick noted the support that the Community Development Partnership plays in the housing efforts in Brewster by providing valuable feedback, data and support.

Discuss and Vote on Fall 2023 Special Town Meeting Warrant Articles

c. Capital and Special Projects (including Millstone Road Improvements)

Mr. Lombardi shared that free cash certification came in at just over \$5.1M, the Town tends to make most requests in the Fall, and the remaining balance request at the Spring Town Meeting. If all requests are approved at both Town Meetings, there will be a balance of a little over \$1.1M, this is consistent with the target range in the Select Board policy. Mr. Lombardi, Ms. Bernardo and Ms. Kalinick provided an overview of the requests:

- Select Board/Town Administration
 - \$100K (\$50K from Free Cash and \$50K from Water Quality Stabilization Fund) to development of a town-wide pond management plan and a pilot pond management study for a specific pond.
 - \$50K from the Water Quality Stabilization Fund to apply for a Watershed permit for Herring River.
- Assessor's Office
 - \$80K from Overlay for Valuation Services
- Facilities
 - \$30K from Free Cash for townwide building maintenance and security.
- Information Technology
 - \$40K from Free Cash for Technology upgrades and replacements.
- Police Department



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- \$140K from Free Cash to replace three vehicles with hybrid models.
- \$45K from the Cell Tower Lease Funds for mobile data terminal replacement.
- Building/Inspections
 - \$60K from Free Cash to purchase a new hybrid vehicle
- Fire Department
 - \$30K from Free Cash for miscellaneous fire equipment
 - \$15K from the Ambulance fund for additional funding for ambulance leases
 - \$65K from the Ambulance fund for chest compression devices
 - \$35K from the Ambulance fund for mobile computer equipment
- Recreation Department
 - \$10K from Free Cash to replace the six Town Hall field benches
- Brewster Elementary Schools
 - \$75K from Free Cash for the Stony Brook Generator Design
- Department of Public Works
 - \$250K from Free Cash for drainage/road maintenance
 - \$220K from Free Cash for a One Ton dump truck replacement
 - \$80K from Free Cash for a pick-up truck (for the new Assistant Director position)
 - \$25K from Free Cash for mower replacement and new electric mower
 - \$20K from Cable Communications Fund for mobile digital sign board
 - \$50K from re-appropriated existing articles for DPW building maintenance
 - \$17K from Free Cash for an electric mower
 - \$2.55M for Millstone Road Construction (\$2.15M from Free Cash, \$150K from re-appropriations from the Sea Camps parking article and \$250K from the Private Road Betterment Fund- reduced from \$300K)

The Select Board agreed that this item should be a standalone item and not included under the Capital and Special projects. Mr. Lombardi noted that as a standalone item, it may end up being in the lottery at Town Meeting, will confer with town counsel and the moderator.

- Council on Aging
 - \$15K from Free Cash for the 50th Anniversary Celebration
- Water Enterprise
 - \$75K from Retained earnings for Red Top Road Water Main installation
- Brewster Ladies Library
 - \$100K from Free Cash for a new elevator to replace the current elevator
- Golf Enterprise Fund (total request is \$1.7M)
Mr. Lombardi shared that retained earnings for Golf Enterprise at the close of FY23 was just over \$2.1M, also the Golf Capital Stabilization Fund balance is over \$750K.
 - \$700K; \$350K from Retained Earnings and \$350K from Golf Capital Stabilization for windows and doors
 - \$400K from Retained Earnings for the Maintenance Building design
 - \$100K from Retained Earnings for Irrigation pump reconditioning



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- \$350K from Retained Earnings for equipment replacement
- \$20K from Retained Earnings for tee box renovations
- \$15K from Retained Earnings for restaurant equipment, furnishings and repairs
- \$15K from Retained Earnings for driving range improvements
- \$100K from Retained Earnings for irrigation water source and supply study

Selectperson Hoffmann moved to recommend the Capital Articles, excluding Millstone Road. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

Selectperson Hoffmann moved to recommend a Millstone Road Capital Funding request article. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

d. Unpaid Bills

There are four unpaid bills from FY23 totaling \$8,475.96. The largest of which is just over \$7,500 for the Golf Department which will be paid from Retained Earnings. There is one from the Fire Department for \$265 and two from the Department of Public Works each about \$300.

Selectperson Hoffmann moved to recommend the outstanding obligations as written in the packet. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

e. Cable Fund Transfer

With the recent hire of two employees for media operations, Town Meeting is seeking to transfer \$75K from the Cable Receipts Reserve account (money received from Comcast) to the General Fund. Ms. Bernardo provided an overview of the Cable Receipt Reserve for appropriation fund activity.

Selectperson Hoffmann moved to recommend the Cable Fund Transfer. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee, Chair Chatelain-yes. The Board vote was 4-Yes, 0-No.

FYIs

No questions/comments

Matters Not Reasonably Anticipated by the Chair

None

Questions from the Media

None



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Next Meetings

October 4 (Joint Meeting with Bay Property Planning Committee & Pond Property Planning Committee),
October 16, November 6, November 13 (Town Meeting) and November 27, 2023

Adjournment

Selectperson Hoffmann moved to adjourn at 8:05pm. Selectperson Bingham second. A roll call vote was taken. Selectperson Chaffee-yes, Selectperson Bingham-yes, Selectperson Hoffmann-yes, Chair Chatelain-yes. The Board vote was 4-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, TM Report, Consent Agenda items, Serenity at Brewster documents, Draft Town Meeting Warrant information, Community Development Partnership information, FYIs.



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MINUTES OF THE SELECT BOARD, BAY PROPERTY PLANNING COMMITTEE AND POND PROPERTY PLANNING COMMITTEE JOINT COMMITTEE MEETING

DATE: October 4, 2023

TIME: 4:00 PM

PLACE: Hybrid Participation – Zoom/2198 Main Street, Brewster, MA

PARTICIPANTS:

Select Board: Chair Ned Chatelain, Vice-Chair Mary Chaffee, Selectperson Kari Hoffman, Selectperson Cynthia Bingham, Selectperson Dave Whitney

Bay Property Planning Committee: Chair Amanda Bebrin, Karl Fryzel (remote), Katie Jacobus, Caroline McCarley (remote), Patricia Hughes, Peter Johnson, John Phillips, Clare O'Connor-Rice;

Liaisons/Representatives: Gary Christen; Maggie Spade-Aguilar

Absent: Thomas Wingard

Pond Property Planning Committee: Chair Doug Wilcock, Vice-Chair Cynthia Baran, Stephen Ferris, Katie Gregoire, Timothy Hackert, Chris Williams, Katie Gregoire, Chris Ellis (remote)

Absent: Jan Crocker

Town Staff: Town Manager Peter Lombardi, Assistant Town Manager Donna Kalinick, Recreation Director Mike Gradone

Reed Hilderbrand Consultants: Elizabeth Randall, Madeleine Aronson

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

Selectboard Chair Ned Chatelain called the Select Board meeting to order at 4:00pm and declared a quorum with all members present in person. Chair Chatelain read the meeting participation and recording statements.

Public Announcements and Comment

None

Chair Amanda Bebrin called to order the Bay Property Planning Committee meeting at 4:01pm and declared a quorum.

Chair Doug Wilcock called to order the Pond Property Planning Committee meeting at 4:01pm and declared a quorum with one person attending remotely.

Review and Discuss Shared Areas of Interest for Bay & Pond Properties and Provide Policy Direction on Community Center, Housing, Partnerships, and Municipal Uses in Preparation for Next Community Forum

Elizabeth Randall and Madeline Aronson from Reed Hilderbrand said they have gathered great information and feedback from the discovery phase and from community feedback. There are a few areas where they are not able to draw conclusive community desires from the feedback. At this point there have been two forums



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and two surveys – they are using these to develop plans for each property. Ms. Randall said that their hope is that at the next forum in November they will be sharing one plan for each property – there will be some alternatives in the plans for discussion, but the goal is to share plans that residents can respond to. There will be a further virtual forum, after which the consultants will continue to refine the plans. Then there will be a final forum to share the plans that will be voted on at Town Meeting. Ms. Randall said she feels that Reed Hildebrand has a good sense of the community priorities at this point.

Madeline Aronson said that the forum and survey feedback shows that the community has a very strong interest in reusing buildings and prefers reuse over the construction of new buildings on the bay property. Residents have more of an interest in a community campus, this conflicts with some of the desired programming, such as an indoor pool, which cannot be accommodated in the existing buildings. Several respondents questioned whether the bay parcel is the correct location for a community center and suggested that the Eddy School might be a better location. Ms. Aronson suggested that at the next forum the consultants present two options for the community center, showing a new construction and a reuse alternative. Planning studies showing feasibility for other community centers should also be shared at the next forum.

Selectperson Chaffee said she was concerned that a lack of information may have influenced how people responded to the survey – particularly in relation to the idea of Eddy School reuse – which is not an option at this point in time. Secondly, Selectperson Chaffee noted that only a handful of buildings on the bay parcel are theoretically reusable for community use. It is possible that some of the residents who provided this feedback may not have been aware of these realities, and, therefore, the construction of a new purpose-built community center should remain an option.

Selectperson Hoffmann voiced her agreement with Selectperson Chaffee's comments regarding the Eddy School. Selectperson Whitney said that community centers generally include gyms, and there is no building currently on the property that is suitable for repurposing as a gym. The Council on Aging also cannot stay where it is, and none of the existing buildings on the parcel can be repurposed as a Senior Center. Selectperson Whitney strongly suggested that the final plans include a new purpose-built building.

Selectperson Bingham said that she has real concerns about cost and debt associated with new construction. The current Senior Center building is not fit for purpose, however, the cost of constructing a new 20 million building would be a financial burden on residents – unless a donor can be found she is not sure what to do about the situation. Selectperson Chatelain said that he favors an activities-based approach to designing the site – it seems likely at this point that the Town will need to construct a new facility to house a community center.

Selectperson Chaffee noted that she also has concerns about the cost, but that the vacation of the existing council on aging building would give the Town the option of selling this structure, which could potentially fund new constructions on the bay property. Mr. Lombardi said keeping costing and programming in mind is critical, and the next forum will include this information for residents.



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Katie Jacobus said that, as the Chair of Brewster School Committee, she could confirm that any previous plans for school consolidation have been tabled, and therefore reusing the Eddy School for a community center is not an option.

Amanda Bebrin read out prepared remarks from Karl Fryzel that it is important to have a sense of the programs and the cost for a new construction, as well as the cost of retrofitting existing structures. Ms. Bebrin also read out some prepared remarks from Sharon Tennstedt that the COA cannot currently adequately house the desired level of programming, and building a new center is preferable to retrofitting an existing building.

Ms. Bebrin said that educating the public about the Eddy School context, and the cost of retrofitting existing buildings for desired programming is important. If a community center cannot be built now due to cost reasons, perhaps the space can be set aside for a later date. Clare O'Connor-Rice said that interim use of existing buildings is a good idea, and that space should be set aside for the possible future construction of a new community center.

Mike Gradone, Recreation Department Director, said that it was important to keep recreation and youth in mind when discussing a multigenerational community center. The Recreation Department is currently housed in the Eddy School, but it needs its own facility.

Selectperson Chatelain noted that there seemed to be a consensus among committee members and the Select Board that a standalone community center should remain on the table as an option, and that the conversation should continue about the cost and timeline. Options for reuse should also continue to be discussed.

In terms of housing, Ms. Randall noted that responses to the survey and forum showed that most residents are in favor of seasonal workforce housing on the bay property. There was mixed feedback regarding housing on the pond property. Some residents felt that the general aim of conservation was in conflict with the concept of building new housing. Ms. Randall noted that if one of these properties is not used for year-round deed restricted housing to meet the state's 10% mandate, other properties will need to be purchased by the Town to build housing in the near future. The design team is suggesting that the Town prepare a new presentation for the next community forum that puts the goals of the Housing Production Plan in context as it relates to possible housing on these parcels, and the need to purchase additional land to meet the state's mandates if housing is not part of the future of these parcels. The design team would like policy direction from the committees and Select Board on whether affordable housing should be included on at least one of these parcels as an option, and approval for the design team to develop one version of the plan for each property that shows appropriately scaled affordable housing for residents to provide feedback on.

Selectperson Hoffmann said that one of the concerns about putting housing on these properties is related to the installation of septic systems. However, she hopes these concerns do not rule this out as an option for discussion – technology can change over time.



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Selectperson Chaffee said it is important to consider putting housing on at least one of these properties. Otherwise, the Town would have to buy new property elsewhere to meet the state mandated goals. Environmental concerns are valid, but decisions need to be high-level and flexible. Conservation restrictions can potentially be limiting and could close the door off for future use options. Selectperson Bingham agreed that use options have to be kept open. Selectperson Whitney agreed and asked Reed Hildebrand to include options for both properties for the next forum.

Selectperson Chatelain expressed concern about using the bay property for short-term worker housing. Affordable housing for residents is a public good and should be a high priority, however, short-term affordable housing is merely a subsidy for the business community on public land, and he has concerns with that approach.

Pat Hughes said that, from an environmental perspective, the bay property might make the most sense for new housing. The pond is more environmentally sensitive. Peter Johnson agreed that housing should be on one of the properties, but he would not favor the pond property. Ms. Jacobus said that it was understandable for residents to favor workforce housing, but the existing cabins on the property have a low potential for reuse and using them in this way would not contribute to the 10% affordable housing state mandate.

Ms. Bebrin read out comments from Mr. Fryzel. Mr. Fryzel is in favor of affordable options for both properties, and having conceptual plans to view during the next forum to give a sense of scale would be helpful. It will be very difficult to meet the 10% mandate by 2029 if affordable housing is not pursued on either site.

Ms. Bebrin explained that she works in housing, and she is concerned that the committees might not be getting feedback from the people who need housing the most, either because they cannot afford to live in Brewster or might be too busy to respond to surveys.

Tim Hackert said that he thinks the wastewater concerns in relation to housing can be solved. The pond site is a mixed-use type of site, and constructing housing with limited impacts on groundwater is achievable. The Spring Rock housing project represents appropriately scaled housing, and this might be a good model for residents to consider. Stephen Ferris said that there is a tremendous opportunity on both sites, and it would be a mistake not to put housing on both properties.

Cynthia Baran said that she completely agreed that affordable housing was necessary, and she was in support of it on the bay property. She said that she does not believe it is appropriate on the pond property due to water quality issues. There needs to be additional information to educate residents about the natural resources that exist at this location. Elizabeth Taylor voiced her agreement with Ms. Baran that the most appropriate location for new housing construction is the bay property. Constructing housing on the pond property runs the risk of polluting the pond and contaminating the soil.



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Selectperson Chatelain said he felt there was a consensus among voting committee members and the Select Board for affordable housing on at least one of the parcels. Adding that there is consensus to instruct Reed Hilderbrand to develop one concept on each property that includes appropriately scaled affordable housing.

Ms. Aronson said that, in terms of potential partnerships, there appears to be consensus from residents that the Town should pursue a partnership with Mass Audubon on both properties. There is widespread interest in nature programming. Mass Audubon has indicated they need a facility that can serve as a welcome center and a base for staff. They have also expressed a need for seasonal workforce housing for their staff, with the bay property as a preferred site. The Reed Hilderbrand design team recommends that the Town obtains more information from Mass Audubon about their needs for staff housing and other facilities to manage their desired programming. The Town should also find out if they can receive financial support from Mass Audubon for nature-based uses of the pond property. One nature center on one of the properties seems more feasible than one on each. One or more of the buildings on the bay property should be designated for Mass Audubon use, such as facilities or seasonal staff housing.

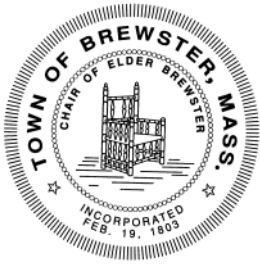
Selectperson Chaffee responded that partnering with a highly respected organization like Mass Audubon would be a great initiative. Mr. Lombardi added that having had conversations with David O'Neill, Mass Audubon President, he knows that they are very interested in partnering with the Town on both properties. Selectperson Hoffmann agreed that Mass Audubon would be a great organization to partner with.

Clare O'Connor-Rice said there should be a very clear description of any potential agreement with Mass Audubon. And, if housing is provided for the staff, the cost-sharing nature of these details should be provided. Ms. Jacobus agreed that the Town needs to look at the request for seasonal workforce housing for this partnership.

Selectperson Chatelain said that there was a consensus among Select Board and committee members to continue this discussion about the Audubon partnership, but that further information would be needed.

Ms. Randall explained that there was community consensus in pursuing a partnership with Brewster Conservation Trust (BCT). Ms. Randall is requesting that all plans for the pond property include an area designated for conversation that covers at least 60% of the property. The suggestion is that the Town pursue a conservation restriction held jointly with BCT and Mass Audubon and inquire about receiving financial support from BCT.

Selectperson Hoffmann said that any conservation restriction should leave room for the building of appropriately scaled housing if the technology is available to protect the Town's water. Selectperson Chaffee said that housing priorities and conservation are not incompatible on the pond property, and a conservation restriction of 60% is a good idea, while the remaining landing should be reserved for future uses. Selectperson Chatelain agreed that a conservation restriction of 60% is appropriate and flexible.



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Mr. Hackert said that there is no conflict between conservation and housing. BCT and the Housing Trust have already had preliminary conversations about working together at this location, and their aims are compatible. A flexible conservation restriction would be beneficial. Cynthia Baran said that she would like to hear from Mark Nelson on the impact to the watershed systems of these potential decisions. Mr. Lombardi confirmed that Mr. Nelson would be available to answer these questions at the next meeting.

Selectperson Chatelain said that there seemed to be consensus that a flexible conservation restriction of 60%, that potentially allows for other uses, was appropriate.

Ms. Aronson said that, in terms of municipal uses, there appeared to be community interest in reserving portions of the pond property for future municipal use. However, there is some confusion around what this means. Reed Hilderbrand is requesting policy direction for uses that should be included as possible future uses, and for the Town to explain some of these future uses at the next community forum.

Mr. Lombardi said it was important to make clear to residents that some uses were mutually exclusive, such as a well and a package treatment plant. The committees and board members need to decide how much specificity should be on the plans that go to Town Meeting.

Selectperson Chaffee said that the Town brings in a lot of revenue through the rentals of beach cottages at Crosby Mansion. There are some pockets of cottages on the bay property that are in decent shape that could potentially be renovated and rented out to vacationers in a similar manner. Selectperson Hoffmann said that a discussion around a cell phone tower on either property should be an option. Selectperson Chatelain said he thinks that the pond should not be constrained to a particular municipal use.

Ms. Hughes said she supports the idea of reserving space for future uses. Ms. Bebrin expressed support for exploring the idea of a cell tower on the bay property. Elizabeth Taylor said that a new cell tower on either property could potentially be a monopole, and less of an eyesore than a traditional cell tower.

Adjournment

Pat Hughes moved to adjourn the Bay Property Planning Committee at 6:02 pm. Peter Johnson second. A vote was taken. Clare O'Connor-Rice – yes, Pat Hughes – yes, Karl Fryzel – yes, Caroline McCarley – yes, Katie Jacobus – yes, Amanda Bebrin – yes, John Phillips – yes, Peter Johnson – yes. The Committee vote was 8-Yes, 0-No.

Cynthia Baran moved to adjourn the Pond Property Planning Committee at 6:02 pm. Tim Hackert second. Doug Wilcock – yes, Cynthia Baran – yes, Stephen Ferris – yes, Timothy Hackert – yes, Chris Williams – yes, Katie Gregoire – yes, Chris Ellis – yes. The Committee vote was 7-Yes, 0-No.

Selectperson Hoffmann moved to adjourn the Select Board at 6:02 pm. Selectperson Bingham second. Chair Ned Chatelain – yes, Vice-Chair Mary Chaffee – yes, Selectperson Hoffman – yes, Selectperson Bingham – yes, Selectperson Whitney – yes. The Board vote was 5-Yes, 0-No.



Town of Brewster

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

Respectfully submitted by Conor Kenny, Project Manager

Select Board

Approved: _____ Signed: _____

Bay Property Planning Committee

Approved: _____ Signed: _____

Pond Property Planning Committee

Date Approved: _____

Accompanying Documents in Packet: Agenda, Community Forum 2 and Survey Feedback Summary Packet, Committee Considerations and Suggestions, Guiding Project Principles, Approved Bay Property Planning Committee Charge, Approved Pond Property Planning Committee Charge, BCT Position Paper Summary Long Pond Property, Email from Tino Kamarck, Pages from Final Community Forum 2 Boards, Town Meeting Articles, Town Plans Resource Sheet

DRAFT

Marion R. Hobbs
Attorney at Law
One Ellis Landing Road
PO Box 609
Brewster, Massachusetts 02631
Telephone: 508-896-2709
Fax: 508-896-3904
attorneyhobbs@verizon.net

September 18, 2023

Ms. Erika Mawn
Town of Brewster
2198 Main Street
Brewster, MA 02631

Re: Cape Rep Theatre – One-Day Liquor License Applications

Dear Erika,

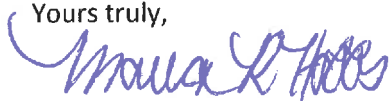
Enclosed please find sixteen (16) applications for one-day beer and wine licenses for Cape Rep Theatre. A check in the amount of \$560 is also enclosed.

We do not believe fingerprinting is required. Please let me know as soon as possible if it is required.

Please contact me with any questions or if additional information is required.

Thank you.

Yours truly,



Marion R. Hobbs

MRH/wp



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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>Cape Rep Theatre</i>
Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Junine Perry, [REDACTED], jmperry@caperep.org</i> <i>Or Marion Hobbs 508-896-2709</i> <i>attorneyhobbs@verizon.net</i>

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>October 19, 2023 . . . 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Junine Perry, 3299 Main St., [REDACTED]</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: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Janine Perry, [REDACTED], jmperry@cape-rep.org</i> <i>or Marion Hobbs 508-896-2709</i> <i>attorneyhobbs@verizon.net</i>

Section 2: Event Information

Type of Event: <i>Irish laRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>October 20, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

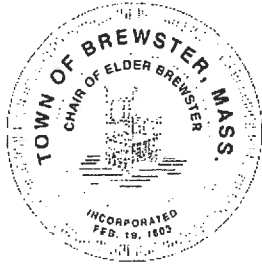
Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</i>
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Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Janine Perry, [REDACTED], jmperry@cape-rep.org</i>

*Or Marion Hobbs 508-896-2709
 attorneyhobbs@verizon.net*

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>October 21, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Section 1: Applicant Information

Applicant/Property Owner: <i>Cape Rep Theatre</i>
Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Janine Perry, [REDACTED], jmperry@cape-rep.org</i>

*or Marion Hobbs 508-896-2709
 attorneyhobbs@verizon.net*

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>October 22, 2023 1:30 - 4:30 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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Section 4: Additional Information:

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

Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Applicant/Property Owner:
Cape Rep Theatre

Applicant's Address:
3299 Main Street

Telephone # and Email Address:
Jennie Perry, [REDACTED], jmperry@cape-rep.org
or Marion Hobbs 508-896-2709
attorneyhobbs@verizon.net

Section 2: Event Information

Type of Event: *Irish laRose: Come On-A my House. Performance*

Location of Event:
3299 Main Street, Brewster, MA

Date of Event & Proposed Times:
October 26, 2023 7-10 p.m.

Type of Liquor to be served (beer, wine, both, etc.): *Beer & wine*

Number of attendees anticipated: *120*

Section 3: Server Information:

Server name, address, and phone #:
Jennie Perry, 3299 Main St., [REDACTED]

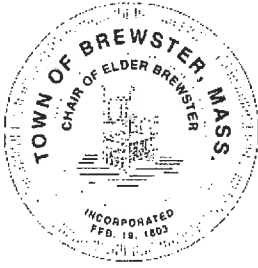
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Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
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Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Janine Perry, [REDACTED], jmperry@cape-rep.org</i> <i>Or Marion Hobbs 508-896-2709</i> <i>attorneyhobbs@verizon.net</i>

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>October 27, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

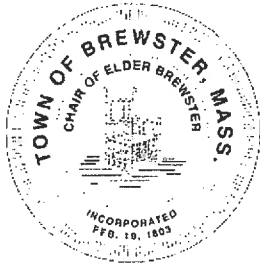
Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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Will food be provided? Yes No If yes, please contact the Health Department for a Temporary Food Permit.

Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Section 1: Applicant Information

Applicant/Property Owner:
Cape Rep Theatre

Applicant's Address:
3299 Main Street

Telephone # and Email Address:
Jenine Perry, [REDACTED], jmperry@cape-rep.org
or Marion Hobbs, 508-896-2709
attorneyhobbs@verizon.net

Section 2: Event Information

Type of Event:
Trish LaRose: Come On-A my House. Performance

Location of Event:
3299 Main Street, Brewster, MA

Date of Event & Proposed Times:
October 28, 2023. 7-10 p.m.

Type of Liquor to be served (beer, wine, both, etc.):
Beer & wine

Number of attendees anticipated:
120

Section 3: Server Information:

Server name, address, and phone #:
Jenine Perry, 3299 Main St., [REDACTED]

Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes No

*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. *

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Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>October 29, 2023 1:30 - 4:30 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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Will food be provided? Yes No If yes, please contact the Health Department for a Temporary Food Permit.

Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
Attorney for Cape Rep



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Telephone # and Email Address: <i>Janine Perry, [REDACTED], jmperry@cape-rep.org</i> <i>Or Marian Hobbs 508-896-2709</i> <i>attorneyhobbs@verizon.net</i>

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>November 2, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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attorney for Cape Rep



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Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Janine Perry, [REDACTED] jmperry@cape-rep.org</i>

*or Marion Hobbs 508-896-2109
 attorneyhobbs@verizon.net*

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>November 3, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</i>
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>November 4, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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Applicant Signature: *Marion Hobbs*
attorney for Cape Rep Date: *9/18/2023*



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Telephone # and Email Address: <i>Janine Perry, [REDACTED], jmperry@cape-rep.org</i> <i>or Marion Hobbs 508-896-2709</i> <i>attorneyhobbs@verizon.net</i>

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>November 5, 2023 1:30 - 4:30 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., [REDACTED]</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"/>
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Applicant Signature: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Section 1: Applicant Information

Applicant/Property Owner:
Cape Rep Theatre

Applicant's Address:
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Telephone # and Email Address:
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or Marian Hobbs 508-896-2709
attorneyhobbs@verizon.net

Section 2: Event Information

Type of Event: *Trish LaRose: Come On-A my House. Performance*

Location of Event:
3299 Main Street, Brewster, MA

Date of Event & Proposed Times:
November 9, 2023 7-10 p.m.

Type of Liquor to be served (beer, wine, both, etc.): *Beer & wine*

Number of attendees anticipated: *120*

Section 3: Server Information:

Server name, address, and phone #:
Janine Perry, 3299 Main St., [REDACTED]

Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes No

*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: *Marian Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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>Cape Rep Theatre</i>
Applicant's Address: <i>3299 Main Street</i>
Telephone # and Email Address: <i>Jenine Perry, [REDACTED], jmperry@cape-rep.org</i> <i>or Marion Hobbs 508-896-2709</i> <i>attorneyhobbs@verizon.net</i>

Section 2: Event Information

Type of Event: <i>Trish LaRose: Come On-A my House. Performance</i>
Location of Event: <i>3299 Main Street, Brewster, MA</i>
Date of Event & Proposed Times: <i>November 10, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer & wine</i>
Number of attendees anticipated: <i>120</i>

Section 3: Server Information:

Server name, address, and phone #: <i>Jenine Perry, 3299 Main St., [REDACTED]</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: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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Applicant Signature: *Marian Hobbs* Date: *9/18/2023*
attorney for Cape Rep



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 2198 Main Street
 Brewster, MA 02631
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 Website: www.brewster-ma.gov

Office of:
 Select Board
 Town Manager

Application Fee: \$35.00

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Cape Rep Theatre

Applicant's Address:
3299 Main Street

Telephone # and Email Address:
Junnie Perry, [REDACTED], jmperry@cape-rep.org
or Marion Hobbs, 508-896-2709, attorneyhobbs@verizon.net

Section 2: Event Information

Type of Event: *Trish LaRose: Come On-A my House. Performance*

Location of Event:
3299 Main Street, Brewster, MA

Date of Event & Proposed Times:
November 12, 2023 1:30 - 4:30 p.m.

Type of Liquor to be served (beer, wine, both, etc.):
Beer & wine

Number of attendees anticipated:
120

Section 3: Server Information:

Server name, address, and phone #:
Junnie Perry, 3299 Main St., [REDACTED]

Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes No

*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: *Marion Hobbs* Date: *9/18/2023*
attorney for Cape Rep



October 10, 2023

Memo to: Brewster Select Board
From: Kyle Hinkle, Executive Director
Brewster Chamber of Commerce, Inc.

Re: Use of Drummer Boy Park on December 1, 2023

On behalf of the Brewster Chamber of Commerce, Inc. I am requesting permission to use Drummer Boy Park for the 14th Annual Holiday Tree Lighting and Santa's Arrival on Friday, December 1. The event attracts up to 400 people and is set to begin at 4 p.m. and is done by 5:30 p.m. at the latest.

We make arrangements with the Brewster police for a detail to manage traffic coming and going on Route 6A, and we work with the Brewster Fire Department for help with lighting of the parking area and transportation for Santa! We also recruit volunteers to help maintain order with parking. DPW is terrific in helping to rope off the parking area as well as the walking path that separates the front fields from the restricted field in back. I have submitted the parking plan with our application.

We do require electricity and I work with Tom Thatcher for this. Because this event is only an hour or so long, we do not need port-a-potties. One of our sponsors may provide donuts and cider: if that is the case, I will have them report to the Health Department, otherwise no food service is planned.

Finally, I would be honored if the Select Board was represented at the event to "throw the switch" on lights! If this is something that one of you would entertain, please let me know and I can fill you in on the details.

Thank you for your support of this event that has become a Holiday Tradition in Brewster!

Regards,

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: Brewster for the Holidays

LOCAL SPONSORING ORGANIZATION: Brewster Chamber of Commerce

AREA OR FACILITIES NEEDED: Runners Bay Park

DATE OR DATES REQUESTED: December 1, 2023

TIME IN: 3pm TIME OUT: 6pm (INCLUDING PREPARATION & DISMANTLING)

PURPOSE OF FACILITY USE: Annual Holiday Tree Lighting

NATURE OF ACTIVITY TO TAKE PLACE: Crowd gathers around the tree,

sings carols, counts down to lighting, and Santa arrives by fire truck

WILL ADMISSION FEE BE CHARGED? YES _____ NO AMOUNT _____

NON-PROFIT ORGANIZATION: YES NO _____

IRS # 043-014228 TOTAL NUMBER OF PERSONS EXPECTED 400

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 400

ANY SPECIAL EQUIPMENT NEEDED?:
no electricity (any other supplies supplied by Brewster Chamber)

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

Kyle Hinkle

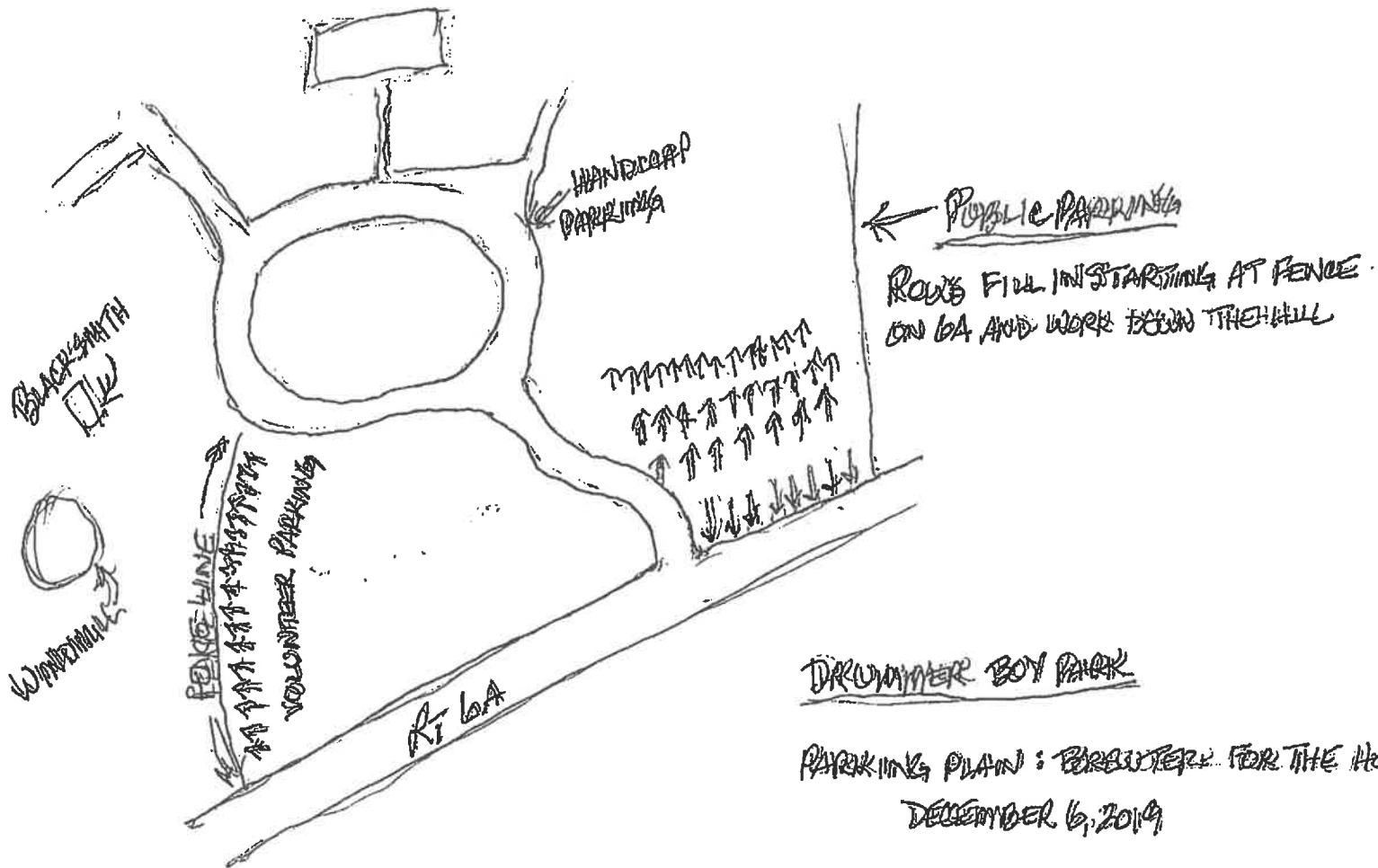
MAILING ADDRESS: P.O. Box 1241, Brewster 02631

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: [Signature]

Telephone: [REDACTED]



DRUMMER BOY PARK

PARKING PLAN: PREPARED FOR THE HOLIDAYS
 DECEMBER 6, 2014

LAW OFFICES
RILEY AND NORCROSS
156 CROWELL ROAD - POST OFFICE BOX 707
CHATHAM, MASSACHUSETTS 02633
508-945-5400
508-945-4110 fax
info@rileyandnorcross.com

WILLIAM F. RILEY

JAMES M. NORCROSS

October 10, 2023

Sent via Email

Board of Selectman
ATTN: Ned Chatelain, Chairman
Brewster Town Offices
2198 Main Street
Brewster, MA 02631

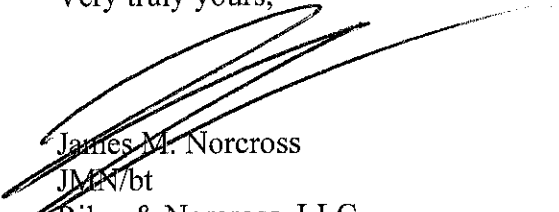
RE: Brewster Pico, LLC

Dear Mr. Chatelain:

I represent Brewster Pico, LLC, who recently received approval from ABCC for its Seasonal All Alcohol Liquor License. Due to the fact that my client will only be able to operate for three (3) months of the 2023 calendar year, we are respectfully asking the Board to prorate the license fee for 2023 to \$500.00.

Thank you for your consideration and please don't hesitate to contact me with any questions or concerns.

Very truly yours,



James M. Norcross
JMN/bt
Riley & Norcross, LLC

cc: Brewster Pico, LLC

Posted 11/03/2022 at:
Town Offices
Police Station
Captains Golf Course
Council on Aging
Ladies Library

Town of Brewster
2198 Main Street

Posted
11/03/2022 –Please
do not remove until
November 17th, 2022

Bylaw Amendments

NOTICE

Massachusetts General Laws, Chapter 40, Section 32 as amended requires that the foregoing posting include the following information:

The amendments to the General Bylaws adopted under Article 18, Annual \ Town Meeting held, May 14th, 2022 have been approved as follows by the Attorney General:

CITIZENS PETITION – PUNKHORN HUNTING RESTRICTIONS

ARTICLE NO. 18: To see if the Town will vote to amend the Town’s General Bylaw by Adding a new Chapter 98 – Hunting in the Punkhorn Parklands as follows:

§98-1 No person shall discharge any gun, including paint ball guns, fowling piece, pistol, or firearm or release an arrow from a bow or hunt or trap or poison or set fire to any material known as fireworks, or other combustible matter, within the Town-owned land known as the Punkhorn Parklands; provided, however, this section shall not apply to any person abating nuisance or in the exercise of duty required by law: provided further that bow hunting only shall only be permitted during a three-week period beginning on the first Monday in December of each year, or to take any other action relative thereto.

(Citizen's Petition)

(Majority Vote Required)

Petitioner Joseph Breda: I move to approve Article No. 18 as printed in the warrant.

Citizen Anne O’Connell: I move the previous question.

ACTION on moving the question: Adopted to move the question. Voter Cards.

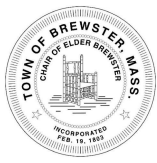
ACTION: Adopted by a majority. Voter Cards.

A True Copy Attest:

Colette M. Williams

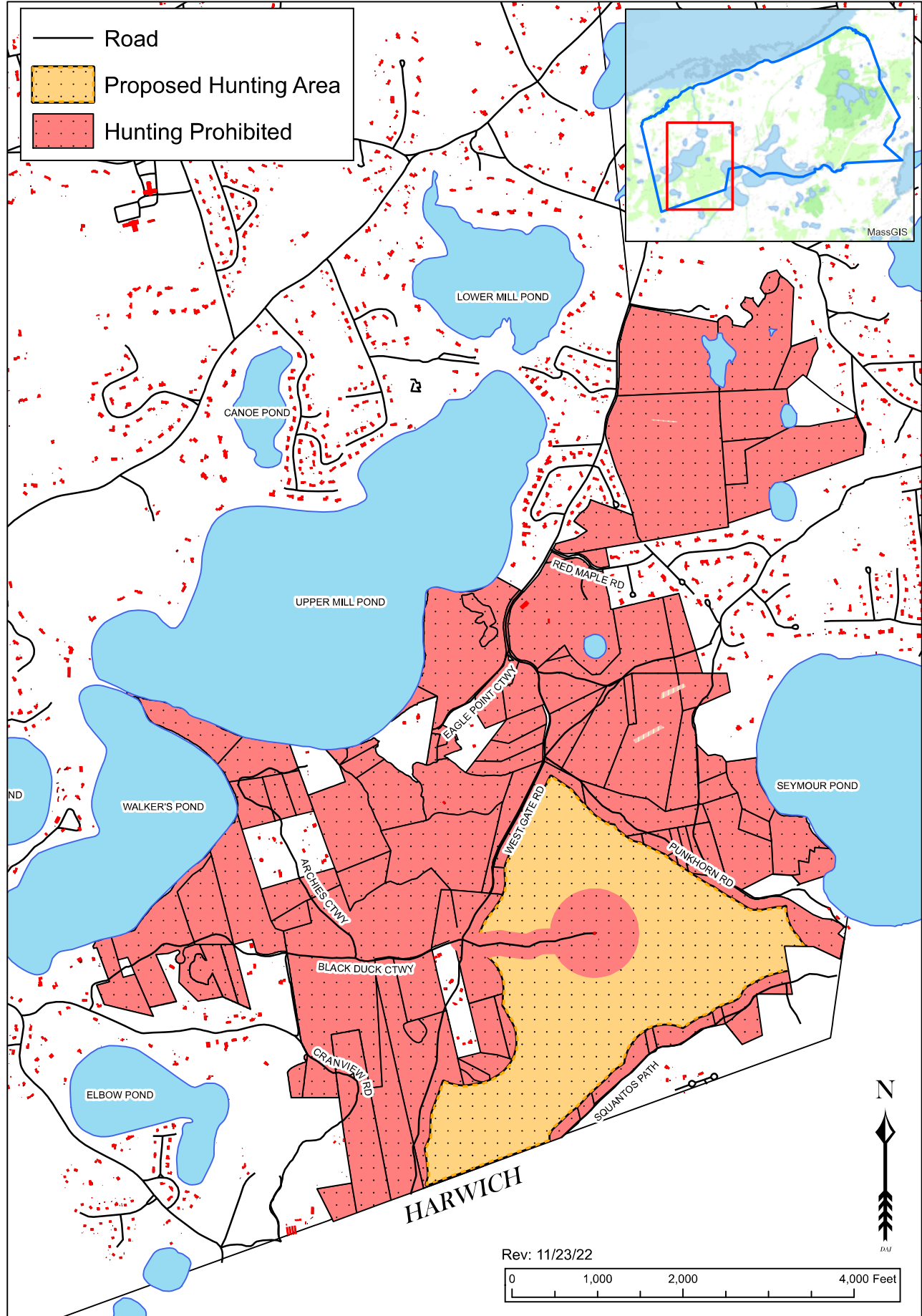
Colette M. Williams
CMC/CMMC
Town Clerk
Brewster, MA

The invalidity by reason of any defect in the procedure or adoption of the amendments may only be made within ninety days of such posting. Copies of amendments to the Bylaws may be examined and obtained at the Town Clerks Office, 2198 Main Street, Brewster, Massachusetts

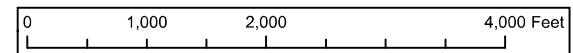


Proposed Hunting Area in the Punkhorn Parklands

BREWSTER CONSERVATION COMMISSION

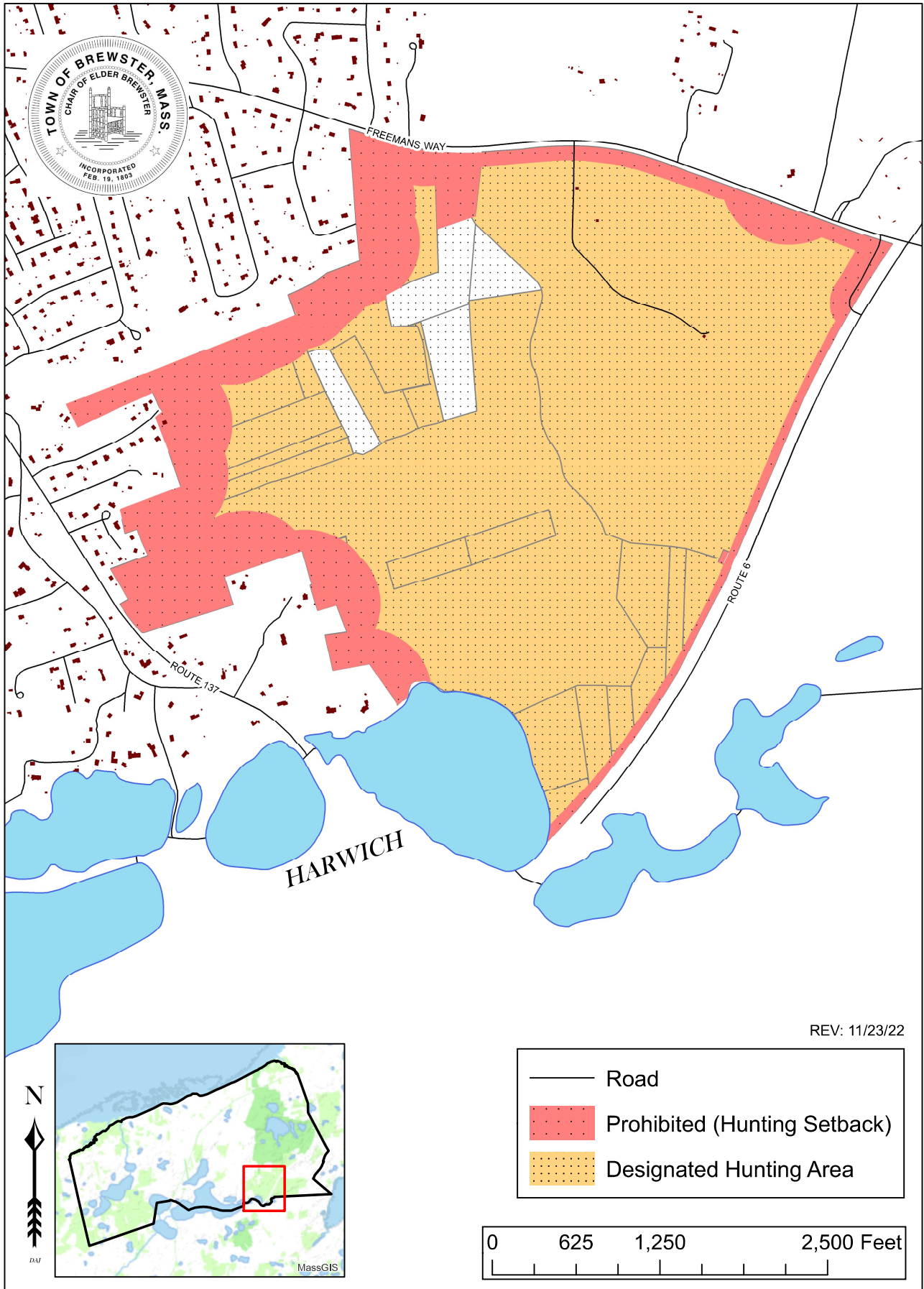


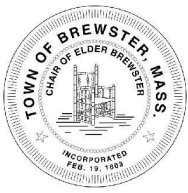
Rev: 11/23/22



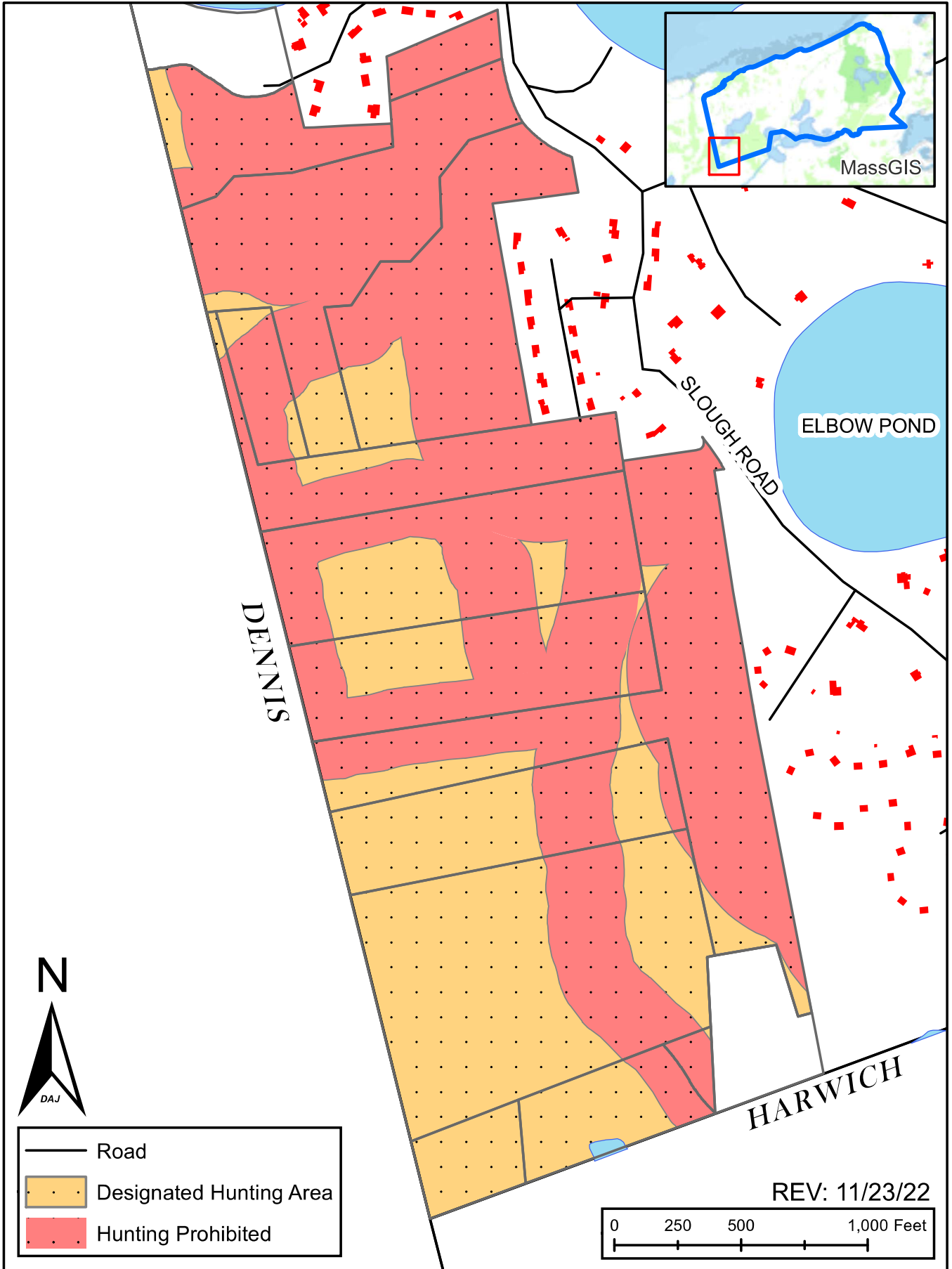
Designated Hunting Zone in Southeast Brewster Aquifer Protection Area

BREWSTER CONSERVATION COMMISSION





Designated Hunting Zone in Mothers Bog Aquifer Protection Area BREWSTER CONSERVATION COMMISSION



2022-2023 Brewster Hunting Regulations

The Conservation Commission has certain town owned lands under its care, custody and control, for the protection of open space and natural resources. As provided in the Massachusetts General Laws; Conservation Commission Act of 1957 G. L. Ch. 40: § 8C. Conservation Commission; establishment; powers and duties; and G. L. Ch. 131: § 59. Reservations, parks, public lands; hunting... - the Conservation Commission has the authority to make decisions on recreational uses such as hunting on these lands. It is the policy of the Brewster Conservation Commission each year, to review the wildlife and safety information and vote on this issue.

General Regulations:

- A. Hunting is prohibited on all Town properties except those defined in these attached maps, and is subject to the regulations set by the board holding care and custody of these lands (Water Commissioners, Conservation Commissioners, Select Board).
- B. The parcels are described as the Punkhorn Hunting Area, Meetinghouse Road Parcels and Freemans Way South parcels.
- C. Hunting in these defined areas requires a written permit which may be obtained at the Town Clerk's Office. You must present your state hunting permit to obtain the town permit. This permit may be revoked at any time for any infraction of these regulations.
- D. Hunting on private property requires written permission of the owner or legal occupant.
- E. The holder of a town hunting permit is responsible for knowing and following all state and town hunting regulations and for knowing and honoring the boundaries of the areas defined in the attached maps.
- F. The Boards and Commissions with care and custody of the properties in the Punkhorn Parklands voted to authorize hunting in a new area of the Punkhorn Parklands, with specific restrictions. This area is approximately 200 acres in size and includes lands under the care and custody of the Conservation Commission, Select Board, and Water Commissioners, who each voted similarly. This area is posted with Seasonal Hunting signs and is subject to state mandated buffer zones, including no hunting areas of 150 feet off roads (Westgate Road, Squantos Path, Punkhorn Road, and the access road to the water department well), as well as a 500 foot no hunting buffer from the homes to the west along Westgate Road, the Water Department well house in the center of this area, and homes south of Squantos Path. Hunting is authorized from **Monday December 5th 2022 until Saturday December 24th 2022** excepting Sundays, and is restricted to bow hunting for deer only. A map illustrating these buffers and the seasonal hunting area in the Punkhorn Parklands will be posted on kiosks in the Punkhorn Parklands, in the lobby of the Natural Resources Department, and will be provided to people purchasing the town hunting permit. The rest of the Punkhorn Parklands is designated Hunting Prohibited.
- G. Deer and wild turkey hunting in the Meetinghouse Road Parcels is permitted for archery and primitive arms from tree stands only. No hunting allowed until the hunter is in his tree stand. No other hunting or hunting seasons are authorized on these lands. Water Department lands within these two parcels will be regulated in accordance with this Conservation Commission hunting policy.
- H. The Freemans Way South parcels consist of Water Department lands and Conservation Commission lands. These properties are open for general hunting in accordance with the policy of the Brewster Water Commissioners.

- I. Water Department lands in other areas and north of Freemans Way are not authorized for hunting.

Use of Tree Stands on Town Property

- A. All tree stands on Town property must be registered with the Brewster Department of Natural Resources identifying the area they are located (Punkhorn Hunting Area, Meetinghouse Road Parcels, Freemans Way South parcels).
- B. All tree stands must be labelled with the owner's name.
- C. Tree stands cannot be permanently fastened to the tree with lags, screws, nails, or bolts. Screw in pegs, posts or handles that pierce the tree are not permitted. Only ladder stands, strap-on stands and climbing sticks are to be used.
- D. Tree stand placement must follow a minimum setback of 500 feet from any dwelling and a 150 foot setback from any named road or town mapped hiking trail. No hunting is allowed in this setback area.
- E. Tree stands may be in place not more than 20 days before the deer hunting season.
- F. All tree stands must be removed no later than 20 days after deer hunting season ends.
- G. Tree stands used for spring turkey hunting may be placed no more than 20 days prior to the beginning of the season and must be removed within 20 days after the end of the season.
- H. Any tree stand found without a registered name, or in place outside of the above listed date limits, will be removed.

Waterfowl Hunting

In accordance with MGL Ch. 131; § 45, an individual with proper licenses may hunt waterfowl in and around the great ponds located in Brewster. The boundary for hunting activities on lands under the care and custody of the Brewster Conservation Commission is 5 feet beyond the mean high water mark or elevation of the pond. All state regulations and setback requirements must be observed.

Anyone found in violation of these hunting regulations may have their town hunting permit revoked for the remainder of the hunting season. Repeated violations will be subject to a longer ban.

Joint Meeting with Select Board, Conservation Commission, and Water Commissioners on November 11,2022

Review of State Approval of New Punkhorn Parklands Hunting Bylaw and Discuss and Vote on Implementation Plan

Chair Whitney called to order the meeting with a remote quorum present of Selectperson Hoffmann, Selectperson Bingham and Chair Whitney.

Chris Miller provided a background of the topic, noting that last year there was a citizen petition to open the Punkhorn to hunting for a three-week period beginning on the first Monday in December by bow hunting only and to outlaw the use of any guns in the Punkhorn. The Town recently received the State Attorney Generals approval. The decision tonight is to determine which portions of the Punkhorn Parklands will allow bowhunting and any other methodology the boards/commissions would like to use to authorize the hunting. Mr. Miller added that discussion should include notification and signage to residents and hunters. He referenced maps that are included in the packet that outline the setback from occupied dwellings and main roads.

Mr. Miller reviewed the maps and the signage plan which includes temporary signs that state “Temporary Hunting Permitted”, and the dates allowed. All other areas would continue to have the “No hunting” signs. Mr. Miller reminded that written permission is required to hunt on Town property and as permits are issued, maps and regulations would be provided.

Discussion was opened to the public and Board/commission members:

Elenita Muniz strongly objects to opening any more of the Punkhorn beyond what is proposed, trails are already eliminated by making the area open for hunting. She questioned the bowhunting season dates, Conservation Commission member Gary Kaser clarified that per State regulations, hunting is allowed with archery equipment during all seasons. The reason the dates for Brewster were chosen for late in the year was they felt there would be less people in the Punkhorns at that time. He also suggested that the public should not engage with hunters and contact the Brewster Police or Natural Resources Department with concerns.

Steve Frissora inquired about the Town permit process. It was shared that this is a nominal fee and the permit is obtained through the Town Clerk’s office. Mr. Miller also noted that the hunting policy is voted on each year, for the first year chose an area that has less use, has fewer potential conflicts and is easily defined.

Mr. Miller stated that if the public encounters a hunter, it is best to call the Brewster Police Department or the Mass. Environmental Police (MEP). The MEP will have a copy of the hunting regulations and map of approved areas in Brewster.

Betsy Smith confirmed the buffer on West Gate Road and inquired about the archery dates allowed by State law. Mr. Miller stated that hunting is not allowed on Sundays and that the proposed area is not the same location that casual hikers would be. He reviewed the plan for signage along the roads and noted that the kiosks will also have maps available. Mr. Kaser reviewed the hunter’s responsibility of tagging, gutting, and removing of the deer.

Karen Kaser asked about the Town vote and the proposed changes. Mr. Miller stated that the Town Attorney reviewed the petition and comments from the State Attorney General, adding that those who have care, custody and control of the land have the ability to define the areas they believe are suitable for these activities. The goal is to collect data in the first year to help make decisions in the future. The

permit fee will not turn a profit for the Town but will be used for the costs of printing signs, permits and maps.

Water Superintendent Paul Anderson commented on the proposed maps and the interpretation from KP Law regarding the access road to Well 4, he believes this should be designated as a traveling road and not passive recreation and to require the 150ft buffer. The treatment facility and Well 6 should be considered dwellings and requiring a 500 ft buffer. Mr. Miller responded that he agrees and will correct the map to include these buffers and designations.

William Collins inquired about how the regulations would be enforced and who the public should contact with concerns. Mr. Miller confirmed that the Natural Resources Department provides maps to the State and Environmental State Police who are familiar with the areas as they already patrol the Punkhorn Parklands. People should contact either Brewster Police Department or the Environmental Police.

Donna Kalinick suggested that the maps and regulations are posted on the website.

Sally Mahoney asked that the Town advertise in every way possible, as Punkhorn residents and neighbors are not used to this and may not be prepared.

A public comment sent in from Ronda Sigel inquired about tree stands. Mr. Miller clarified that the Town does not allow permanent tree stands on Town land. Temporary tree stands can be in place for no more than 30 days. The other comments were answered through previous discussion.

Town Attorney Gregg Corbo stated that the intention is to take a vote to dedicate certain portions of the Punkhorn Parklands as being open for bowhunting as specified of the newly adopted Town bylaw. Noting that the authority to regulate hunting on Town owned land rests with the board or officer that has custody or control of the property. Each board/officer would have to vote for each of their property, since the Water Commissioners are not present, they will have to vote as soon as possible.

Selectperson Hoffmann moved that the Select Board vote to authorize bowhunting within our area of the Punkhorn Parklands as shown on the map title "Proposed Hunting Setbacks in the Punkhorn Parklands Brewster Conservation Commission" as amended on 11/23/22 per the request of the Water Commissioners, this is during the three-week period beginning on the first Monday of December 2022, subject to each individual hunter obtaining a hunting permit through the Town Clerk." Selectperson Bingham second. Selectperson Hoffmann amended the motion to include the end date of December 24, 2022. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Chair Whitney-yes. The vote was 3-Yes, 0-No.

Conservation Commission member Chatelain moved that the Conservation Commission vote to authorize bowhunting within our portion of the Punkhorn land as shown on the map titled " Proposed Hunting Setbacks in the Punkhorn Parklands Brewster Conservation Commission" as amended on November 23, 2022, during the three-week period beginning on the first Monday of December 2022, ending December 24, 2022, subject to each individual hunter obtaining a hunting permit from the Town Clerk. Member Kaser seconded the motion. A roll call vote was taken; member Evans-yes, member Kaser-yes, member Chatelain-yes, Chair Tobin-yes. The vote was 4-Yes, 0-No.

Selectperson Hoffmann moved to adjourn the meeting. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Chair Whitney-yes. The vote was 3-Yes, 0-No.

HUNTING SEASONS AND BAG LIMITS

NO HUNTING ON SUNDAY		OPEN SEASON (ALL DATES INCLUSIVE)	DAILY BAG LIMIT	POSSESSION LIMIT	ANNUAL LIMIT
DEER					
	Youth Deer Hunt Day	Sept. 30, 2023	See full regulations for more information.	1 antlered deer statewide OR antlerless deer in the Wildlife Management Zone(s) specified on the permit.	
Deer (Big Game)	Archery	Zones 10–14: Oct. 2 – Nov. 25, 2023 Zones 1–9: Oct. 16 – Nov. 25, 2023	See full regulations for more information.	2 antlered deer + antlerless deer by permit	
	Paralegic	Nov. 2 – Nov. 4, 2023			
	Shotgun	Nov. 27 – Dec. 9, 2023			
	Primitive Firearms	Dec. 11 – Dec. 30, 2023			

BLACK BEAR					
Black Bear (Big Game)	Zones 1–14	Sept. 5 – Sept. 23, 2023 Nov. 6 – Nov. 25, 2023 Nov. 27 – Dec. 9, 2023	See full regulations for more information.		1

UPLAND GAME BIRDS*					
Crow	Zones 1–14	Jan. 2 – Apr. 10, 2023 and July 1, 2023 – Apr. 10, 2024 (M, F, Sat only)	—	—	—
Pheasant	Youth Hunt	Sept. 2, 9, 16, 23, and Oct. 7, 2023	2	4	No limit
	Zones 1–14	Oct. 14 – Dec. 30, 2023			
Quail	Zones 11–14	Oct. 14 – Dec. 30, 2023	4	8	No limit
Ruffed Grouse	Zones 1–14	Oct. 14 – Nov. 25, 2023	3	6	15
Wild Turkey (Big Game)	Youth Hunt: Zones 1–13	April 22, 2023 (special restrictions apply**)	See full regulations for more information.		
	Spring: Zones 1–13	April 24 – May 20, 2023			
	Fall: Zones 10–13***	Oct. 2 – Nov. 25, 2023			
	Fall: Zones 1–9***	Oct. 16 – Nov. 25, 2023			

* Crow, pheasant, and quail hunting are closed during shotgun deer season. Migratory game birds (includes waterfowl, woodcock, snipe, rails): Seasons and bag limits set annually. For Migratory Game Bird Regulations visit mass.gov/migratory-game-bird.

** Must have completed the Youth Turkey Hunt program.

*** Shotgun, muzzleloading shotgun, and archery from Oct. 16 – 28, 2023.

RABBIT, HARE & SQUIRREL					
Cottontail Rabbit	Zones 1–14	Jan. 2, 2023 – Feb. 28, 2023 Oct. 14, 2023 – Feb. 29, 2024	5	10	—
Snowshoe Hare	Zones 1–14	Jan. 2, 2023 – Feb. 28, 2023 Oct. 14, 2023 – Feb. 29, 2024	2	4	—
Gray Squirrel	Zones 1–14	Jan. 2, 2023 – Feb. 28, 2023 Sept. 5, 2023 – Feb. 29, 2024	5	10	—

Rabbit, hare, and squirrel hunting are closed during shotgun deer season.

FURBEARERS					
Bobcat	Zones 1–8	Jan. 2 – Mar. 8, 2023 and Dec. 20, 2023 – Mar. 8, 2024	—	—	—
Coyote	Zones 1–14	Jan. 2 – Mar. 8, 2023 and Oct. 14, 2023 – Mar. 8, 2024	—	—	—
Fox (red or gray)	Zones 1–14	Jan. 2 – Feb. 28, 2023 and Nov. 1, 2023 – Feb. 29, 2024	—	—	—
Opossum	Zones 1–14	Jan. 2 – Jan. 31, 2023 and Oct. 2, 2023 – Jan. 31, 2024	—	—	—
Raccoon	Zones 1–14	Jan. 2 – Jan. 31, 2023 and Oct. 2, 2023 – Jan. 31, 2024	3	See full regulations for more information.	

All furbearer hunting seasons are closed during shotgun deer season, except for coyotes. Special restrictions apply.

The following species may be taken year-round (except during shotgun deer season) by licensed hunters with no daily or seasonal bag limit: English sparrow, flying squirrel, red squirrel, chipmunk, porcupine, skunk, starling, weasel, woodchuck.

Falconers may hunt pheasant, bobwhite quail, ruffed grouse, cottontail rabbit, snowshoe hare, and gray squirrel from the respective opening day through March 15th.

TRAPPING

		OPEN SEASON (ALL DATES INCLUSIVE)
Beaver ¹		Jan. 1 – April 15, 2023 and Nov. 1, 2023 – April 15, 2024
Bobcat ^{1,2} , Coyote ¹ , Fox ¹ , Weasel		Nov. 1 – Nov. 30, 2023
Fisher ¹		Nov. 1 – Nov. 22, 2023
Mink ¹ , River Otter ¹		Nov. 1 – Dec. 15, 2023
Muskrat, Opossum, Raccoon, Skunk		Jan. 1 – Feb. 28, 2023 and Nov. 1, 2023 – Feb. 29, 2024

1 – Pelt checking/reporting required.

2 – Bobcats may only be trapped or salvaged in Wildlife Management Zones 1–8.



TO REPORT VIOLATIONS
(800) 632-8075

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**FISHING &
HUNTING**



2023



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BE SAFE, BE SEEN

GET YOUR ORANGE ON



Photo © Shannon Dowd

ALL outdoor users who are in the field during hunting seasons are encouraged to wear blaze orange to increase their visibility. Hunters see page 18 for blaze orange requirements. Learn more at mass.gov/dfw/blaze-orange

NEW FOR 2023

Extended Pheasant and Quail Seasons: The pheasant and quail hunting seasons now open on the Saturday after Columbus Day and close on December 31. Hunters can now pursue previously stocked pheasants statewide and quail in Wildlife Management Zones 11-14 from the Monday after shotgun deer season to the end of the year (no pheasant and quail hunting during the shotgun deer season).

Expanded hunting implement use on pheasant and quail-stocked Wildlife Management Areas (WMA) for certain game: Hunters can now use all legal methods to hunt game other than pheasant and quail on pheasant and quail-stocked WMAs. Previously, all hunters were restricted on WMAs to shotgun and archery equipment only. See each species’ page for details. In addition, legal hunting implements for pheasant and quail on all public and private land statewide are now shotgun and archery only.

Expanded hunting hours on pheasant and quail-stocked WMAs for certain game: Hunters targeting game other than pheasant and quail on pheasant and quail-stocked WMAs are no longer restricted to hunting from sunrise to sunset. See each species’ page for details. Pheasant and quail hunting hours on all public and private land statewide are now from sunrise to sunset.

Simplification and expansion of small game seasons: Gray squirrel, cottontail rabbit, and snowshoe hare seasons have been simplified and expanded into single, statewide seasons for each species. There is now a single statewide season for gray squirrel (beginning the Tuesday after Labor Day and ending on the last day of February), and for cottontail rabbit and snowshoe hare (beginning the Saturday after Columbus Day and ending the last day of February). See each species’ page for specific season dates. The black-tailed jack rabbit season has been eliminated.

Have a question?

mass.wildlife@mass.gov
 (508) 389-6300

Connect with MassWildlife!



On the Cover

Daniel Chen, who was recently introduced to angling by MassWildlife staff, holds a largemouth bass at Lake Chauncy in Westborough.

Photo by Troy Gipps/MassWildlife

Cover Inset

Ann Hollingsworth (left) and Sonia Ames (right), two participants in MassWildlife’s annual Becoming an Outdoors Woman Turkey Hunt, proudly display their harvest.

Photo by John Gutzeit/MassWildlife





MASSWILDLIFE

COMMONWEALTH OF MASSACHUSETTS

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GENERAL BY THE NUMBERS

THANK YOU

From Cape Cod to the Berkshires, Massachusetts has exceptional hunting, fishing, and trapping opportunities for everyone to enjoy. License buyers are MassWildlife's vital partners in conserving habitat, keeping fish and wildlife populations healthy and abundant, and maintaining access to land for hunting, fishing, and other outdoor recreation. Your licenses, permits, and stamps, as well as revenue from your fishing and hunting equipment, fund the important conservation projects that MassWildlife's dedicated staff works so hard to deliver each year. With your support in 2022, MassWildlife:

- **Protected 2,973 acres of critical fish and wildlife habitat.** MassWildlife currently manages over 229,583 acres of property open to hunting, fishing, wildlife watching, and other nature-based recreation. Find Wildlife Management Areas to explore near you at mass.gov/wildlife-lands.
- **Stocked over 436,600 trout** for anglers in 179 lakes and ponds and 247 rivers and streams in 246 cities and towns across Massachusetts in the spring of 2022. In fall 2021, over 64,000 trout were stocked in 100 communities across the state. Discover all trout stocked areas near you at mass.gov/trout.
- **Released over 40,000 pheasants and 3,500 quail** for hunters on Wildlife Management Areas and other lands open to hunting. Find all pheasant stocked locations on MassWildlife's Interactive Map at mass.gov/pheasant.
- **Restored over 3,310 acres of wildlife habitat** on MassWildlife lands through the use of prescribed burns, tree clearing, invasive plant control, and mowing. These habitat management practices benefit game species like American woodcock and ruffed grouse, in addition to rare wildlife.
- **Accepted over 3,020 reports** of endangered, threatened, and special concern species from the public through MassWildlife's Heritage Hub. Rare species reports help MassWildlife conserve and protect the Commonwealth's most imperiled animals and plants. Learn how to get involved at mass.gov/nhesp.
- **Taught hunting and fishing skills to over 2,000 students** in the field and in virtual classrooms.
- **Provided 74 landowners** with habitat management advice, assistance, or funding to benefit uncommon wildlife on private, municipal, and other conservation lands.
- **Delivered information to over 6 million website visitors.** In addition, MassWildlife engages with over 62,000 followers on its Facebook, 21,000 on its Instagram, and over 150,000 through its monthly e-newsletter.

If you're reading this Guide, it likely means you're getting ready to go hunting or fishing here. Massachusetts is fortunate to have anglers and hunters like you who are passionate about the outdoors and support it with your time, commitment, and dollars. While everyone in Massachusetts benefits from MassWildlife's work to conserve wildlife, protect open space, and preserve clean water and air, MassWildlife couldn't do it without the ongoing support of the sporting community. Thank you.



Jared Peddles with a mature buck he harvested in Petersham in 2021.



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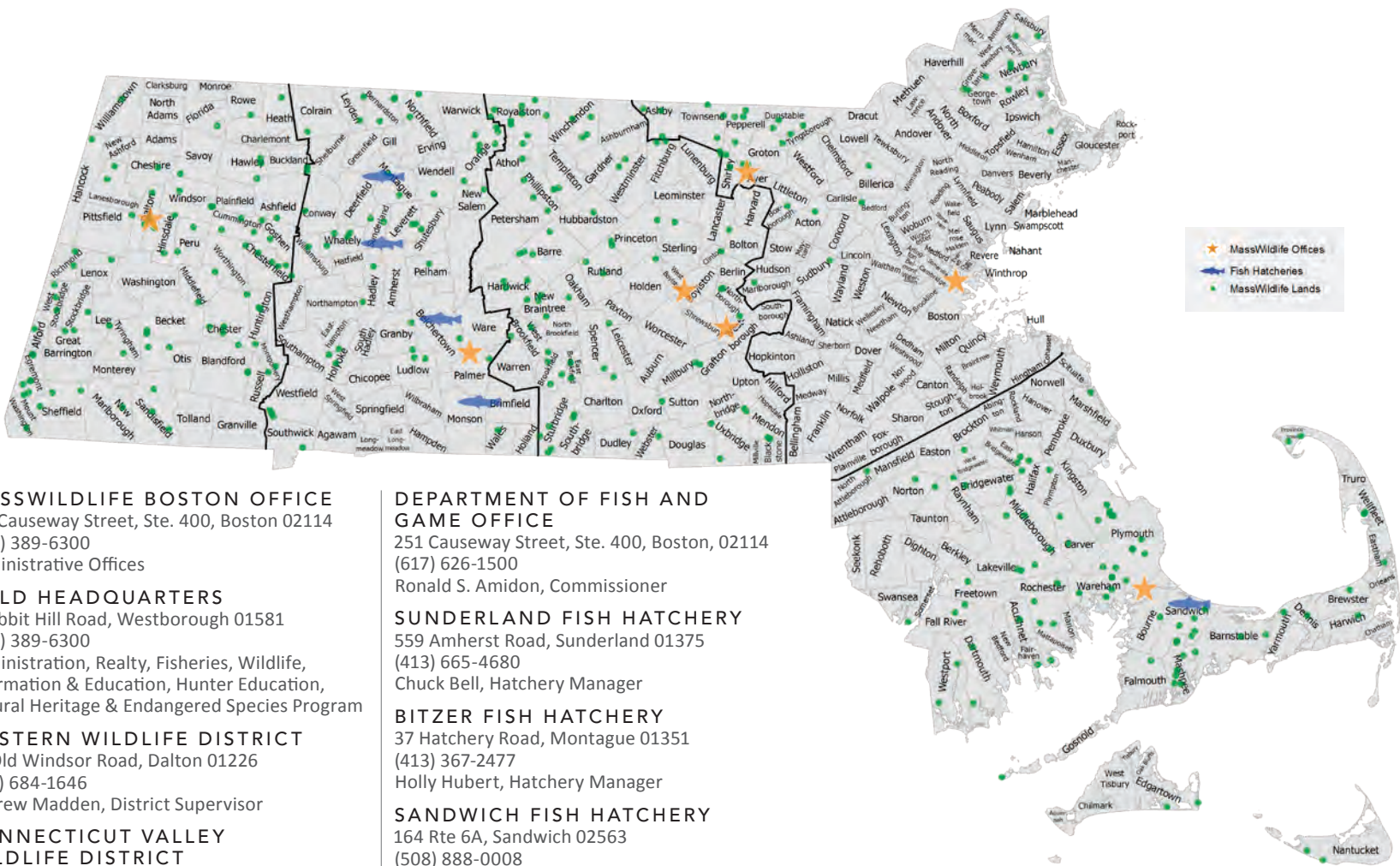


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Administrative Offices

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(508) 389-6300
Administration, Realty, Fisheries, Wildlife,
Information & Education, Hunter Education,
Natural Heritage & Endangered Species Program

WESTERN WILDLIFE DISTRICT
88 Old Windsor Road, Dalton 01226
(413) 684-1646
Andrew Madden, District Supervisor

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Joseph Rogers, District Supervisor

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(508) 835-3607
Todd Olanyk, District Supervisor

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Patricia Huckery, District Supervisor

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195 Bournedale Road, Buzzards Bay 02532
(508) 759-3406
Jason Zimmer, District Supervisor

**DEPARTMENT OF FISH AND
GAME OFFICE**
251 Causeway Street, Ste. 400, Boston, 02114
(617) 626-1500
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SUNDERLAND FISH HATCHERY
559 Amherst Road, Sunderland 01375
(413) 665-4680
Chuck Bell, Hatchery Manager

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37 Hatchery Road, Montague 01351
(413) 367-2477
Holly Hubert, Hatchery Manager

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164 Rte 6A, Sandwich 02563
(508) 888-0008
Adam Davies, Hatchery Manager

**ROGER REED FISH HATCHERY
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693 Ware Street, Palmer, MA
(413) 283-7440
Daniel Marchant, Hatchery Manager

MCLAUGHLIN FISH HATCHERY
90 East Street, Belchertown 01007
(413) 323-7671
Kurt Palmateer, Hatchery Manager

CONTACT US
mass.wildlife@mass.gov

MASSWILDLIFE DIRECTORY



Explore the MassWildlife Lands Viewer online to learn more about land and waters open to hunting, fishing, trapping, and watching wildlife. Go to mass.gov/dfw/wildlife-lands.

QUESTIONS?
Email us at mass.wildlife@mass.gov
Get MassWildlife's E-Newsletter:
mass.gov/dfw/newsletter

CONNECT WITH US!



ENVIRONMENTAL POLICE

The mission of the Massachusetts Environmental Police (MEP) is to protect the environment and natural resources of the Commonwealth of Massachusetts through enforcement, education, and public outreach.



TO REPORT VIOLATIONS

Emergency 24/7 Statewide Dispatch
(800) 632-8075
(617) 626-1665
mass.gov/ole

MASSACHUSETTS ENVIRONMENTAL POLICE BOSTON HQ

Shaun T. Santos, Colonel
 251 Causeway Street, Suite 101
 Boston, MA 02114

BOAT AND RECREATION VEHICLE REGISTRATION OFFICES

Boston (617) 626-1610	Hyannis (508) 771-8382	Worcester (508) 753-0603
Fall River (508) 679-8287	Springfield (413) 733-1642	

OFF-HIGHWAY VEHICLE (OHV) AND BOATING SAFETY COURSES

(508) 564-4961, mass.gov/boat-and-off-highway-vehicle-ohv-safety-courses

SALVAGE OF DEER, MOOSE, AND BEAR

ROAD-KILLED DEER may be kept by a Massachusetts driver or passenger of vehicle killing said deer if reported to MEP at (800) 632-8075 immediately and then tagged at a MassWildlife or MEP office within 24 hours.

ROAD-KILLED MOOSE OR BEAR may not be kept by a Massachusetts driver or passenger of the vehicle killing the said moose or bear. The disposition of any moose or bear carcass is only at the discretion of MEP or MassWildlife. To report a road-killed moose or bear, call MassWildlife at (508) 389-6300 or the MEP number listed above.

BE A PATRIOT

Help our Nation's symbol continue its comeback to Massachusetts. Give to MassWildlife's Natural Heritage & Endangered Species Program to keep eagles and other rare animals and plants from disappearing forever.

Donate Today
 Make checks payable to "Comm. of MA—NHESP" and mail to MassWildlife, 1 Rabbit Hill Road, Westborough, MA 01581.
 Or contribute on your state income tax return.

MASS.GOV/NHESP



Williamstown, MA | Birmingham, AL

About This Guide

This high-quality regulation guide is offered to you by the Massachusetts Division of Fisheries & Wildlife through its unique partnership with J.F. Griffin Publishing, LLC.

The revenue generated through ad sales significantly lowers production costs and generates savings. These savings translate into additional funds for other important agency programs.

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NOTICE

This *Guide* contains a summary of the laws and regulations in place as of October 10, 2022. Any changes in law or regulation enacted after October 10, 2022 are publicized by MassWildlife through releases to the news media, all license sales outlets, and on its website. These are not the complete laws and regulations. Laws and regulations (MGL Ch. 131 and 321 CMR) are subject to change.

LICENSES

HUNTING, FRESHWATER FISHING & TRAPPING

Licenses are valid from January 1 through December 31

(except for limited term licenses).

Who Needs a License?

Hunting: Licenses are required for anyone 15 years of age and over for hunting any game bird or mammal. No person under the age of 12 may hunt. (See Youth Hunters, pages 24–25)

Fishing: Licenses are required for anyone 15 years of age and over for fishing the inland (fresh) waters of Massachusetts. Anglers under 15 may fish, but do not need a license. A freshwater (inland) fishing license is not required on the Merrimack River seaward of the first upstream bridge (northbound traffic) of Route 495 in Haverhill, however, a saltwater fishing permit is required. (See page 7)

Trapping: A license is required for all persons age 12 years of age and older. In addition, to trap on the land of another, a Trap Registration Number is required.

AGRICULTURAL LANDOWNERS: Any person who owns or leases land that is principally used for agriculture and any immediate family members who are domiciled on said land do not need a hunting, fishing, or trapping license to hunt, fish, or trap on that property. Permits and stamps are still required.

RESIDENT & NON-RESIDENT LICENSES:

To obtain a resident hunting, fishing, or trapping license, applicant must reside in Massachusetts for six consecutive months immediately prior to purchase.

A valid Massachusetts non-resident license is required for all non-resident anglers and hunters ages 15 and older. A Big Game License is required of all non-residents to hunt deer, bear, and wild turkey and allows for hunting of small game. For hunting small game only, a non-resident Small Game license is required. (see page 19 for non-resident hunter information)

Purchasing Licenses, Stamps & Permits

Licenses, stamps, and permits may be purchased online by anglers 15 years and older, and by hunters and trappers 18 years or older at mass.gov/massfishhunt.

Minor hunters may purchase licenses, stamps, and permits online, at MassWildlife offices, and other license vendors. Minors must have parental consent (sworn affidavit online or written when in person) to purchase a license, and must either attest that they will always hunt with licensed individual at least 18 year old, or have taken hunter education. See page 24. Licenses, permits, and stamps are not transferable. If you have difficulty purchasing these products through the MassFishHunt system, call (844) 595-2930.

Hunting/Sporting License

First ever hunting and sporting licenses for anyone aged 18 years or older can be purchased only if the buyer has successfully completed a Basic Hunter Education course from any jurisdiction or held a hunting license from any jurisdiction prior to 2007.

Falconry

Hunting with birds of prey is allowed under a special permit from MassWildlife. A hunting license is required. Federal and state waterfowl stamps and HIP registration required when hunting waterfowl (see page 40). A Pheasant/Quail Permit is required when hunting ring-necked pheasant or bobwhite quail. All other hunting regulations apply. Pheasant, bobwhite quail, ruffed grouse, cottontail rabbit, snowshoe hare, and gray squirrel may be taken from the respective opening day **through March 15th**. Unprotected birds and mammals (see page 18, Open Seasons) may be taken by falconry except in areas closed for the taking of such animals. Falconers shall not practice falconry on posted land without permission. Contact MassWildlife at (508) 389-6300 for more information.

Trapping License & Trap Registration Number

To trap on the land of another, a Trap Registration Number is required and may be obtained from MassWildlife by calling (508) 389-6300 only after successful completion of a Trapper Education course from any U.S. state. To obtain a trapping license, minors 12–17 years-old must have consent from a parent or guardian. (See page 46)

LICENSE, PERMIT, TAG DISPLAY:

All hunters, anglers and trappers must have their license, permits and stamps in possession while engaging in these activities. Hunters and anglers may display a true, complete and legible image of a valid license using a mobile device. Hunters must comply with all tagging requirements. If a tag is required, as it is for hunting deer, bear, and turkey, hunters must carry a paper copy of the license, permits and tags.

PERMITS

Fees for resident and non-resident permits have changed. See page 8.

NEW—PHEASANT/QUAIL PERMIT:

Required by all persons aged 15 years or older (including falconers) to hunt, take or possess pheasants or bobwhite quail harvested within Massachusetts, except for those hunting or possessing pheasants or quail harvested on licensed commercial shooting preserves. All birds harvested on commercial shooting preserves must be tagged with a MassWildlife supplied adhesive yellow harvest tag.

ANTLERLESS DEER PERMIT:

Required to take an antlerless deer during archery, shotgun, and primitive firearms seasons in all zones. The deadline to apply for an antlerless deer permit is July 16 at any license vendor or online through the MassFishHunt system. Only one application per person. The application is free. (see page 28)

YOUTH DEER HUNT PERMIT:

Youth hunters ages 12–17 are required to obtain a free permit to hunt deer on the designated day. (see page 25)

BEAR PERMIT: Required to hunt bear. Hunters may purchase this permit when purchasing their hunting/sporting license or at any time prior to the end of the third segment of the bear season through any license vendor or online through the MassFishHunt system.

TURKEY PERMIT: Required to hunt turkey. Hunters may purchase this permit when purchasing their hunting/sporting license or at any time prior to the end of the fall turkey season through any license vendor or online through the MassFishHunt system.

YOUTH TURKEY HUNT PERMIT: Youth hunters ages 12–17 are required to obtain a free permit/authorization to hunt turkey on the designated day. (see page 24)

SPECIAL LICENSES/PERMITS

Special authorization is necessary for sale, possession, importation or release of certain fish and wildlife, and for fur dealers, propagators, wildlife rehabilitators, taxidermists and/or fur buyers. Sale and importation of baitfish require separate dealer and importation permits. Apply to MassWildlife Boston office, Permit Section (617) 626-1575. For permits regarding crossbows, falconry, problem animal control, or shooting preserves contact Field Headquarters at (508) 389-6300.

YOUR LICENSE DOLLARS AT WORK

Did you know your license dollars and a federal excise tax on your purchase of hunting and fishing equipment pay for most of MassWildlife’s fish, wildlife, and habitat management and its other conservation programs? Since 1938, the Division of Fisheries and Wildlife has partnered with the U. S. Fish and Wildlife Service; state license-buyers; and the fishing, hunting, shooting, and boating industries to fund fish and wildlife projects through the Wildlife and Sport Fish Restoration Program. Today, this pioneering program serves as a cost-effective model for fish and wildlife conservation by providing fish and wildlife access to those who both fund and directly benefit from the resource—licensed anglers and hunters. Their contributions through this “user pay, public benefit” conservation model—funded by license purchases and excise taxes on fishing and hunting equipment—benefit all Massachusetts residents, and fish, wildlife, and their habitats.



STAMPS

Fees for resident and non-resident stamps have changed. See page 8.

ARCHERY STAMP: Required to hunt deer during the archery deer season.

PRIMITIVE FIREARMS STAMP: Required to hunt deer during the primitive firearms deer season.

MASSACHUSETTS WATERFOWL STAMP: Required of all waterfowl (ducks and geese) hunters age 15 and older. Massachusetts state stamps are valid Jan. 1 – Dec. 31 and may be purchased online at

mass.gov/massfishhunt or wherever hunting licenses are sold. This stamp is electronic, there are no physical stamps. Stamp purchase includes mandatory Harvest Information Program (HIP) Registration.

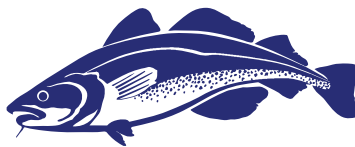
FEDERAL DUCK STAMP: (\$25.00, plus federal regulatory processing fee) Required of all waterfowl hunters 16 years or older. Federal stamps are valid July 1 – June 30 of the following year. Federal eDuck Stamps are available for purchase online through MassFishHunt (mass.gov/massfishhunt) or wherever hunting licenses are sold. The Federal eDuck Stamp is a temporary stamp expiring 45 days from the date of purchase.

Before the eDuck Stamp expires, a physical Federal Duck Stamp will be sent to customers via U.S. mail. Upon receipt of the physical Federal Duck Stamp, it must be signed across the face in ink and carried while waterfowl hunting. If a physical Duck Stamp does not arrive after a few weeks, contact Amplex at duckstamp@amplex.com or (800) 852-4897. If you experience difficulty purchasing the Federal eDuck Stamp through the MassFishHunt system, call (844) 595-2930. Physical federal waterfowl stamps are also available at all National Wildlife Refuges and select post offices.

MARINE FISHERIES

Have any questions regarding saltwater fishing regulations? Call the Massachusetts Division of Marine Fisheries information hotline at (617) 626-1520, visit mass.gov/marinefisheries, or email: marine.fish@mass.gov

Marine Fisheries Commonwealth of Massachusetts



SALTWATER FISHING PERMITS

Saltwater anglers in Massachusetts are required to purchase a state recreational saltwater fishing permit. The fee for this permit is \$10 and is the same cost for all anglers, including non-residents. Anglers younger than 16, or disabled, or who fish only on charter boats or "head boats" are exempt from this requirement. Anglers age 60 and older will need to obtain a permit, but the saltwater permit is free. The permit is available online, by mail, and in person at participating vendors and the Massachusetts Division of Marine Fisheries offices in Gloucester, Boston, and New Bedford. For more information, please visit: mass.gov/dmf/saltwaterpermits.



Photo by Troy Gipps/MassWildlife



Photo by Troy Gipps/MassWildlife

2023 LICENSE, STAMP & PERMIT FEES

LICENSES	FEE
Resident Fishing ¹	29.50
Resident Minor Fishing (Citizen, Age 15–17) ¹	FREE
Resident Fishing (Citizen, Age 65–69) ¹	14.75
Resident Fishing (Citizen, Age 70 or over) Or paraplegic, blind, intellectually disabled ²	FREE
Non-resident Fishing ¹	39.50
Non-resident Minor Fishing (Age 15–17) ¹	7.10
Resident Fishing (3-day) ¹	12.50
Non-resident Fishing (3-day) ¹	23.30
Quabbin 1-day Fishing	5.00
Resident Hunting ¹	29.50
Resident Minor Hunting (Citizen, Age 15–17) ¹	6.50
Resident Hunting (Citizen, Age 65–69) ¹	14.75
Resident/Non-resident Hunting, Paraplegic ²	FREE
Non-resident (adult/minor) Hunting, Big Game ¹	101.50
Non-resident (adult/minor) Hunting, Small Game ¹	67.50
Resident Sporting ¹	54.00
Resident Sporting (Citizen, Age 65–69) ¹	27.00
Resident Sporting (Citizen, Age 70 or over, includes trapping)	FREE
Resident/Non-resident Sporting, Paraplegic ²	FREE
Resident Trapping ¹	34.00
Resident Minor Trapping (Citizen, Age 12–17) ¹	6.50
Resident Trapping (Citizen, Age 65–69) ¹	17.00
Resident Commercial Shooting Preserve (1-day) ¹	7.00
Non-resident Commercial Shooting Preserve (1-day) ¹	11.00
STAMPS & PERMITS	FEE
Wildlands Stamp, Resident	5.00
Wildlands Stamp, Non-resident	5.00
Antlerless Deer Permit (when issued), Resident	10.00
Antlerless Deer Permit (when issued), Non-resident	15.00
Archery Deer Season Stamp, Resident	10.00
Archery Deer Season Stamp, Non-resident	15.00
Primitive Firearms Deer Season Stamp, Resident	10.00
Primitive Firearms Deer Season Stamp, Non-resident	15.00
Bear Permit, Resident	10.00
Bear Permit, Non-resident	15.00
Pheasant/Quail Permit, Resident	8.00
Pheasant/Quail Permit, Non-resident	12.00
Turkey Permit, Resident	10.00
Turkey Permit, Non-resident	15.00
Massachusetts Waterfowl Stamp, Resident	10.00
Massachusetts Waterfowl Stamp, Non-resident	15.00
Trap Registration ²	11.00
Non-resident Trapping Permit ²	206.00
Resident Fur Buyer Permit ²	36.00
Non-resident Fur Buyer Permit ²	96.00

1 Price does not include the \$5.00 Wildlands Conservation Stamp that is added to the first resident license and all non-resident licenses purchased.

2 Requires pre-approval for first-time applicants or cannot be purchased online; contact MassWildlife for instructions at (508) 389-6300.

WHERE TO BUY: Most licenses, permits, and stamps can be bought online using MassFishHunt (mass.gov/massfishhunt) with a computer, tablet, or smartphone. To purchase in-person, use mass.gov/fishhuntlicensemap to find a license vendor near you.

UNDERSTANDING YOUR BILL: All funds from freshwater fishing, hunting, and trapping licenses go directly into the Inland Fish and Game Fund, which can only be used to support MassWildlife’s programs and services. Depending on where you buy your license, additional fees may apply that are not collected by MassWildlife. Administrative and convenience fees are collected by Kalkomey Enterprises, the company that operates the online MassFishHunt licensing system. Agent fees are collected by license vendors, such as sporting goods stores or town offices.

- If you buy online, an administrative fee of \$1.45 per license will be charged, plus a 2% convenience fee on the total transaction.
- If you buy at a license vendor, such as a sporting goods store or bait and tackle shop, an administrative fee of \$1.45 per license will be charged, plus an agent fee of up to \$1.50.
- If you buy at a city or town clerk office, an administrative fee of \$1.45 per license will be charged, plus an agent fee of \$1.00.
- There are no additional fees charged for licenses purchased at offices of MassWildlife or the Division of Marine Fisheries, where only cash or checks are accepted.



Maybe your dream is to have a 200–Class B&C buck hanging on your wall...

or is your dream to watch your child take a trophy buck you can both be proud of...

Please call us with your dream and let us make it a reality! We have big-bodied bucks ranging up to and over 250 B&C!

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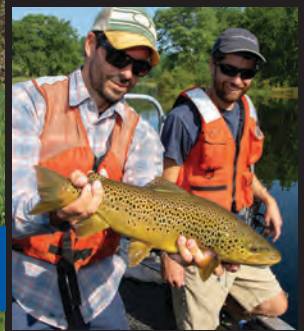
315-286-5528 | 315-286-2861 | 315-376-2190

LowlandsWhitetails.com

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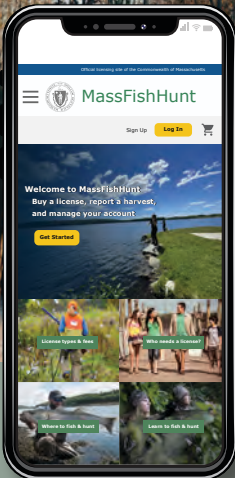
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FISHING SEASONS AND LIMITS

SPECIES	OPEN SEASON (ALL DATES INCLUSIVE)	DAILY CREEL LIMIT	MINIMUM LENGTH ¹
Trout ²			
Lakes, ponds, major rivers ^{3,5,6}	Jan. 1 – Dec. 31	3	—
Housatonic River ⁴	Jan. 1 – Dec. 31	1	20"
All other rivers and brooks	Apr. 1 – Sept. 10	8	—
	Sept. 11 – Mar. 31, 2024	3	—
Lake Trout			
Wachusett Reservoir ⁶	(see note 6)	3	—
Quabbin Reservoir ⁶	(see note 6)	2	18"
Landlocked Salmon ⁶	Jan. 1 – Dec. 31	2	15"
American Shad ⁷ (Connecticut and Merrimack rivers only, including their tributaries.)	Jan. 1 – Dec. 31	3	—
Chain Pickerel	Jan. 1 – Dec. 31	5	15"
Black Bass (Largemouth and Smallmouth, singly or combined):	Jan. 1 – Dec. 31	5	12"
Northern Pike	Jan. 1 – Dec. 31	1	28"
Tiger Muskellunge	Jan. 1 – Dec. 31	1	28"
Walleye	Jan. 1 – Dec. 31	5	14"
Smelt ⁸	Jan. 1 – Feb. 28	—	—
	May 16 – Dec. 31	—	—
All Other Freshwater Species ⁹	Jan. 1 – Dec. 31	—	—
Striped Bass and Herring: For season, size, and possession limits call the Division of Marine Fisheries at (617) 626-1520, or visit mass.gov/marinefisheries .			
Possession of: Sturgeon (all species), American Brook Lamprey, Atlantic (sea-run) Salmon, Bridle Shiner, Burbot, Eastern Silvery Minnow, Lake Chub, Longnose Sucker, and Northern Redbelly Dace is illegal! If caught, release immediately. This means remove hook or cut line and return fish to water immediately — do not pose for photographs, place on a stringer, hold in a net, or delay in any way the immediate return and release of these rare fish to the water!			

- 1 **Minimum length** is measured as the straight line (not curved over the body) from the tip of the snout to the tip of the tail. The tips of any forked tail may be squeezed together for the final measurement.
- 2 **Trout** applies to Brook, Brown, Rainbow, and Tiger Trout (a cross between a female Brown and a male Brook Trout). From Apr. 1 to Sept. 10, no more than 8 trout (as defined) may be taken daily, and only 3 of those trout may be from lakes, ponds, or major rivers. From Sept. 11 to Mar. 31, no more than 3 trout (as defined) may be taken daily.
- 3 **Major Rivers:** Childs, Coonamessett, Deerfield, Farmington, Green (Colrain), Green (Great Barrington), Ipswich, Jones, Mashpee, Millers, Nissitissit, North (Colrain), North (West Branch), Parker, Quaboag, Quinapoxet, Quinebaug, Seven Mile, Santuit, Scorton Creek, Shawsheen, Squannacook, Stillwater (Sterling, Princeton), Swift (East Branch), Swift (Winsor Dam to Ware River, except as posted), Tully (East and West Branches), Ware, Ware (East Branch), Westfield (all branches).
- 4 **Mainstem Housatonic only**, from the confluence of the East and West Branches to the MA-CT line, exclusive of the catch-and-release areas where no trout may be kept.
- 5 **Special Brown Trout water:** South Pond (Quacumquasit), Brookfield. Total daily creel is 3 trout but only 1 may be a Brown Trout and it must be at least 15".

6 Quabbin and Wachusett Reservoirs: Opening and closing dates are set by the Department of Conservation and Recreation (DCR). The Quabbin Reservoir Fishing Season generally opens on the third Saturday of April and runs through the third Saturday in October, but these dates may be adjusted due to weather and other factors. Quabbin Reservoir and its tributary streams within the Quabbin Reservation are closed to all fishing except during the open season as set by DCR. The Quabbin Fishing Guide is available at: mass.gov/dcr/quabbinfish or by calling (413) 323-7221. The Wachusett/Sudbury/West Waushacum fishing season normally opens the first Saturday in April and closes November 30,

but the DCR/DWSP may alter those dates depending on ice conditions. At Wachusett Reservoir, shoreline fishing only is allowed from Gate 6 on Route 70 to Gate 36 on Route 110. A Wachusett and Sudbury Reservoir Fishing Guide is available at: mass.gov/dcr/wachusettfish or by calling (508) 792-7806.

- 7 **American Shad** are Catch-and-Release ONLY on all waters except the Connecticut and Merrimack rivers, including their tributaries.
- 8 **Smelt** may be taken by hook and line only.
- 9 Excluding the state- and federally-listed species listed after the "Possession of:" heading in the bottom row of the table shown above.

ICE FISHING

All anglers are allowed up to five hooks through the ice at one time. A hook is defined as an angling device attached to the line of a tip-up or jig stick that is designed to take one fish at a time. This includes plain hooks, treble hooks, spinners, spoons, bait harnesses, jigs, or plugs. The device in question is not restricted to a single hook – lures with multiple treble hooks count as one hook in the water. Hooks can be on any combination of tip-ups or jig sticks, but no more than five hooks total.

All anglers must be able to tend their own hooks (tip-ups or jig sticks). Adults may assist minors with cutting holes or removing hooks, but minors must be capable of tending tip-ups or jig sticks on their own. See ice strength and safety tips on page 14.



BAIT

It is unlawful to take baitfish for the purpose of sale from the inland waters of the Commonwealth. Individuals trapping fish for personal use as baitfish may use only one trap.

BAITFISH may be taken by licensed anglers at any time for personal use by all lawful methods, including a rectangular net not exceeding 36 square feet of net area or by a hoop or circular net not exceeding 6 feet in diameter or with a fish trap with openings not exceeding one inch. Nets designed to gill fish are prohibited. Only the fish species listed below may be taken for personal use as bait, live or dead, by licensed anglers.

- | | |
|------------------|----------------|
| Banded Killifish | Pumpkinseed |
| Fallfish | Rainbow Smelt* |
| Fathead Minnow | Yellow Perch |
| Golden Shiner | White Sucker |
| Mummichog | |

* SMELT may be taken **only** by hook and line. Using smelt as bait in inland waters outside of the smelt season is prohibited.

HERRING: For regulations on herring contact the Division of Marine Fisheries, (617) 626-1520 or mass.gov/marinefisheries.

REPTILES AND AMPHIBIANS

SPECIES	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	SIZE LIMIT
For Personal Consumption				
Bullfrog, Green Frog	July 16 – Sept. 30	12	24	none
Snapping Turtle	Jan. 1 – Apr. 30 July 17 – Dec. 31	2	2	at least 12 in.*
For Bait				
Bullfrog, Green Frog, Pickerel Frog, Wood Frog	Jan. 1 – Dec. 31	10	10	less than 2½ in.**

*Straight line carapace (shell) length **Snout to vent length

No reptile or amphibian may be taken from the wild in Massachusetts for purposes of sale. No reptile or amphibian may be taken with a firearm.

Fishing license required.

For Personal Consumption: Snapping turtles may be taken by hand, hand-held dip net, or gaff.

For Bait: Bullfrogs, green frogs, wood frogs, and pickerel frogs may be taken by hand or hand-held dip net.

FREE FISHING WEEKEND

**June 3–4, 2023
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Photo by John Gutzeit/MassWildlife



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CATCH AND RELEASE AREAS

Artificial lures only. No bait in possession. Go to mass.gov/dfw/cr-areas for maps of catch and release areas.

HOUSATONIC RIVER: From the Rte. 20 bridge in Lee downstream to Willow Mill Dam AND from Glendale Dam downstream to the railroad bridge in Great Barrington. No fishing from June 15 – Aug. 31 inclusive within 100 feet of the mouths of posted tributaries: Beartown Brook; Goose Pond Brook; Hop Brook; and Mohawk Brook.

RED BROOK: From the outlet of White Island Pond to the inlet of Buttermilk Bay.

NISSITISSIT RIVER: From the New Hampshire border to the Prescott St. Bridge. FLY FISHING ONLY (year-round).

SWIFT RIVER: Winsor Dam to Rte. 9, catch-and-release FLY FISHING ONLY (year-round). Rte. 9 to Cady Lane, catch-and-release, artificial lures only (July 1 – Dec. 31); fish harvest and bait allowed (Jan. 1 – June 30).

DEERFIELD RIVER: Fife Brook Dam to Hoosac Tunnel, and the section extending from Pelham Brook to the Mohawk Campground.

QUASHNET RIVER: From the outlet of John's Pond to the sign 0.1 mile below Rte. 28.

WESTFIELD RIVER, EAST BRANCH: Immediately below the Chesterfield Gorge parking lot in Chesterfield to the gate north of the Corps of Engineers parking lot at Knightville in Huntington.

MILLERS RIVER: Templeton/Athol RR bridge to the first dam in Athol and from Wendell Rd. bridge in Orange to the breached dam in Erving center.

FISH CONSUMPTION ADVISORIES

The Mass. Dept. of Public Health (MDPH) has issued a statewide advisory for pregnant women, nursing mothers, women who may become pregnant, and children under 12 to refrain from consuming fish caught in freshwater due to elevated levels of mercury in fish. MDPH has also issued fish consumption advisories for the general public on selected bodies of water. For more information or a list of waters with fish consumption advisories, contact MDPH, Bureau of Environmental Health, at (617) 624-5757 or mass.gov/dph. **These advisories DO NOT apply to stocked trout found in these water bodies. For the list of trout stocked waters visit mass.gov/trout.**

INTERSTATE POND LICENSE REGULATIONS

WALLUM LAKE, DOUGLAS: Fishing permitted by persons duly licensed in Massachusetts or Rhode Island. Rhode Island regulations apply.

LAKE MONOMONAC AND ROBBINS POND, WINCHENDON; LONG POND, TYNGSBORO AND DRACUT; BENT POND, WARWICK; TUXBURY POND, AMESBURY: Fishing permitted by persons duly licensed in Massachusetts or New Hampshire. New Hampshire regulations apply.

COLEBROOK RESERVOIR, TOLLAND; PERRY POND, DUDLEY; MUDDY POND, SOUTHBRIDGE; BREAKNECK POND, STURBRIDGE; CONGAMOND LAKE, SOUTHWICK; HAMILTON RESERVOIR, HOLLAND: Fishing permitted by persons duly licensed in Massachusetts or Connecticut. Connecticut regulations apply to Colebrook Reservoir, Breakneck Pond, Perry Pond and Muddy Pond. Massachusetts regulations apply to Congamond Lake and Hamilton Reservoir.

SHERMAN RESERVOIR, ROWE: Massachusetts regulations apply and MA license required in MA. Vermont regulations apply and VT license required in VT.

FISHING PROHIBITIONS

- **More than two hooks** for fishing open water or more than five hooks when ice fishing. A hook is defined as an angling device attached to a fishing line that is designed to take one fish at a time but is not limited to devices commonly called spinners, spoons, bait harnesses, jigs, or plugs.
- The taking of any fish from the inland waters of the Commonwealth for the purposes of sale.
- **Lead Sinkers, Lead Weights, and Lead Jigs Weighing Less Than an Ounce.** Any sinker or weight made from lead that weighs less than 1 ounce, and any lead jig (meaning any lead-weighted hook) that weighs less than 1 ounce, is prohibited for use in all inland waters of the Commonwealth. The term lead sinker shall not include any other sinkers, weights, fishing lures or fishing tackle including, but not limited to, artificial lures, hooks, weighted flies, and lead-core or other weighted fishing lines.
- **Possession of Sturgeon** (all species), American Brook Lamprey, Atlantic (sea-run) Salmon, Bridle Shiner, Burbot, Eastern Silvery Minnow, Lake Chub, Longnose Sucker, and Northern Redbelly Dace is illegal! If caught, release immediately. This means remove hook or cut line and return fish to water immediately — do not pose for photographs, place on a stringer, hold in a net, or delay in any way the immediate return and release of the fish to the water.
- **Releasing** fish or spawn into inland waters, except by permit.
- **Transporting** live fish (except bait for personal use) without a permit.
- **Jug, toggle, or trot line** fishing.
- **Snagging**
- **Poisons, explosives**
- **Littering** in inland waters.

SPEARS, BOW AND ARROWS

May be used to take White Suckers and Carp only. Fishing license required.



Photo courtesy MassWildlife SFAP



FRESHWATER SPORTFISHING AWARDS PROGRAM

Awards for freshwater fish are offered in 22 categories. Each qualified entry receives a bronze pin. The largest fish in each category each year also receives a gold pin and plaque. There are also Youth (17 and under) and Adult "Angler of the Year" awards given to anglers who have taken the greatest variety of "pinfish" during the calendar year. Fish must meet minimum weight or length requirements. All entries must be submitted within 30 days of the date of the catch.

SUBMIT ENTRIES ONLINE!

Save time and a stamp by submitting your Sportfishing Awards Program entry using the online affidavit. Find the form at mass.gov/dfw/sportfishing-awards. It's easy—just enter information about you and your catch, upload a photo of your fish, and submit! Online forms are processed faster than paper forms, allowing us to award pins and update the leader board more quickly.

Catch and Keep entries must be weighed on a scale certified by the State. Go to mass.gov/dfw/sportfishing-awards for a list of weigh stations and to download an affidavit. This information is also available at MassWildlife offices.

MINIMUM WEIGHTS AND LENGTHS

SPECIES	CATCH AND KEEP (WEIGHT)		CATCH AND RELEASE LENGTH (INCHES)
	ADULT	YOUTH	
Bowfin	6 lb. 0 oz.	4 lb. 0 oz.	26
Brook Trout	2 lb. 0 oz.	1 lb. 0 oz.	16
Brown Trout	4 lb. 0 oz.	2 lb. 0 oz.	22
Bullhead	2 lb. 0 oz.	1 lb. 0 oz.	15
Carp	15 lb. 0 oz.	10 lb. 0 oz.	31
Chain Pickerel	4 lb. 8 oz.	3 lb. 0 oz.	25
Channel Catfish	6 lb. 0 oz.	5 lb. 0 oz.	25
Crappie	1 lb. 8 oz.	1 lb. 0 oz.	14
Lake Trout	7 lb. 0 oz.	5 lb. 0 oz.	30
Landlocked Salmon¹	4 lb. 0 oz.	3 lb. 0 oz.	22
Largemouth Bass	7 lb. 0 oz.	4 lb. 0 oz.	21
Northern Pike	15 lb. 0 oz.	10 lb. 0 oz.	36
Rainbow Trout	3 lb. 0 oz.	2 lb. 0 oz.	20
Shad	5 lb. 0 oz.	3 lb. 0 oz.	22
Smallmouth Bass	4 lb. 8 oz.	3 lb. 0 oz.	20
Sunfish²	0 lb. 12 oz.	0 lb. 8 oz.	10
Tiger Muskellunge	10 lb. 0 oz.	7 lb. 0 oz.	34
Tiger Trout	2 lb. 0 oz.	1 lb. 0 oz.	16
Walleye	4 lb. 0 oz.	2 lb. 0 oz.	24
White Catfish	4 lb. 0 oz.	2 lb. 0 oz.	19
White Perch	1 lb. 8 oz.	1 lb. 0 oz.	14
Yellow Perch	1 lb. 8 oz.	1 lb. 0 oz.	14

1 Landlocked Salmon are recognized only from Quabbin and Wachusett Reservoirs.

2 Sunfish category includes Redbreast Sunfish, Green Sunfish, Bluegill, Pumpkinseed, and Rock Bass.

CATCH AND RELEASE ANGLERS: TIPS FOR MINIMIZING FISH STRESS

- If using bait, the use of circle hooks dramatically reduces the likelihood of gut-hooking a fish.
- Be attentive and set the hook immediately to prevent the fish from swallowing the hook (setting the hook is not necessary with circle hooks).
- Reduce the fight time. The longer the fish fights, the higher the stress level for the fish. This is particularly important when fishing for trout in periods of warmer water temperatures. If it takes you a long time to land a fish, your drag may be set too loosely or your gear may be too light for the fish you are catching.
- Use a fine-mesh landing net to reduce the amount of time required to land a fish.
- If the hook is swallowed, do not forcefully remove it. Cut the line as close to the mouth as possible and then release the fish.



FRESHWATER SPORTFISHING AWARDS

Catch and Release Anglers: Remember to take a picture before releasing the fish at the site of capture. This photograph shows the proper method for measuring and photographing a Catch and Release awards entry.

- Wet your hands before touching the fish so you don't damage the protective mucous layer on the outside of the fish.
- Don't use the gills or eyes as a handhold. Support the belly of larger fish. Bass can be safely handled by holding the lower jaw, thumb in the mouth and forefinger under the chin.
- Quickly return fish to the water. Revive a fatigued fish by supporting it in a swimming position in the water; gently move it back and forth until it can swim off.



ICE STRENGTH AND SAFETY TIPS

This ice strength and safety information is presented for the benefit of ice anglers and other winter sports people recreating on iced-over bodies of water.

The figures in the table to the right are for clear, blue ice on lakes and ponds. Reduce strength values 15% for clear blue, river ice. Slush or snow (white) ice is only one-half the strength of blue ice and can be very treacherous. "Honeycombed" ice, which occurs in the spring or during major winter thaws as the ice is melting, is the most dangerous type of ice and is best avoided unless the angler is certain there is a safe layer of solid ice beneath the honeycombed surface.

Anglers should also be aware that many lakes and ponds contain spring holes and other areas of current that may create deceptively dangerous thin spots in areas that are otherwise safe. Always use caution, and don't venture out onto unfamiliar waters without checking ice thickness frequently.

ICE THICKNESS AND STRENGTH

ICE THICKNESS (INCHES)	PERMISSIBLE LOAD (ON NEW* CLEAR/BLUE** ICE ON LAKES OR PONDS)
2" or less	STAY OFF!
4"	Ice fishing or other activities on foot
5"	Snowmobile or ATV
8"-12"	Car or small pickup truck
12"-15"	Medium truck

* New ice is stronger than older ice.

** White ice or "snow ice" is only about half as strong as new clear ice. Double the above thickness guidelines when traveling on white ice.

HOW CAN YOU TELL IF ICE IS SAFE?

There are no guarantees. Always consider ice potentially dangerous. Assess ice safety by using an ice chisel to chop a hole in the ice to determine its thickness and condition. Make sure you continue to do this as you go further out on to the ice, because

the thickness of the ice will not be uniform all over the pond or lake. Be aware that ice tends to be thinner on lakes and ponds where there are spring holes, inlets or outlets. Don't venture onto ice-bound rivers or streams as the currents make ice thickness unpredictable.

For other ice safety tips and winter weather preparedness, visit mass.gov/mema.

IF YOU, A COMPANION, OR PET FALLS THROUGH THE ICE

As with any emergency, don't panic! Call for help if there are people nearby. While it doesn't take long for the cold water to start slowing your physical and mental functions, you have more time than you might think; typically 2-5 minutes and perhaps longer if you are in good, physical condition. Air will remain trapped in your clothes for a short time aiding your buoyancy. Kick your legs while grasping for firm ice. **Try to pull your body up using "ice pins" that should be hanging around your neck.** Once your torso is on firm ice, roll towards thicker ice. This will better distribute your weight. Remember that ice you previously walked on should be the safest. After you reach safe ice, don't waste precious time, you need to warm up and dry out. If you are in a remote area, this means getting to or starting a campfire. If you are in a more urban setting get to a car or house. Once there, get out of wet clothes, change into dry clothes to get warmed up and seek advice from your physician on medical attention. You need to warm up quickly to prevent hypothermia.

If a companion falls through the ice remember the phrase "**Reach-Throw-Go.**" If you are unable to **reach** your friend from shore, **throw** him or her a rope, jumper cables, tree branch, or other object. If this does not work, **go** for help before you also become a victim. Get medical assistance for the victim immediately.

When walking on or near ice, keep your pets on a leash. If a pet falls through the ice do not attempt to rescue the pet, go for help. Well-meaning pet owners can too easily become rescue victims when trying to assist their pets.

Outdoor recreation activities on the ice are safe pursuits. By using a little common sense, these activities will stay that way.

STOP THE SPREAD

of Nuisance Aquatic Plants and Animals

Boaters, anglers, and other lake and river users are reminded that many unwanted, invasive species can be transported and inadvertently introduced to new waters by hitchhiking undetected on your boat, trailer, motor, waders, diving equipment, and other fishing gear. Please **clean** and decontaminate your boat, motor, trailer, ropes, and gear; **drain** your boat, motor, and live well(s); and make sure your equipment is thoroughly **dry** before entering any body of water. For more information contact Massachusetts DCR Lakes and Ponds Program at (617) 626-1250 or mass.gov/lakesandponds.

CLEAN, DRAIN, DRY

MASSACHUSETTS BOATING LAWS: A SUMMARY

BOAT REGISTRATION: Registration and numbering of all motorized boats is required. This includes electric motors.

MINIMUM AGE RESTRICTIONS: No person under 12 years of age may operate a motorboat, unless accompanied on-board and directly supervised by a competent person 18 years of age or older. Personal watercraft (PWC) users must be at least 16 years of age in order to operate.

BOAT SAFETY EDUCATION CERTIFICATION: Youth between 12 and 15 years of age must complete an approved basic boating course in order to operate a motorboat without adult supervision. Upon successful completion of such a course, students are issued a state "boating safety certificate" which must be in the possession of the certified operator when underway. Prospective personal watercraft users 16 or 17 years of age must also complete an approved boating course.

SAFETY EQUIPMENT: Personal Flotation Devices (life jackets) are required to be worn by: (1) youth under 12 years of age, (2) personal watercraft users, (3) Stand Up Paddle Board (SUP) users, (4) water-skiers, and (5) canoeists/kayakers from September 15 – May 15 (including waterfowl hunters). A boat owner or a boat operator is responsible to ensure that all passengers on-board wear or have access to life jackets. When not in a bathing, swimming, or surf zone, all SUP users on inland lakes, rivers or coastal waters, are required by law to have a Type I, II, or III life jacket aboard. All motorboats (with the exception of personal watercraft) must be equipped with an anchor, manual bailer, and line. A paddle or an oar is required on boats less than 16 feet in length. Motorboats towing water-skiers must be equipped with a boarding ladder.

BOATING PROHIBITIONS

The following types of operation are extremely unsafe and are prohibited.

- Operating any vessel under the influence of alcohol (BAC of .08 or greater) or drugs.
- Operating a motorboat within 150 feet of swimming areas.
- Operating in inland waters at a speed greater than 45 mph or operating at an excessive speed without regard for weather conditions, boat traffic, and other hazards.
- Operating a motorboat without properly working lights.
- Operating a motorboat during the nighttime while towing water-skiers, tubers, or others.
- Operating at greater than headway speed (6 mph or less) within 150 feet of a swimmer, water-skier, mooring area, marina, boat launch, or when the operator's vision is obscured in any way.
- Operating an overloaded vessel (carrying total weight that exceeds capacity plate recommendations or is excessive due to water conditions).
- Operating with passengers on the bow, gunwales, or any other place from which a person could fall overboard.
- Always operate at slow, no-wake speed (6 mph or less) within 150 feet of swimmers, shorelines, water-skiers, boat launches, rafts or floats, and moored or docked boats.

PWC Operation is prohibited:

- By any person under age 16
- Between the hours of sunset and sunrise (i.e. night time)
- At high speed in congested areas
- On waterbodies under 75 acres
- Towing (water-skiers, tubers, boats, or others) is illegal.

ACCIDENT REPORTING: The operator of any motorboat involved in an accident which results in personal injury, death, or property damage (over \$500) must immediately notify the Massachusetts Environmental Police and file the appropriate accident report within 5 days for most boating accidents, within 2 days for boating incidents involving fatalities.

For further information on boating laws, boating education, or to obtain accident report forms contact the Massachusetts Environmental Police Boat & Recreation Vehicle Safety Bureau at (508) 564-4961 or visit mass.gov/ole.

PERSONAL WATERCRAFT (JET SKI) OPERATION

By law, personal watercraft (PWC) operators are considered motorboat operators and must comply with all boating laws and navigation rules. In addition, PWC users must:

- Wear an approved life jacket at all times (operator and passengers).
- Attach the safety lanyard to the operator and the cutoff/kill switch.

GOT LIFE JACKETS?

Boat Smart From the Start — Wear Your Life Jacket!
From September 15 to May 15 all canoe or kayak occupants **MUST WEAR** a U.S. Coast Guard approved Personal Flotation Device (PFD).



DO YOU WANT TO KNOW WHERE TO GO FISHING OR BOATING?

Public Access to the Waters of Massachusetts is a 146-page map booklet that provides information about current fishing and boating access sites. Send \$8.00 payable to the Commonwealth of MA by check to:

Office of Fishing & Boating Access
Department of Fish & Game
1 Rabbit Hill Road
Westborough, MA 01581
(508) 389-7810

To view fishing and boating access locations online, visit mass.gov/fba.



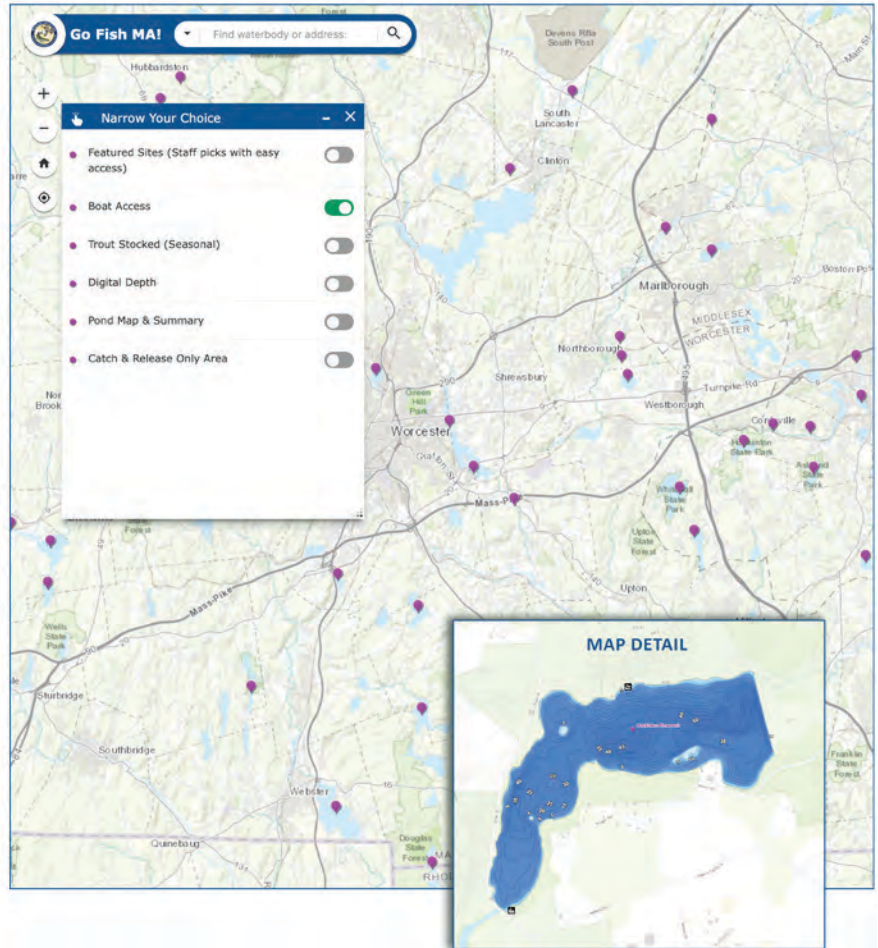


GO FISH MA! WITH ONLINE FISHING MAP

Plan your next fishing trip using Mass-Wildlife’s online fishing map. Find boat ramps, trout stocked waters, pond and lake summaries, and digital depth information. The fishing map also highlights over 100 featured fishing sites that offer easy access to great fishing in all areas of the state. Once you’re at your fishing spot, use your mobile device and the *My Location* feature on the map to see depth information in real time. Go to mass.gov/gofishma to start exploring.

TROUT STOCKING REPORT

Massachusetts anglers can go to mass.gov/trout to view a list or a map displaying trout stocking information. The report is updated daily during the spring and fall trout stocking seasons. Anglers seeking stocking reports for a particular waterbody or town should use the table to locate information. Type the name of the waterbody or town into the search window to find stocking reports for that location. The table also allows users to sort by town, waterbody, stocking date, type of fish, or district. The



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map component of the stocking report allows users to discover new destinations for fishing! Zoom and pan to various regions of the state. The default map view shows trout-stocked waters for the entire state. Zoom to the area you would like to explore and then click on any thumbtack icon to view the dates and types of trout that have been stocked at that location. Stocking locations on streams are accurate, but fish swim, so be sure to investigate other reaches of the streams.

NOTE: The stocking report is subject to change depending on staffing, equipment, and weather conditions.

Don’t forget your fishing license — available online at mass.gov/massfishhunt at MassWildlife offices, or at license vendors.

VISIT MASS.GOV/TROUT FOR STOCKING LOCATIONS AND DAILY REPORTS

COLDWATER STREAMS

A Coldwater Fish Resource (CFR) is a waterbody that contains at least one coldwater fish species (i.e., Slimy Sculpin, Longnose Sucker, Lake Chub, American Brook Lamprey, Burbot, Rainbow Smelt, Landlocked Atlantic Salmon, and Lake, Brook, Brown, and Rainbow Trout) that reproduced in that waterbody, or a connected tributary, and use such waters to meet one or more of their life history requirements. Protection of coldwater habitats is critical for maintaining the overall health of coldwater fish species, which are ecologically, and in many cases, recreationally important fishes throughout Massachusetts. Once designated as a CFR, waterbodies are then afforded a greater degree of protection from potential human-caused alterations to their health. A map and list of currently designated CFRs can be found at mass.gov/dfw/cfr.





GENERAL HUNTING REGULATIONS

Report all violations to the Massachusetts Environmental Police (800) 632-8075.

ACCIDENTS: All hunting-related injuries or deaths must be reported to the Environmental Police and state or local police.

ARCHERY: All bows (recurve, long, and compound), except permitted crossbows, used for hunting deer, bear, and turkey must have a draw weight of at least 40 lbs. at 28 inches or at peak draw. Hand-held releases are permitted. Arrows used on deer, bear, or turkey must have well-sharpened steel broadhead blades not less than 7/8 inches in width. Expanding broadheads are legal. Archers may hunt deer with a bow and arrow during the shotgun and primitive firearms deer seasons, but must comply with all regulations of those seasons, including blaze orange and stamp requirements. Crossbows may be used only by duly permitted hunters with certain permanent disabilities. For regulations and an application, visit www.mass.gov/masswildlife or contact MassWildlife at (508) 389-6300.

A firearms license (FID or LTC) is not required for bowhunting.

BLAZE ORANGE: 🧡 During the pheasant or quail season on WMAs where pheasant or quail are stocked, all hunters must wear a blaze orange hat. EXCEPTION: No orange hat required while hunting waterfowl from a blind or boat or night-hunting for raccoons or opossums. (see page 21, Wildlife Management Area Regulations) During the Youth Deer Hunt Day and the Shotgun Season for deer, all hunters must wear 500 square inches of blaze orange on

chest, back, and head. During these seasons waterfowl hunters on coastal waters and salt marshes must wear 500 square inches of blaze orange (hat and vest) while hunting or in transit to their blind or boat during these periods. The orange may be removed once the waterfowl hunter is in a blind or boat. During the Primitive Firearms Season, all deer hunters must comply with the 500 square inch blaze orange requirement.

DOGS: During the shotgun deer season and Youth Deer Hunt Day, dogs may be used for waterfowl hunting only on coastal waters and salt marshes. Hunting dogs may be trained at any time (except during the shotgun season for deer) provided that only pistols or revolvers and blank cartridges are used or possessed. A sporting or hunting license is required to train hunting dogs off-leash on Wildlife Management Areas.

HARVEST REPORTING: Upon harvesting a deer, bear, or turkey, hunters must immediately fill out and attach the paper tag from the permit or license to the carcass. The game must remain intact (other than field dressing), with the harvest tag attached, until it is reported. Hunters who harvest a deer, bear, coyote, fox, or turkey must report or check their game within 48 hours of killing the animal. Hunters may report their harvested game online or bring their game to an official check station. For information on Online Game Reporting, or a list of official check stations visit the Game Check Station page at mass.gov/dfw/checkstation. **All deer harvested during the first week of the shotgun deer season must be brought to an official check station for biological data collection.**

OPEN AND CLOSED HUNTING SEASONS: The following species may be taken year round (except during shotgun deer season) by licensed hunters with no daily or seasonal bag limit: English sparrow, flying squirrel, red squirrel, chipmunk, porcupine, skunk, starling, weasel, and woodchuck. During shotgun deer season all game hunting seasons are closed statewide except for deer, bear, coyote, and waterfowl.

TREE STANDS: Written permission of the landowner (on either public or private lands) is required to construct or use any tree stand which is fastened to a tree by nails, bolts, wire, or other fasteners that intrude through the bark into the wood of the tree, or that is fastened or erected in any manner and is emplaced for a period exceeding 30 days. This includes hang-on tree stands.

YOUTH DEER HUNT DAY RESTRICTIONS: When hunting other game animals on the Youth Deer Hunt Day, (Sept. 30, 2023) additional requirements apply:

- Rifles and handguns are prohibited for hunting any game.
- Dogs may only be used for waterfowl hunting (ducks and geese) on coastal waters and salt marshes.
- All game hunters must wear a minimum of 500 square inches of blaze orange on their chest, back, and head; waterfowl hunters are required to wear blaze orange in transit to and from their blind or boat. 🧡

WANTON WASTE: It is unlawful for hunters to intentionally or knowingly leave a wounded or dead game animal without making a reasonable effort to retrieve and use it. Each animal must be retained until processed or used for food, pelt, feathers, or taxidermy. This does not apply to animals unfit for consumption or use—animals and their parts that are damaged, destroyed, decayed, rotting, diseased, or infected.

OFF-ROAD RECREATIONAL VEHICLES (ATVS, OHVS, DIRT BIKES)

It is illegal to operate any motorized vehicle on any WMA or other property owned or controlled by MassWildlife; and on most state park and state forest lands. It is illegal to operate these vehicles on private lands without the written permission of the landowner. Age restrictions apply; operators under the age of 18 must take a safety course. For more information, contact the Massachusetts Environmental Police at 1-800-632-8075, or go to mass.gov/ole.

A portion of the revenue from vehicle registration is used to support legal riding opportunities; to find a list of State Parks and Forests that allow OHV operation visit: mass.gov/dcr/orv.

SPECIAL HUNTS

- **Quabbin, Wachusett, and Sudbury Reservoirs, and Blue Hills Controlled Deer Hunts.** See page 29
- **Paraplegic Hunters Deer Hunt,** see page 29
- **Youth Pheasant Hunt,** see page 25
- **Youth Turkey Hunt,** see page 25
- **Youth Deer Hunt Day,** see page 25
- **Youth Waterfowl Hunt Dates,** see page 25
- **Special Pheasant and Quail Hunt,** see page 34

FEDERAL WILDLIFE LAW INFORMATION

Please note that fishing and hunting laws on federal parks, refuges, and reservations, such as those controlled by U.S. Fish & Wildlife Service or the National Park Service, may differ from state regulations. Contact the agency in question.



NON-RESIDENT HUNTERS:

- Must obtain the same stamps and permits as residents. Permit and stamp costs for non-resident hunters may differ from resident hunters. See page 8.
- All non-resident hunters ages 15 and older must possess a valid Non-Resident Hunting License (Big Game or Small Game) to hunt. See page 8. To purchase a license, you

must have successfully completed a Basic Hunter Education course from any jurisdiction in any year or held a hunting/sporting license from any jurisdiction prior to 2007.

- No Massachusetts gun license is needed to possess or transport long guns.
- Should keep firearms unloaded and locked in a case while traveling into or through Massachusetts.

- May not purchase firearms, ammunition, or ammunition components in Massachusetts.
- Must have a temporary non-resident handgun permit (LTC) for hunting with a handgun. Contact MA Firearms Support Services at (617) 660-4780 for permit requirements.
- Non-resident migratory game bird hunters must complete a Massachusetts H.I.P. survey to hunt.

ASK THE LANDOWNER

Hunting, fishing, and trapping are permitted on private land that is not posted against trespass; however, some towns have bylaws that require written permission. As a courtesy, ask the landowner for permission in advance. If you plan to use wildlife/trail cameras on private land, seek permission for that activity as well. Landowners with posted land may provide (written) permission for individuals to access their property. Written landowner permission is required to trap on posted land. Hunters should check for relevant town bylaws pertaining to any written permission requirements and restrictions on discharge of firearms.

LANDOWNER LIABILITY

Landowners permitting use of their property for recreation without charging a fee are not liable for injuries to recreational users of the property except in cases of willful, wanton, or reckless conduct by the owner. (MGL Ch. 21 § 17C)



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512 Amherst St., Nashua, NH
(603) 882-8868

1139 N. Montello St., Brockton, MA
(508) 588-1018

100 Broadway, Route 1N, Saugus, MA
(781) 233-3900

1271 Main St., Tewksbury, MA
(978) 851-9024



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HUNTING PROHIBITIONS

Report all violations to the Massachusetts Environmental Police (800) 632-8075.

- Hunting, trapping or fishing for any birds, mammals, fish, reptiles, or amphibians not listed within this Guide or in the Massachusetts Migratory Game Bird Regulations
- Airbows, arrow guns or any firearms or other devices which project or propel an arrow, dart or bolt by gunpowder, compressed air, or by any other means except by the flexing and release of a bow string.
- The use of air/pellet guns is prohibited for the purposes of taking/harvesting deer, bear, turkey, crow, pheasant, quail, and migratory game birds. Air/pellet guns may be used for all other species during their respective legal open seasons.
- Poisoned arrows, or explosive tips, including firearms cartridges affixed to the end of arrows in such a way as they discharge upon impact with the target, or bows drawn by mechanical means, except for permitted crossbows.
- Artificial lights for hunting any bird or mammal except raccoon and opossum.
- Baiting migratory game birds, wild turkey, bear, or deer during or within 10 days of the start of their specific hunting seasons. See game species hunting pages for more details.
- Careless or negligent use of firearms.
- Discharge of any firearm or release of any arrow upon or across any state or hard-surfaced highway, or within 150 feet of any such highway.
- Possession of a loaded firearm, discharge of a firearm, or hunting on the land of another within 500 feet of any dwelling or building in use, unless permitted by the owner or occupant. See page 21 for additional gun laws.
- Electronic calls for hunting migratory game birds, wild turkey, or deer.
- Hunting with a ferret or possessing a non-vaccinated/unneutered ferrets/fitches without a permit.
- Furbearer Contests where participants are awarded prizes for harvesting coyote, bobcat, red fox, gray fox, weasels, mink, skunk, river otter, muskrat, beaver, fisher, raccoon, and opossum.
- Hunter harassment is illegal.
- Hunting on posted land without permission.
- Hunting on Sunday.
- Hunting, target shooting, or possession of a firearm, bow and arrow or other weapon when under the influence of intoxicating liquor or drugs.
- Loaded shotgun or rifle in or on any motor vehicle, recreational vehicle (including snowmobiles), aircraft or motor boat, except as stated in the Migratory Game Bird Hunting Regulations AND MGL 131 Section 65.
- Machine guns, fully-automatic firearms, any tracer or incendiary ammunition.
- Motor vehicles, off-highway vehicles (including snowmobiles), and/or aircraft for hunting any bird or mammal except as stated in MGL 131 Section 65.
- Possession of any Massachusetts Endangered Species Act-listed and/or wildlife, dead or alive, except by permit.
- During the shotgun deer season, possession of rifles, handguns, or dogs in any woodland or field, or use of same on any game, is prohibited. The use of dogs is lawful for hunting waterfowl on coastal waters.
- Hunting bear, deer, bobcat, or turkey with dogs, or training dogs on those species.
- Power or sailboats for hunting birds except when beached or tied to a blind or for retrieving injured birds.
- Removal of any mammal from walls, or holes in trees, ground, or logs.
- Rifles chambered to take ammunition larger than .22 caliber long rifle, and pistols and revolvers chambered to take ammunition larger than .38 caliber, between the hours of 1/2 hour after sunset and 1/2 hour before sunrise.
- Sale of all species of mammals and birds or parts thereof, except unprocessed heads & hides to a licensed fur buyer or taxidermist, and shinbones & hooves of deer to anyone.
- No species other than deer, coyote, and waterfowl/coot may be hunted with shot larger than #1 birdshot (.16" pellet diameter).
- No possession of a shotgun shell loaded with a slug, sabot, single ball, buck-shot (any size), except during the open seasons when deer may be hunted with a shotgun, or on a skeet, trap, or target range between sunrise and sunset.
- Lettered bird shot may only be used for coyote hunting (.17 to .23" pellet diameter) and waterfowl/coot hunting (.17 to .19" pellet diameter); otherwise any lettered bird shot may only be possessed on a skeet, trap, or target range between sunrise and sunset. See migratory game bird and coyote hunting pages (40–42), for details.
- Swivel or pivot guns for hunting any bird.
- Taking nests, destroying, or disturbing eggs or nests of birds.
- Target shooting on Sunday except on one's own property or on a recognized shooting range.
- Traps for taking birds except under permit. Bodygripping traps for furbearers except under permit. Snares, leghold traps, or nets for taking any bird or mammal.
- Vandalism or damage to property or livestock.

PENALTIES: License revoked for up to 5 years in addition to other penalties; fines of up to \$10,000, restitutions, and/or 10 years in jail. Careless and negligent use of firearms; fines of up to \$500 and/or 6 months imprisonment and loss of license for 5 years.

MASSACHUSETTS ENTERS INTERSTATE WILDLIFE VIOLATORS COMPACT (IWVC):

Through a cooperative interstate system, the IWVC allows Massachusetts to collaborate with all other states in the U.S. to stop poachers and other violators from taking their illegal activity from state to state. Specifically, non-residents that violate Massachusetts' wildlife laws can be processed more effectively and efficiently. Also, the IWVC ensures that anyone who has their license privilege suspended in one state would have their license privilege suspended in all states.



MASSACHUSETTS GUN LAWS

POSSESSION: For hunting, resident citizens ages 15 and over must have a Firearms Identification Card (FID) to possess a low-capacity rifle or shotgun. A License To Carry (LTC) (age 21 and over) is needed to possess large capacity rifles and shotguns and all handguns. These gun licenses are issued by local Police Departments. Nonresidents with a valid Massachusetts nonresident hunting license do not need an LTC or FID to possess or carry a rifle or shotgun, but must carry their firearms unloaded and in a case while traveling in their vehicles. Non-residents may not purchase guns or ammunition in Massachusetts. To obtain a temporary License to Carry (for handguns), contact the CHSB (Criminal History Systems Board), Firearms Support Services (see below). No firearms license is needed by bow hunters, nor by minors 12–14 years old hunting with a duly licensed adult, nor for the possession of primitive rifles or primitive shotguns as defined in MGL Ch. 140, Section 121, or their ammunition. However, an LTC or FID is required to purchase all ammunition including black powder, black powder substitutes, bullets/sabots, and primers.

NOTE: Massachusetts public safety laws define primitive firearms differently from the laws and regulations of MassWildlife.

TRAVEL: Rifles, shotguns, and muzzleloaders may not be carried on public ways unless the person is lawfully engaged in hunting. When transported in a motor vehicle, rifles, shotguns, and muzzleloaders should be unloaded and in an enclosed case. A large capacity firearm should be carried unloaded and contained within a locked trunk or in a locked case or other secure container.

STORAGE: State law requires that whenever a gun is not under your direct control, it must be kept in a locked container or equipped with a tamper-resistant mechanical lock. Muzzleloaders are exempt from this requirement.

For more gun law information, contact the Massachusetts Firearms Records Bureau, 200 Arlington St., Suite 2200, Chelsea, MA 02150, (617) 660-4780, or mass.gov/cjis.

BEAR SPRAY AND SELF-DEFENSE SPRAY

Laws pertaining to self-defense sprays are outlined in M.G.L. c. 140 § 122D. For information about carrying and using self-defense spray as a bear deterrent go to mass.gov/bears and search for the term "bear spray."

FOLLOW SAFE GUN HANDLING RULES

- Treat every gun as if it were loaded.
- Keep the muzzle pointed in a safe direction at all times.
- Keep your finger off the trigger until you are ready to fire.
- Before shooting, correctly identify your game and know what is behind it.

WILDLIFE MANAGEMENT AREA REGULATIONS

MassWildlife's Wildlife Management Areas (WMAs) are open to hunting, fishing, and trapping. Maps are available for many of these properties on the MassWildlife website and at all MassWildlife offices.

- No person shall possess any alcoholic beverage except under permit, or dump or discard any can, bottle, or rubbish.
- No person shall remove vegetation, soil, or stones from any WMA except under permit.
- No person shall use excessive speed in driving a vehicle.
- No person, unless under permit, shall drive or possess any motor vehicle except on roads or trails maintained for public vehicular traffic.
- No person shall deface or tamper with any sign, building, or equipment.
- No person shall build or maintain a fire without written permission from the Director or designee.
- No person shall camp within any WMA without written permission from the Director or designee.
- No person shall engage in target practice without written permission from the Director or designee.
- No person shall hunt during the pheasant or quail season on WMAs where pheasant or quail are stocked without wearing a "blaze orange" cap or hat except while night hunting for raccoons or opossums or while hunting waterfowl from within a blind or boat. 🦃
- No person, except under permit, shall dig or disturb any artifact or archaeological remains.
- The Director may make special regulations to handle special situations peculiar to any WMA. Controlled hunts are in effect at certain times on Delaney and Ludlow WMAs. Contact District Manager for details.
- Dogs on WMAs must be leashed. Dogs may be off-leash only when hunting or hunt training with licensed hunters or involved with permitted field trials. Dog feces in WMA parking areas and within 100 feet of the parking area must be picked up by all dog handlers and disposed of off the WMA. Dog feces in other parts of the WMA must be picked up by non-licensed dog handlers and disposed of offsite. Licensed hunters are exempt from this requirement.

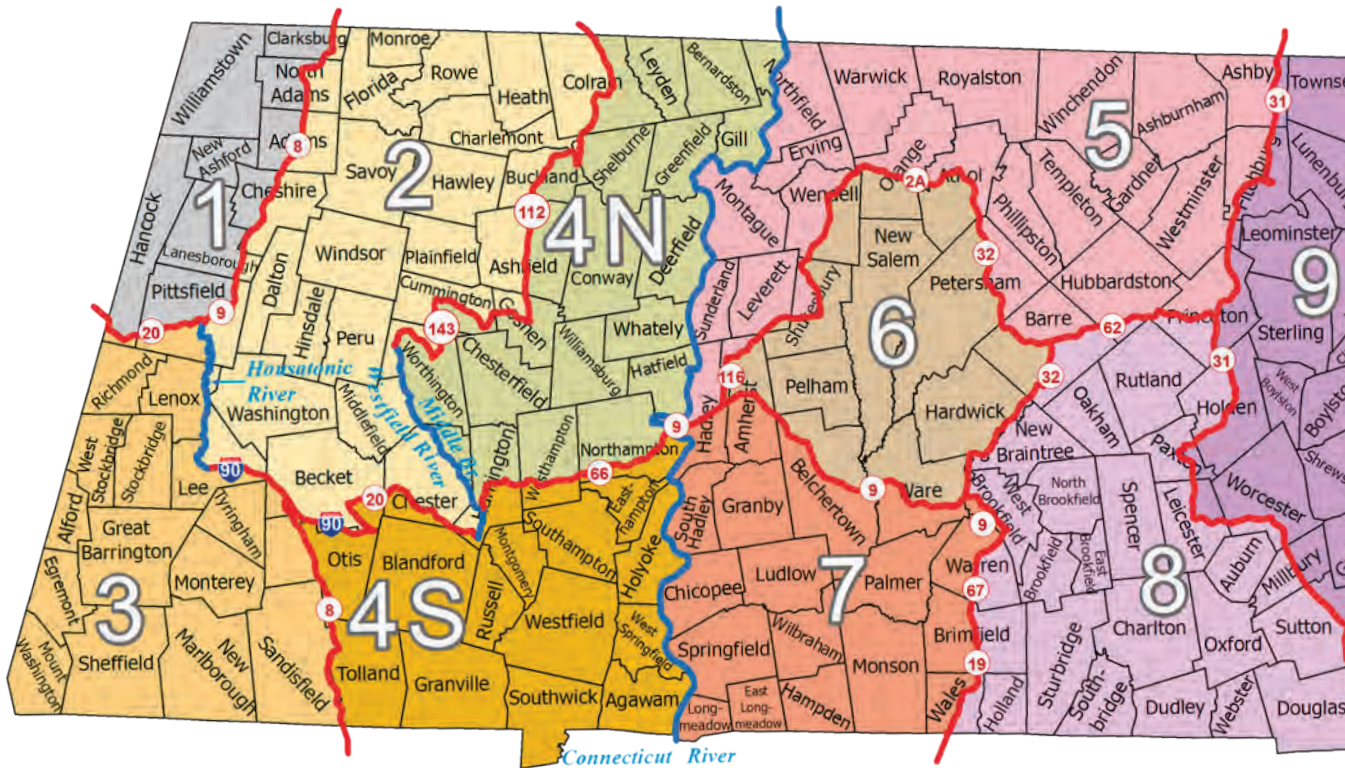
Report all violations to the Massachusetts Environmental Police, (800) 632-8075.



Photo by Troy Gipps/MassWildlife



WILDLIFE MANAGEMENT ZONES



ZONE 1: Northerly by the Vermont border; westerly by the New York border; southerly by a line running along Rt. 20 to the junction with Rt. 7 in Pittsfield, north on Rt. 7 to Rt. 9, and east on Rt. 9 to the junction with Rt. 8, and easterly by a line running from the Vermont border south along Route 8 to Rt. 9 in Pittsfield.

ZONE 2: Northerly by the Vermont border; westerly by Zone 01 and 03; southerly by the Massachusetts Turnpike (I-90) from the intersection with the Housatonic River in Lee east to the intersection with Algeria Road in Otis; and easterly by a line running from the Vermont border south along Rt. 112 to Rt. 143 in Worthington, along Rt. 143 west to the intersection with the Middle Branch of the Westfield River, then south along the Middle Branch of the Westfield River (also known as Trout Brook), to the intersection with the East Branch of the Westfield River, south along the East Branch of the Westfield River to Rt. 20 in Huntington, west along Rt. 20 to Bonny Rigg Hill Road in Becket, south on Bonny Rigg Hill Road to the intersection with Algeria Road, then south on Algeria Road to the Massachusetts Turnpike (I-90).

ZONE 3: Northerly by Zone 01; westerly by the New York border; southerly by the New York and Connecticut border; and easterly by a line running south along Elm Street from the junction with Rt. 9 in Pittsfield to the Housatonic River, south along the Housatonic River to the junction with the Massachusetts Turnpike (I-90) in Lee, east along I-90 to the junction with Rt. 8 in West Becket, and south along Rt. 8 to the Connecticut border.

ZONE 4 NORTH: Northerly by the Vermont border; westerly by Zones 02; southerly by a line running north from the confluence of the Middle Branch and the East Branch of the Westfield River in Huntington along the East Branch of the Westfield River to the intersection with Route 66, along Rt. 66 to the intersection with Rt. 9 in Northampton, easterly along Rt. 9 to the intersection with the Connecticut River at the Northampton/Hadley town line; and easterly by the Connecticut River.

ZONE 4 SOUTH: Northerly by Zones 2 and 4N; westerly by Zone 3; southerly by the Connecticut Border; and easterly by the Connecticut River.

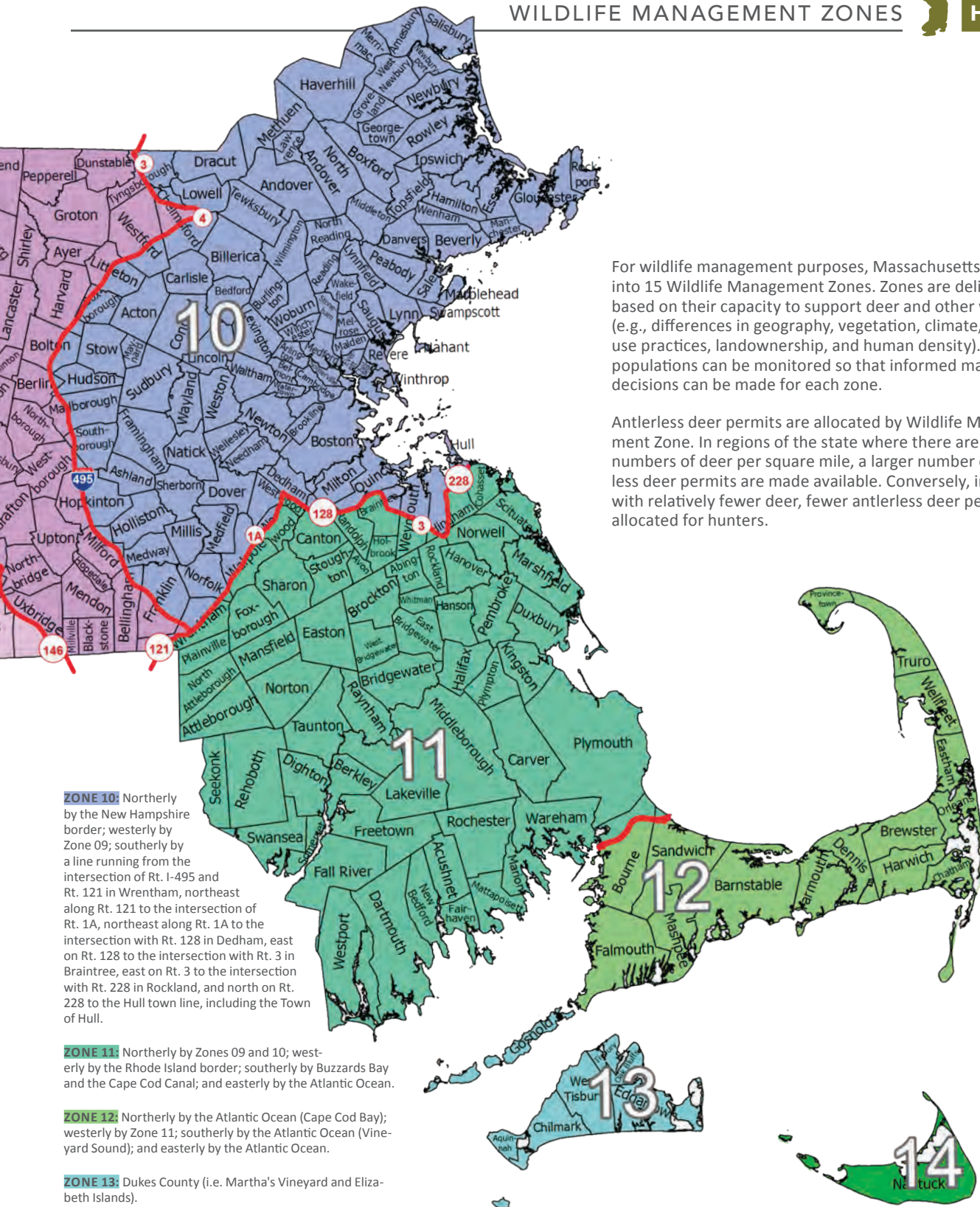
ZONE 5: Northerly by the New Hampshire border; westerly by the Connecticut River; southerly by a line running from the intersection of the Connecticut River and Rte. 9 at the Northampton/Hadley line east along Rte. 9 to Rte. 116 in Hadley, north along Rte. 116 to Rte. 63 in North Amherst, east along Rte. 63 and Pine Street to State Street, northeast along State Street and East Leverett Road to Cushman Road, along Cushman Road to Shutesbury Road in East Leverett, east on Shutesbury Road and Leverett Road to Wendell Road in Shutesbury Center, north along Wendell Road to Locks Pond Road, north on Locks Pond Road to Lake View Road, northeast on Lake View Road to Locks Village Road, north along Locks Village Road to Depot Road in Wendell, north on Depot Road to Rte. 2A in Orange, east on Rte. 2A to Rte. 32 in Athol, south on Rte. 32 to Rte. 62 in Barre, and east on Rte. 62 to the intersection with Rte. 31 in Princeton; and easterly by a line running north on Rte. 31 to the New Hampshire border.

ZONE 6: Northerly by Zone 05; westerly by Zone 05; southerly by a line running from the intersection of Rt. 9 and Rt. 116 in Hadley east along Rt. 9 to the intersection with Rt. 32 in Ware; and easterly by a line running from the intersection of Rt. 32 and Rt. 62 in Barre, south along Rt. 32 to the intersection with Rt. 9 in Ware.

ZONE 7: Northerly by Zones 5 and 6; westerly by Zone 4S; southerly by the Connecticut border; and easterly by a line running from the intersection of Rt. 9 and Rt. 32 in Ware east along Rt. 9 to the intersection with Rt. 67, southwest along Rt. 67 to the intersection with Rt. 19 in Warren, and south along Rt. 19 to the Connecticut border.

ZONE 8: Northerly by Zone 05; westerly by Zones 06 and 07; southerly by the Connecticut and Rhode Island borders; and easterly by a line running from the intersection of Rt. 62 and Rt. 31 in Princeton south on Rt. 31 to Rt. 56 in Paxton, south on Rt. 56 to Rt. 9 in Leicester, east on Rt. 9 to Cambridge Street in Worcester, east on Cambridge Street to Rt. 146, and southeast on Rt. 146 to the Rhode Island border.

ZONE 9: Northerly by the New Hampshire border; westerly by Zones 5 and 8; southerly by the Rhode Island border; and easterly by a line running from the New Hampshire border southeast on Rt. 3 to the intersection with Rt. I-495 in Chelmsford, south on Rt. I-495 to the intersection with Rt. 121 in Wrentham, and southwest on Rt. 121 to the Rhode Island border.



ZONE 10: Northernly by the New Hampshire border; westerly by Zone 09; southerly by a line running from the intersection of Rt. I-495 and Rt. 121 in Wrentham, northeast along Rt. 121 to the intersection of Rt. 1A, northeast along Rt. 1A to the intersection with Rt. 128 in Dedham, east on Rt. 128 to the intersection with Rt. 3 in Braintree, east on Rt. 3 to the intersection with Rt. 228 in Rockland, and north on Rt. 228 to the Hull town line, including the Town of Hull.

ZONE 11: Northernly by Zones 09 and 10; westerly by the Rhode Island border; southerly by Buzzards Bay and the Cape Cod Canal; and easterly by the Atlantic Ocean.

ZONE 12: Northernly by the Atlantic Ocean (Cape Cod Bay); westerly by Zone 11; southerly by the Atlantic Ocean (Vineyard Sound); and easterly by the Atlantic Ocean.

ZONE 13: Dukes County (i.e. Martha's Vineyard and Elizabeth Islands).

ZONE 14: Nantucket.

For wildlife management purposes, Massachusetts is broken into 15 Wildlife Management Zones. Zones are delineated based on their capacity to support deer and other wildlife (e.g., differences in geography, vegetation, climate, soil, land use practices, landownership, and human density). Wildlife populations can be monitored so that informed management decisions can be made for each zone.

Antlerless deer permits are allocated by Wildlife Management Zone. In regions of the state where there are high numbers of deer per square mile, a larger number of antlerless deer permits are made available. Conversely, in regions with relatively fewer deer, fewer antlerless deer permits are allocated for hunters.



YOUTH HUNTERS

YOUTH HUNTING REQUIREMENTS

No one under the age of 12 may hunt in Massachusetts.

LICENSES, STAMPS, PERMITS

Youth Ages 12–14:

Do not need a license or stamps or firearms license to hunt.

May hunt only when accompanied by a licensed adult hunter (18 or older)

Only one youth per adult. The adult and the youth share one firearm/bow, a single bag limit and any applicable permits/tags.

The licensed adult must have:

- A valid Massachusetts hunting or sporting license

- Any required state or federal stamps or permits
- Firearms license if a firearm is being used (issued by local police department).
- All other hunting laws apply.

Youth Ages 15–17:

Massachusetts youths must have a minor hunting license; non-resident youths must have a non-resident big game or small game license. All licensed minors must possess required permits and stamps.

- If the youth does not have a government-issued Basic Hunter Education certificate he or she must be accompanied by a person 18 years of age or older.

- If the youth has a government-issued Basic Hunter Education certificate from any jurisdiction he or she may legally hunt without adult supervision and must carry their Basic Hunter Education certificate while hunting.
- If hunting with a shotgun or rifle Massachusetts youth must follow Massachusetts Firearms license laws and will need to obtain a Firearms Identification Card (FID). An FID is issued by local police departments.
- All other hunting laws apply.

See additional requirements for Youth Turkey, Pheasant, Deer and Waterfowl Hunts.

PURCHASING A MINOR HUNTING LICENSE

A minor hunting license may be purchased online or in-person from available license vendors. A parent/legal guardian of a 15–17 year old must provide consent and state either that the minor will be accompanied by an adult while hunting or the minor has a government-approved certificate from a Basic Hunter Education Course from any jurisdiction.

Online purchase process:

- Visit mass.gov/hunting-info-for-minors for more information on minor licensing online.

In-person purchase: Provide a consent letter to the license vendor that states the minor will be accompanied by an adult while hunting or that the minor has a government-approved certificate from a Basic Hunter Education Course from any jurisdiction. A consent form for license vendors is available at mass.gov/minorlicense. Minors may need to obtain a Firearms Identification (FID) card to hunt with a gun. (see Gun Laws on page 21)

YOUTH HUNT DAYS AND PROGRAMS

Special hunt days and programs for youth hunters aged 12–17 years old.

Hunter Education

Youths can take the Basic Hunter Education course, with parent or guardian permission. (Recommended for anyone ages 12 and older.) The Basic Hunter Education course is a multi-session course offered year round in



Photo © Stephanie Blackburn

locations throughout the state. For more details, visit the Basic Hunter Education Course schedule online or call the Hunter Education office at (508) 389-7820. To prepare for a Basic Hunter Education course, students have access to a free, online study guide at www.huntercourse.com/usa/massachusetts.

Youth Pheasant Hunt Program

For Hunter Education graduates 12–17 years of age and conducted by sporting clubs. Includes a seminar with instruction on firearms safety in the field, hunting ethics, regulations, game preparation, and supervised shooting practice. The program ends with a pheasant hunt under the guidance of an experienced adult hunter.

Youth Pheasant Hunt dates: Sept. 2, 9, 16, 23, and Oct. 7, 2023.

Requirements: Youths 12–17 must complete a basic hunter education course and a youth pheasant hunting workshop at a participating sporting club. Check MassWildlife website at mass.gov/dfw/yaph.

Youth Turkey Hunt Program

For Hunter Education graduates 12–17 years of age and conducted by sporting clubs with the support of the National Wild Turkey Federation. Includes a seminar with instruction on firearms safety in the field, hunting ethics, regulations, game preparation and supervised shooting practice. The program ends with a turkey hunt under the guidance of an experienced adult hunter.

Youth Turkey Hunt Day: Zones 1–13: April 22, 2023

Youth Turkey Hunt Day Hunting Hours: 1/2 hour before sunrise to 5:00pm.

Requirements:

(Youth ages 12–14) Youth Turkey Hunt Permit.

Youth Turkey Permits for hunters ages 12–14 are valid for the youth day and the regular spring and fall turkey seasons.

(Youth ages 15–17): Minor Hunting license, regular Turkey Permit and tags, Youth Turkey Hunt Eligibility.

To be eligible for the youth turkey hunt day, youth hunters (12–17 years old) must complete 1) a basic hunter education course and 2) a youth turkey hunting seminar. Upon completion the youth can obtain the required permit or eligibility through MassFish-Hunt. For details visit mass.gov/dfw/yath.

Youth Deer Hunt Day

Youth Deer Hunt Day date: Sept. 30, 2023

Requirements: Youth Deer Permit

Permits are free and available online in August at MassFishHunt (mass.gov/mass-fishhunt), at MassWildlife offices, and other license vendors. Youth Deer Hunt Permit and tag is valid only for the Youth Deer Hunt Day.

Hunting Implements: Shotgun, muzzleloader, or bow and arrow may be used.

All other hunting laws apply.

Bag Limit: One antlered deer statewide OR antlerless deer in the Wildlife Management Zone(s) specified on the Permit.

Youth Waterfowl Hunt Days:

The two Youth Waterfowl Hunt days are not available until mid-May when they will be posted on the MassWildlife website.

Requirements:

All Youth Hunt Day hunters must be accompanied by a licensed adult hunter (18 or older).

Licensed adult must have a valid MA Waterfowl stamp and may not hunt.

Licensed adult may carry firearm only when unloaded and cased.

All other migratory game bird regulations and bag limits apply.

LICENSE/STAMP REQUIREMENTS FOR RESIDENT* YOUTH WATERFOWL HUNTERS

	MINOR HUNTING LICENSE	STATE WATERFOWL STAMP	FEDERAL DUCK STAMP
Youths age 12–14			
Youths age 15	X	X	
Youths age 16–17	X	X	X

* If a non-resident, the youth hunter must possess either a non-resident small game or non-resident big game license, a state waterfowl stamp, and a federal duck stamp.

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DEER HUNTING

2023 HUNTING SEASON DATES

Youth Deer Hunt Day: Sept. 30, 2023

Archery Season:

Zones 10–14: Oct. 2 – Nov. 25, 2023

Zones 1–9: Oct. 16 – Nov. 25, 2023

Paraplegic Hunt: Nov. 2 – 4, 2023

Shotgun Season: Nov. 27 – Dec. 9, 2023

Primitive Firearms Season:
Dec. 11 – Dec. 30, 2023

All dates inclusive. Hunting is prohibited on Sundays. See Wildlife Management Zone map on pages 22–23.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES AND PERMITS AND STAMPS

To hunt white-tailed deer in Massachusetts you must have the appropriate license, permits, and stamps which you can buy or apply for through MassFishHunt, mass.gov/massfishhunt, or a license vendor.

MASSACHUSETTS RESIDENTS:

- Hunting or Sporting License (Includes 2 antlered deer tags valid statewide)
- Archery Stamp to hunt the Archery Season
- Primitive Firearms Stamp to hunt the Primitive Firearms Season
- No stamp required for the Shotgun Season
- Antlerless Deer Permit – Required for hunting any deer without antlers or antlers less than 3 inches in length. (See Antlerless Deer Permit Information on page 28 for the application process)

NON-RESIDENTS:

- Non-Resident Big Game Hunting License (Includes 2 antlered deer tags, valid statewide)
- Archery Stamp to hunt the Archery Season
- Primitive Firearms Stamp to hunt the Primitive Firearms Season
- No stamp required for the Shotgun Season
- Antlerless Deer Permit – Required for hunting any deer without antlers or with antlers less than 3 inches in length. (See Antlerless Deer Permit information on page 28 for the application process)

- 15–17 year old hunters required to have a Resident Minor Hunting license or Non-Resident Big Game License
- 12–14 year old hunters do not need a hunting license but must be accompanied by appropriately licensed adult hunter. See Youth Hunters (pages 24–25) for further requirements.

BAG AND POSSESSION LIMITS

Bag Limit:

- 2 Antlered deer annually (any deer with at least one antler 3 inches or longer)
- Antlerless deer (any deer without antlers or antlers less than 3 inches in length) Hunters may take as many antlerless deer as they have valid antlerless deer permits for the specified permitted zones. (See page 28 Antlerless Deer Permit Information)
- Youth Deer Hunt Day: 1 deer (antlered or antlerless), additional antlerless deer may be taken with valid antlerless deer permits for the specified permitted zones.

Possession Limit:

In WMZs 1–12 deer hunters may take and possess up to 2 deer in a day before reporting/checking them. Once those deer are reported, the hunter may resume deer hunting on the same day. (EXAMPLE: A hunter harvests 2 deer in the morning. After reporting the deer online or at a check station, he or she may return to deer hunting that same day.)

In WMZ 13 and 14, deer hunters may take and possess up to 4 deer in a day before reporting/checking them. Once those deer are reported, the hunter may then resume deer hunting on the same day.

YOUTH DEER HUNT DAY

- Minors (resident and non-resident) must have a Youth Deer Permit (valid only for this day)

HUNTING IMPLEMENTS ALLOWED BY SEASON

HUNTING IMPLEMENT	ARCHERY SEASON*	SHOTGUN SEASON	PRIMITIVE FIREARMS SEASON*
Shotgun		X	
Archery	X	X	X
Muzzleloader		X	X

*stamp required to hunt during these seasons

NOTE: Handguns are not allowed for deer hunting and may not be in your possession while deer hunting.

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HUNTING IMPLEMENTS

ARCHERY: Archery equipment may be used during all deer hunting seasons. All bows, (recurve, long, and compound) except permitted crossbows, must have a draw weight of at least 40 lbs at 28 inches or at peak draw. Crossbows may be used only by hunters with a crossbow permit. Arrows must have well-sharpened steel broadhead blades not less than 7/8 inches in width. Expanding broadheads and hand-held releases are permitted. Poisoned arrows, explosive tips, airbows and bows drawn by mechanical means are prohibited. See page 18 for more archery information.

SHOTGUN: No larger than 10 gauge. May only be used during the shotgun deer season. Rifled barrel shotguns are legal.

PROHIBITED: Possession or use of rifles and handguns in any woodland or field, or use on any game during the shotgun deer season, including the Youth Deer Hunt Day.

PRIMITIVE FIREARMS: Shoulder-fired muzzleloaders .44 caliber to .775 caliber; barrel length 18 inches or more with only one barrel operational. Inline ignition systems are permitted providing the firearm loads from the muzzle. Single projectile only (no buckshot). Sabot rounds, 209 primers, break/hinge-action muzzleloaders, and scopes are permitted. Powder limited to black powder or black powder substitutes. A muzzleloader is considered unloaded when cap or pan powder is removed.

ANTLERLESS DEER PERMIT INFORMATION

What is an Antlerless Deer? Legally, an antlerless deer is a female deer (doe) or young male (button buck) without antlers or a deer where both antlers are less than 3 inches long measured on a straight line from the center of the front base of the antler burr to the tip. A WMZ-specific antlerless deer permit is required in order to hunt any antlerless deer during any deer season.

ANTLERED DEER: Any deer (mostly bucks, but some does grow antlers) with at least 1 antler 3 inches long measured on a straight line from the center of the front base of the antler burr to the tip. Sporting, hunting, and non-resident big game licenses come with two antlered deer tags that can be used in any WMZ. It is legal to harvest a doe with antlers; it will need to be tagged with an antlered deer tag.

ANTLERLESS DEER PERMIT PROCESS

Antlerless deer permits are allocated by Wildlife Management Zone. In regions of the state where there are high numbers of deer per square mile, a larger number of antlerless deer permits are made available in those zones. Conversely, in regions with relatively fewer deer, fewer antlerless deer permits by zone are allocated for deer hunters.

An antlerless deer permit (ADP) is required to hunt antlerless deer during any deer season. Antlerless deer permits can only be used in the Wildlife Management Zone specified on the permit. The permit must be in the hunter's possession while deer hunting and it is not transferable to other hunters. Each antlerless deer permit is valid for 1 antlerless deer. A hunter may possess antlerless deer permits for more than one zone (e.g., drawing a Zone 5 with Instant Award and purchasing an additional antlerless deer permit for an undersubscribed zone, such as Zone 14).

Hunters must apply for an antlerless deer permit (ADP) online through the MassFishHunt system or at a license vendor by July 16. Hunters may only apply for one permit in a specific Wildlife Management Zone (see WMZ map on pages 22–23).

PERMIT SELECTION: Hunters must return to the MassFishHunt system or to a license vendor during the Instant Award period (Aug. 1 – Dec. 31) and try to draw an ADP in the zone to which they applied. Notice of whether the selection was successful or not will be instant. Selection is random. The odds of drawing a permit remain the same throughout the Instant Award period. Instant Award permit issuance is NOT first come-first-served. The odds of drawing a permit depend on the number of antlerless deer permits issued for a given zone and the number of hunters that applied for that zone.

- **ADP Purchase:** Successful applicants will be assessed a \$10.00 fee and may print the permit immediately after purchase or at a later date.
- **Surplus ADP Sales:** If there are any surplus permits (permits for under-subscribed zones) sale dates for those permits will be announced in August.

BLAZE ORANGE 🧡

All deer hunters, regardless of the hunting implement in use must wear blaze orange during the following seasons or Wildlife Management Areas (WMAs):

- **Youth Deer Hunt Day:** 500 square inches of blaze orange on the chest, back and head
- **Archery Season:** A blaze orange hat is required when hunting on WMAs stocked with pheasant and/or quail during the pheasant and quail season (see WMA Regulations page 21).
- **Shotgun Deer Season:** 500 square inches of blaze orange on the chest, back, and head.
- **Primitive Firearms Season:** 500 square inches of blaze orange on the chest, back, and head

NOTE: If using a blind during a season or on a WMA with a blaze orange requirement, all deer hunters must wear the required amount of orange while in the blind. **Mass-Wildlife recommends that blaze orange be visible on the outside of the blind.**



HUNTING METHODS

Legal:

- Use of non-food related scents, deer antlers or replicas, or grunt tubes are permitted.
- It is legal to drive (attempt to move deer in a coordinated effort) deer while hunting.

Prohibited:

- Rifles and handguns, electronic calls, dogs, and decoys are prohibited.
- **Baiting:** Any natural or artificial substance, including but not limited to corn, wheat or other grains, hay, silage, apples or other fruits or vegetables, and salt or other chemical compounds of a like food-related nature to attract or entice deer. Baiting is defined as the deliberate placing, depositing, distributing, or scattering of bait so as to constitute for deer a lure, attraction, or enticement to or on any area where hunters are attempting to take them. A baited area is any area where baiting has taken place. Such area shall be considered a baited area for the period from 10 days prior to the opening of the archery season to the day following the close of the primitive firearms season. NOTE: On the Youth Deer Hunt Day, it is prohibited to hunt deer in any area where baiting has occurred up to 10 days prior to the Youth Deer Hunt Day.

TAGGING, TRANSPORTING, AND REPORTING

- **Tagging the Deer:** Upon killing a deer, hunters must immediately fill out and attach the paper tag from the permit or license on the carcass. The deer must remain intact (other than field dressing), with the harvest tag attached until it is reported.
- **Transportation:** When transporting the deer, some part of the deer must be visible until it has been reported.
- **Reporting:** Deer must be reported online through MassFishHunt or at an official game check station within 48 hours of harvest. If reporting online, a confirmation number will be issued. The number must be written on the harvest tag and attached to the carcass.

EXCEPTION: During the first week of the shotgun season, ALL harvested deer must be taken to an official check station for biological data collection.

- Once reported, harvest tag with confirmation number or the metal seal from the official game check station must remain attached to the carcass until prepared for food, taxidermy or other uses.
- **Prohibited:** Importing certain parts of deer from other states and provinces where Chronic Wasting Disease has been detected. See the Chronic Wasting Disease information box.

SPECIAL SEASONS AND HUNTS

Youth Deer Hunt Day: See page 25.

Paraplegic Hunters Deer Hunt: There is a special deer hunt for hunters with paraplegia from Nov. 2 – 4, 2023. Contact Mass-Wildlife Field Headquarters (508) 389-6300 for more information.

DCR Controlled Deer Hunts: Visit the Department of Conservation and Recreation's website at mass.gov/dcr for application details on their controlled hunts (Quabbin, Wachusett, and Sudbury Reservoirs, and Blue Hills Reservation: Typically updated in August).

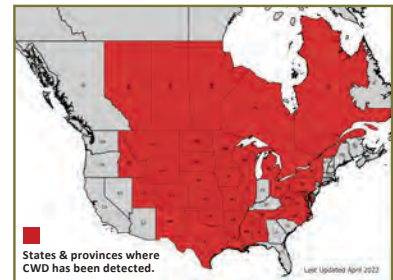
TRANSPORT OF FISH AND WILDLIFE

It is a violation of Federal Law to transport illegally taken fish or wildlife across state lines. For additional information contact the U.S. Fish & Wildlife Service, Office of Law Enforcement, (617) 889-6616.

CHRONIC WASTING DISEASE

Hunting Deer, Moose, Elk, or other cervids (wild or captive) outside of Massachusetts?

It is illegal to import whole carcasses or high-risk parts of any member of the Cervidae family (wild or captive) including, but not limited to: white-tailed deer, mule deer, red deer, fallow deer, moose, caribou, or elk from any state, Canadian province, or other country where Chronic Wasting Disease (CWD) has been detected. **It is legal to bring in deboned meat, cleaned skull caps, hides without the head, or a fixed taxidermy mount.**



CWD-positive jurisdictions (as of October 2022) include:

U.S. States:

- Alabama
- Arkansas
- Colorado
- Idaho
- Illinois
- Iowa
- Kansas
- Louisiana
- Maryland
- Michigan

- Minnesota
- Mississippi
- Missouri
- Montana
- Nebraska
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma

- Pennsylvania
- South Dakota
- Tennessee
- Texas
- Utah
- Virginia
- West Virginia
- Wisconsin
- Wyoming

Canada:

- Alberta
- Manitoba
- Ontario
- Quebec
- Saskatchewan

Other Countries:

- Finland
- Norway
- South Korea
- Sweden

NEW CWD-POSITIVE JURISDICTIONS may be added following the publication of this document. It is the responsibility of the hunter to know the current CWD status of any jurisdiction that they plan to hunt in (updated list and information can be found on our website at www.mass.gov/dfw/cwd or at www.cwd-info.org) and any laws and regulations for carcass transport in each state or province traveled.



BLACK BEAR HUNTING

2023 HUNTING SEASON DATES

First season: Sept. 5 – Sept. 23, 2023

Second season: Nov. 6 – Nov. 25, 2023

Shotgun season: Nov. 27 – Dec. 9, 2023

All dates inclusive.

Hunting is prohibited on Sundays.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES AND PERMITS

You must have a license and permit to hunt bear which you can buy through MassFish-Hunt, mass.gov/massfishhunt.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license
- Bear permit

NON-RESIDENTS:

- Big game license
- Bear permit

BAG LIMIT

1 bear per calendar year

HUNTING ZONES

All Wildlife Management Zones statewide.

HUNTING IMPLEMENTS (see table above)

Rifle: Rifles .23 caliber or larger are allowed only during the first and second* bear seasons.

Revolver: Legal for use only during the first bear season. Restricted to a .357 caliber Magnum revolver with .357 Magnum cartridges only, or a revolver .40 caliber or larger.

Muzzleloader: Allowed during all 3 bear seasons. Must be .44 – .755 caliber, fired from the shoulder using a single projectile.

HUNTING IMPLEMENTS ALLOWED BY SEASON

HUNTING IMPLEMENT	FIRST SEASON	SECOND SEASON	SHOTGUN SEASON
Rifle	X	X	
Revolver	X		
Muzzleloader	X	X	X
Archery	X	X	X
Shotgun			X



Photo by Bill Byrne/MassWildlife

Archery Equipment: Allowed during all 3 seasons. All bows must have a draw weight of at least 40 lbs at 28 inches or at peak draw. Arrows must have well-sharpened steel broadhead blades not less than 7/8 inches in width. Expanding broadheads and hand-held releases are legal. You may use a crossbow only if you have a crossbow permit. Airbows, poisoned arrows, explosive tips, and bows drawn by mechanical means are prohibited. (see Archery on page 18)

Shotgun: Allowed only during the shotgun bear/deer season and includes shotguns with rifled bores. Must be no larger than 10 gauge. Slugs only. **Buckshot is prohibited.**

BLAZE ORANGE

- First Season: None
- Second Season: A blaze orange hat is required on WMAs stocked with pheasant or quail during the pheasant or quail season.

- Shotgun Season: You must wear 500 square inches of blaze orange on your head, chest, and back.

HUNTING METHODS

The use of dogs and bait is prohibited. Bait includes the use of lure, scents, or any other substance used for a bear attractant.

TAGGING, TRANSPORTING, AND REPORTING

Upon killing a bear, hunters must immediately fill out and attach to the carcass the harvest tag found on the bear permit. The bear must remain intact (other than field dressing), with the harvest tag attached, until it is reported and prepared for food, taxidermy, or other purpose. Hunters must report their bear either online or at a check station within 48 hours of harvest. If reporting online, a confirmation number will be

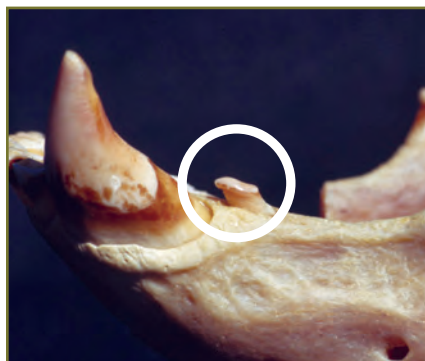


issued and must be written on the harvest tag, if reporting at a check station a metal seal will be attached to the carcass. Either the seal or the harvest tag must be attached to the bear until it is processed. When transporting the bear, some portion of the carcass must remain visible until it has been reported.

HOW OLD IS THAT BEAR?

MassWildlife collects bear teeth to determine the age demographics of the harvest. Contribute to the scientific management of the Massachusetts Black Bear population! Follow the instructions below and you will receive a letter in June or July with the age of your harvested bear.

1. Remove either the left or right premolar (see photo), the small tooth just behind the canine. Using a small sharp knife, or a sharp 1/4 inch wood chisel, slide the blade down the side of the tooth and cut or separate the gum tissue where it sticks to the tooth. Using small needle-nose pliers or the pliers on your multi-tool, wiggle the tooth slightly until you can pull it out of the jawbone and the



gum. The root is the most important part; go slow and be careful not to break this very small tooth.

2. Put the tooth in a small envelope or bag and mark it with your name, mailing address, customer ID number, and confirmation number (or seal number) of your bear. Enclose everything in a mailing envelope and send it to: Black Bear Aging, MassWildlife, 1 Rabbit Hill Rd., Westborough, MA 01581.

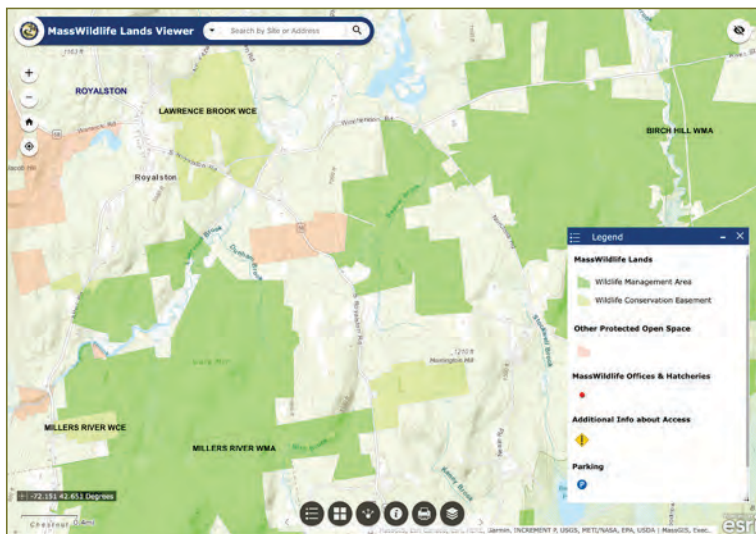
ANIMALS TAGGED FOR RESEARCH

Some bear, deer, coyotes, and other animals may have ear tags or radio collars. It is legal to harvest them. If you find or take one of these animals, contact MassWildlife's Field Headquarters (508) 389-6300 immediately. You will be asked for information that will help biologists determine the source and status of these animals AND you will be asked to return the equipment to MassWildlife. Thank you for your cooperation.

LOOKING FOR PLACES TO HUNT, FISH, OR TRAP?

Wildlife lands, open to hunting, fishing, and trapping, can be viewed using the MassWildlife Lands Viewer, mass.gov/dfw/wildlife-lands. This new tool shows land owned jointly by the Department of Fish and Game (DFG) and MassWildlife throughout the Commonwealth. Maps can be customized and printed using the Viewer. Users can search for land by town or by property name.

These lands are protected primarily to provide habitat for wildlife and to give people a place to relax and explore the great outdoors. For the most part, wildlife lands are open to hunting, fishing, trapping, birdwatching, and other wildlife related recreation. Users can explore unmarked paths or woods roads with simple, unpaved parking lots. Many of these properties are actively managed through mowing, cutting, prescribed burns, or other activities that benefit wildlife. Regulations govern the activities allowed on these lands and focus on passive recreation. Note that these maps are provided for recreational use and show approximate rather than legal descriptions of property boundaries.



Explore Your
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Lands



WILD TURKEY HUNTING

2023 HUNTING SEASON DATES

Youth Turkey Hunt Day (see page 25):

Zones 1–13: Apr. 22, 2023

Spring season:

Zones 1–13: Apr. 24 – May 20, 2023

Fall season:

Zones 10–13: Oct. 2 – Nov. 25, 2023

Zones 1–9: Oct. 16 – Nov. 25, 2023

*** During certain periods of the fall season, only archery equipment is permitted. See the Fall Hunting Implements table below.**

All dates are inclusive.
Hunting is prohibited on Sundays.

See Wildlife Management Zone map on pages 22–23.

HUNTING HOURS

Youth Day: Hunting hours begin 1/2 hour before sunrise and end at 5:00 P.M.

Spring turkey season: Hunting hours begin 1/2 hour before sunrise and end at noon.

Fall turkey season: Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES, PERMITS, AND SAFETY STICKER

A license and permit is required to hunt turkey which you can buy through Mass-FishHunt, mass.gov/massfishhunt.

MASSACHUSETTS RESIDENTS

- Hunting or sporting license
- Turkey permit
- Safety sticker*

NON-RESIDENTS:

- Big game license
- Turkey permit
- Safety sticker*

***Safety Sticker:** Turkey hunters using a shotgun or muzzleloader must place an official safety sticker on their gun. The sticker must be visible when hunter is sighting down the barrel. Contact a MassWildlife office for a free sticker.



Photo by Troy Gipps/MassWildlife

BAG LIMITS

Annual bag limit of 3 turkeys per calendar year as described below:

Spring season: 2 bearded birds; Two birds may be harvested on the same day.

Fall season: 1 turkey of either sex.

HUNTING IMPLEMENTS

Spring season:

Shotgun: No larger than 10 gauge.
No larger than #4 size shot.

Muzzleloader: No larger than .775 caliber smoothbore muzzleloading shotgun.
No larger than #4 shot.

Archery Equipment: All bows must have a draw weight of at least 40 lbs at 28 inches or at peak draw. Arrows must have a well-sharpened steel broadhead blades not less than 7/8 inches in width. Expanding broadheads and hand-held releases are legal. Crossbows may be used only by hunters with a crossbow permit. Airbows are prohibited. (see Archery on page 18)

Fall season:

In WMZs 1–13, hunters can use shotguns, muzzleloading shotguns, and archery equipment as described above from Oct. 16 – Oct. 28.

During certain periods of the fall season **ONLY ARCHERY EQUIPMENT** is permitted (no shotguns or muzzleloading shotguns). See Fall Season Hunting Implement table below.

BLAZE ORANGE

Spring turkey season: Blaze orange is not required.

Fall turkey season: A blaze orange cap is required when hunting on a WMA stocked with pheasants or quail during the pheasant or quail season.

HUNTING METHODS

Use of electronic calls, dogs, bait and driving (attempt to move in a coordinated effort) turkeys are prohibited.

A licensed turkey hunter may call turkeys for another hunter. The caller cannot carry a firearm or archery equipment if he or she has taken a season limit of turkeys. Caller must have a valid license and turkey permit in possession even if tags are no longer attached.

* FALL SEASON HUNTING IMPLEMENTS

ZONE	OCT. 2 – OCT. 14	OCT. 16 – OCT. 28	OCT. 30 – NOV. 25
WMZ 1–9	No Fall turkey hunting	Shotgun, muzzleloading shotgun, and archery	Archery only
WMZ 10–13	Archery only	Shotgun, muzzleloading shotgun, and archery	Archery only

TAGGING, TRANSPORTING, AND REPORTING

- You must report your game harvest within 48 hours.
- Fill out and attached the paper tag from your permit on the carcass immediately after harvesting a turkey.
- The game must remain intact (other than field dressing), with the tag attached, until reported and prepared for food or taxidermy purposes.
- Report your harvest at an official check station or online.
- If you report online, write your confirmation number on the harvest tag attached to the carcass.



Photo by Troy Gipps/MassWildlife

IDENTIFYING HEN (FEMALE) AND TOM (MALE) WILD TURKEYS DURING THE SPRING HUNTING SEASON

A small proportion of female turkeys may have a beard and can be legally harvested. However, their loss reduces the reproductive potential of the turkey population. To avoid misidentification, use the following features below to accurately determine the turkey's sex.



TOM	FEATURE	HEN
Red, blue, or white colors with snood (fleshy mass over the beak)	Head	Blue-gray, no snood
Dark, brown-black	Body	Light, rusty brown
Long bristle/filament-like beard	Beard	Usually no beard
Present	Spurs	Usually absent
Gobble, drum	Calls	Yelps, clucks, cuts
Strut with tail fanned and wings dropped	Strut	Do not strut or fan tail
Larger than hen	Size	1/2 to 2/3 size of tom

Photos by Bill Byrne/MassWildlife

TURKEY HUNTING SAFETY TIPS

- Sit or stand still to call turkeys to you. Don't stalk birds!
- Avoid wearing red, white, blue or black where the colors might be seen by other hunters during your hunt.
- Don't hide in a place where your view is obstructed.
- Be completely sure of your target and what is beyond it before you shoot.
- Positively identify male vs. female turkeys. Although bearded hens are legal to hunt during the spring season, their loss reduces the reproductive potential of wild turkeys in your area.
- If another hunter approaches your set-up, call out in a loud, clear voice. Make sure your presence is acknowledged before you move. Never wave to alert another hunter of your presence.
- Never assume that you are alone in the woods — even if you are the only one on the land with permission to hunt.
- Use hen calls. A gobble call might attract other hunters.
- For further protection, always sit with your back against a tree trunk, big log or a boulder that is wider than your body.
- Avoid unnecessary movement. This alerts turkeys and could attract hunters.
- When carrying harvested birds or decoys, use a blaze orange covering or completely conceal them in a game bag.

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PHEASANT AND QUAIL HUNTING



Photo © Dean Cerrati

2023 HUNTING SEASON DATES

Pheasant

Youth Pheasant Hunt: Sept. 2, 9, 16, 23, and Oct. 7, 2023.

Oct. 14 – Dec. 30, 2023 (statewide)

Hen pheasants can be hunted statewide.

Quail

Zones 11–14: Oct. 14 – Dec. 30, 2023

See WMZ map on pages 22–23.

All dates inclusive.

Hunting on Sundays is prohibited. Pheasant and quail hunting is closed during the shotgun deer season.

PHEASANT/QUAIL STOCKED AREAS

Every year, MassWildlife stocks about 40,000 ring-necked pheasants statewide. These birds are stocked on public and private lands open to hunting. For a list of pheasant stocked WMAs and other locations visit, mass.gov/pheasant. MassWildlife also stocks about 4,000 bobwhite quail at two locations; Myles Standish State Forest in Plymouth and the Francis Crane WMA in Falmouth.

HUNTING HOURS

Hunting hours begin at sunrise and end at sunset.

REQUIRED LICENSES AND PERMITS

- You must have a license and permit to hunt pheasant and quail which you can buy through MassFishHunt, mass.gov/massfishhunt.
- NEW**—Pheasant/Quail Permit: Required by all hunters aged 15 years or older (including falconers) to hunt, take or

Pheasant and quail stocking is the Saturday after Columbus Day to the Saturday after Thanksgiving.

possess pheasants or bobwhite quail, except for those hunting or possessing pheasants or quail harvested on licensed commercial shooting preserves.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license
- Pheasant/Quail Permit

NON-RESIDENTS:

- Small game or big game license
- Pheasant/Quail Permit

If you hunt on a licensed commercial shooting preserve, you need a resident or non-resident license, or a 1-day commercial shooting preserve license.

BAG LIMITS

Pheasant

- 2 per day
- 4 in possession

Quail

- 4 per day
- 8 in possession

No season limit for pheasant or quail

HUNTING IMPLEMENTS

Shotguns (including smoothbore muzzle-loaders): No larger than #1 birdshot.

Archery: Archery equipment is legal. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, bows drawn by mechanical means, or any device that propels an arrow, dart, or bolt by gunpowder, compressed air, or by any other means except by the flexing and release of a bowstring are prohibited.

BLAZE ORANGE

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

SPECIAL PHEASANT AND QUAIL HUNT

Licensed hunters may submit an application to MassWildlife district offices for a free 1 day permit that allows the private purchase, liberation, and hunting of ring-necked pheasants and/or bobwhite quail on selected WMAs from Jan. 1 – March 31.

WMAs include:

- Frances A. Crane WMA and Erwin Wilder WMA (SE District)
- Bolton Flats WMA and Winnimuset WMA (Central District)
- Martin Burns WMA (NE District)
- Herm Covey WMA (CT Valley District)
- Housatonic Valley WMA (Western District)

Permits are issued on a first-come, first-served basis. Only one party can hunt on each WMA per day. There are no stocking limits, or bag limits.

You will need a separate importation permit from the MassWildlife Boston Office (617) 626-1575 to purchase birds from out of state.

There are no tagging, transporting or reporting requirements for pheasant or quail.



RUFFED GROUSE HUNTING



Photo by Bill Byrne/MassWildlife

2023 HUNTING SEASON DATES

Oct. 14 – Nov. 25, 2023

All dates are inclusive.
Hunting is prohibited on Sundays.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES AND PERMITS

You must have a license to hunt ruffed grouse which you can buy through Mass-FishHunt, mass.gov/massfishhunt.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license

NON-RESIDENTS:

- Small game or big game license

BAG LIMITS

- 3 per day
- 6 in possession
- 15 per season

HUNTING ZONES

All Wildlife Management Zones statewide.

HUNTING IMPLEMENTS

Shotguns (including smoothbore muzzle-loaders): No larger than #1 birdshot.

Archery: Archery equipment is legal. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, bows drawn by mechanical means, or any device that propels an arrow, dart, or bolt by gunpowder, compressed air, or by any other means except by the flexing and release of a bowstring are prohibited.

BLAZE ORANGE

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

There are no tagging, transporting or reporting requirements for ruffed grouse.



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CROW HUNTING

2023 HUNTING SEASON DATES

Jan. 2 – April 10, 2023

July 1, 2023 – April 10, 2024

Crow hunting only on Mondays, Fridays, and Saturdays. Crow hunting is closed during the shotgun deer season. Crow hunting season may coincide with the Youth Deer Hunt, special restrictions apply, see page 25.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES AND PERMITS

You must have a license to hunt crows, which you can buy through MassFish-Hunt, mass.gov/massfishhunt. No permits are required.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license

NON-RESIDENTS:

- Small game or big game license

BAG LIMITS

None

HUNTING ZONES

All Wildlife Management Zones statewide.



Photo © 2021 Gino Ellison@21

HUNTING IMPLEMENTS

Rifles and handguns: All rifles and handguns are legal.

Shotguns (including smoothbore muzzle-loaders): No larger than #1 birdshot.

Archery: All archery equipment is legal. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, bows drawn by mechanical means, or any device that propels an arrow, dart, or bolt by gunpowder, compressed air, or by any other means except by the flexing and release of a bowstring are prohibited.

HUNTING METHODS

Bait, electronic calls, and manual calls are legal.

BLAZE ORANGE 🧡

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

There are no tagging, transportation or reporting requirements for crow.

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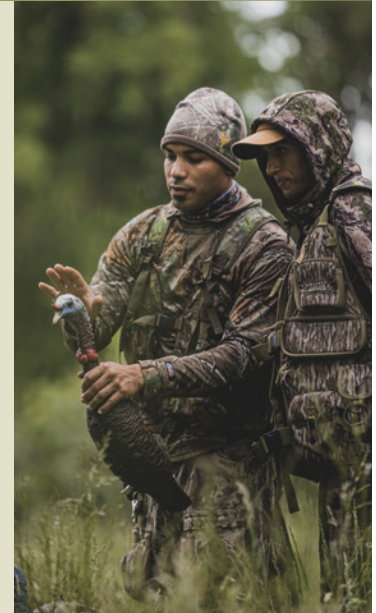
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RABBIT AND HARE HUNTING



Photo by Troy Gipps/MassWildlife

Snowshoe Hare

Zones 1–14: Jan. 2, 2023 – Feb. 28, 2023
 Zones 1–14: Oct. 14, 2023 – Feb. 29, 2024

All dates are inclusive. Hunting is prohibited on Sundays. Rabbit and hare hunting is closed during the shotgun deer season.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and ends at midnight.

REQUIRED LICENSES AND PERMITS

You must have a license to hunt rabbit and hare, which you can buy through MassFish-Hunt, mass.gov/massfishhunt. No permits are required.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license

NON-RESIDENTS:

- Small game license or big game license

BAG LIMITS

- Cottontail rabbit: 5 per day, 10 in possession, no annual bag limit
- Snowshoe hare: 2 per day, 4 in possession, no annual bag limit

HUNTING IMPLEMENTS

Shotguns (including smoothbore muzzle-loaders): No larger than #1 birdshot.

Archery: Archery equipment is legal. You must use a device that works by flexing and releasing a bowstring. You may not use poisoned arrows, explosive tips, bows drawn by mechanical means, or any device that propels an arrow, dart, or bolt by gunpowder, compressed air, or any other means. Crossbows may be used only by hunters with a crossbow permit.

Rifles and handguns (including rifled muzzleloaders): Rifles and handguns are legal.

BLAZE ORANGE 🧡

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

2023 HUNTING SEASON DATES

Cottontail Rabbits

Zones 1–14: Jan. 2, 2023 – Feb. 28, 2023
 Zones 1–14: Oct. 14, 2023 – Feb. 29, 2024

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There are no tagging, transportation or reporting requirements for rabbit and hare.

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GRAY SQUIRREL HUNTING

2023 HUNTING SEASON DATES

Zones 1–14:
 Jan. 2, 2023 – Feb. 28, 2023
 Sept. 5, 2023 – Feb. 29, 2024

See Wildlife Management Zone map on pages 22–23.

All dates are inclusive. Hunting is prohibited on Sundays. Gray squirrel hunting season may coincide with the Youth Deer Hunt Day, when special restrictions apply. (see page 25)

Gray Squirrel hunting is closed during the shotgun deer season.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES

You must have a license to hunt squirrels, which you can buy through MassFishHunt, mass.gov/mass_shunt.

MASSACHUSETTS RESIDENTS:

Hunting or sporting license

NON-RESIDENTS:

- Small game or big game license

BAG LIMITS

- 5 per day
- 10 in possession
- No annual bag limit

HUNTING IMPLEMENTS

Shotguns (including muzzleloaders): No larger than #1 birdshot.

Archery: Archery equipment is legal. You must use a device that works by flexing and releasing a bowstring. You may not use poisoned arrows, explosive tips, bows drawn by mechanical means, or any device that propels an arrow, dart, or bolt by gunpowder, compressed air, or any other means. Crossbows may be used only by hunters with a crossbow permit.

Rifles and handguns (including rifled muzzleloaders): Rifles and handguns are legal, except in Wildlife Management Zones 10–14.

Trapping or netting is prohibited.

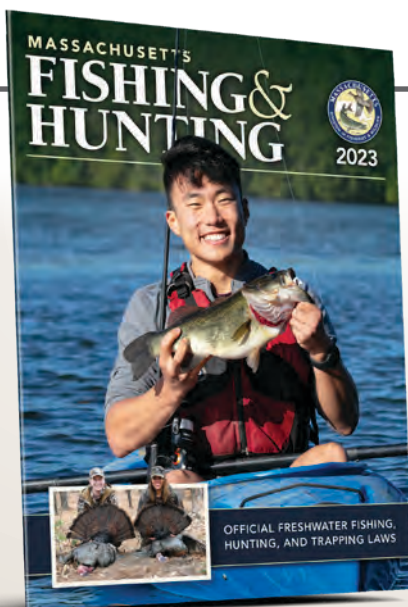
BLAZE ORANGE 🧢

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.



Photo by Bill Byrne/MassWildlife

There are no tagging, transportation or reporting requirements for squirrels.



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MIGRATORY GAME BIRD HUNTING

REPORT ALL BANDED BIRDS: Hunters recovering banded waterfowl are encouraged to report bird band information to reportband.gov

2023 HUNTING SEASON DATES

Season dates and bag limits are set annually in the spring and will be posted on the MassWildlife website by mid-May. Printed regulations will be available in August.

Active Military and Veterans Waterfowl Hunt

Two statewide Veterans Waterfowl Hunt season dates are open for waterfowl hunting by members of the Armed Forces on active duty, including members of the National Guard and Reserve on active duty (other than for training), and veterans. The term “veteran,” is defined, per section 101 of title 38, United States Code, as a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. Proof of eligibility is required and must be carried on person while hunting. All regular season waterfowl hunting regulations and bag limits apply.

Youth Waterfowl Hunt

Runs concurrently with the Active Military and Veterans Waterfowl Hunt (see page 25).

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end at sunset in most situations. Exception: Early Goose Season: 1/2 half hour before sunrise – 1/2 hour after sunset. See page 51 for sunrise-sunset table.

REQUIRED LICENSES, STAMPS, & H. I. P.

Licenses, stamps and HIP registration are required and can be obtained through mass.gov/massfishhunt.

HIP Registration: Harvest Information Program (HIP) registration required annually by taking the HIP survey.

Woodcock, snipe, coot, rail hunters

MASSACHUSETTS RESIDENTS

- Hunting or sporting license
- Harvest Information Program (HIP) registration through MassFishHunt

NON-RESIDENTS

- Big game license OR small game license
- Harvest Information Program (HIP) registration through MassFishHunt

Waterfowl hunters (ducks, geese, sea ducks)

MASSACHUSETTS RESIDENTS

- Hunting or sporting license
- MA Waterfowl resident stamp and HIP (purchase registers you with HIP)
- Federal duck stamp* (for hunting ducks, geese, or brant) for hunters 16 years and older; \$25, plus federal regulatory processing fee.

NON-RESIDENTS

- Big game license or small game license
- MA Waterfowl non-resident stamp and HIP (purchase registers you with HIP)
- Federal duck stamp* (for hunting ducks, geese, or brant) for hunters 16 years and older; \$25, plus federal regulatory processing fee.

*The Federal Duck Stamp is available through MassFishHunt or wherever MA hunting licenses are sold. The Federal eDuck Stamp is a temporary stamp expiring 45 days from the date of purchase. Before the eDuck expires, a physical Federal Duck Stamp will be sent to customers via U.S. mail. Upon receipt of the physical Federal Duck Stamp, it must be signed across the face in ink and carried while waterfowl hunting. If a physical Duck Stamp does not arrive after a few weeks, contact Amplex at duckstamp@amplex.com or (800) 852-4897. Physical federal waterfowl stamps

are also available at all National Wildlife Refuges and select post offices. NOTE: Unlike state licenses and stamps which are valid from January 1 – December 31, the Federal Duck Stamp is valid July 1 – June 30 of the following year. (see page 7)

YOUTH WATERFOWL HUNTERS (12–17 years old) Dates and Requirements (see page 25)

HUNTING IMPLEMENTS

Shotgun: Shotguns no larger than 10 gauge, fired from the shoulder. Shotguns capable of holding more than 3 shells must be plugged with a one piece filler which cannot be removed without disassembling the gun, limiting the gun's total capacity to 3 shells.

Non-toxic shot: Required for all waterfowl and coot hunting. No lead shot in possession. Waterfowl and coot hunters must use non-toxic shot up to and including BBB shot while hunting waterfowl. Non-toxic shot is lawful for hunting woodcock, snipe, or rails.

Archery Equipment: Expanding broadheads are legal. Crossbows may be used only by hunters with a crossbow permit. Airbows, poisoned arrows, explosive tips, bows drawn by mechanical means are prohibited.

HUNTING METHODS

Dogs: Dogs may be used to hunt migratory game birds. NOTE: During the shotgun seasons for deer (including Youth Deer Hunt Day) dogs can be used for waterfowl and falconry hunting **only** on coastal waters and salt marshes.

Falconry: Ducks and coot may be hunted by licensed and permitted falconers from Oct. 2, 2023 – Feb. 3, 2024. No geese.

Wanton waste: A reasonable effort is required to retrieve all migratory birds killed or wounded. Wounded waterfowl should be killed immediately, and must be retained by the hunter as part of the daily bag.

HUNTING PROHIBITIONS

Baiting: No baiting (placing corn or any other food to constitute a lure or enticement) or hunting over a baited area. An area is considered baited for 10 days after bait removal. It is not necessary for the hunter to know that the area is baited to be in violation.

Motorized vehicles & boats: No hunting migratory game birds from or with the aid of a motor vehicle or other motor driven land con-



veyance or aircraft. No hunting from or by means of any motor boat or sailboat unless the motor has been completely shut off and/or sails furled and all progress has ceased. A hunter may pick up or retrieve dead or injured birds from a craft under power and may shoot injured birds from powered craft in coastal waters seaward of the first up-stream bridge. Exception: Paraplegics may take game birds from a stationary motor vehicle or other land conveyance.

Driving: Hunters cannot drive (herd) migratory game birds from or with the aid of a motor vehicle or other motor driven land conveyance or aircraft, or use any kind of motor or sailboat for self or others.

Electric calls: No pre-recorded calls, sounds or any electronic imitations of calls.

Other prohibited devices: Rifle, pistol, air gun, swivel gun, punt gun, battery gun, machine gun, trap, snare, net, fish hook, sinkbox, poison, drug, explosive or stupefying substance.

Live decoys: No use of live decoys (birds) or any domesticated fowl. These birds must be removed for 10 consecutive days prior to hunting and confined in

an enclosure to reduce the audibility of their calls and conceal them from the sight of migratory game birds.

BLAZE ORANGE/PFD 🧢

No requirement to wear hunter orange except: 1) An orange hat must be worn while hunting in WMAs stocked with pheasant or quail during the pheasant and quail season; 2) During the Shotgun Deer Season and the Youth Deer Hunt Day waterfowl hunters must wear a blaze orange hat and vest (500 sq. inches) in transit to their blind or boat- it may be removed once in the blind or boat.

Personal Flotation Device (PFD): Anyone in a canoe or kayak from Sept. 15 – May 15 **must wear** a life jacket or vest.

Importation: No person shall import migratory game birds killed in any other country except Canada unless such birds are dressed and the head and feet removed. One fully feathered wing must remain on each bird transported between port of entry and the hunter's home or preservation facility. No one may import birds belonging to another.

CONSUMPTION ADVISORY

A Waterfowl Consumption Advisory is in effect for the Housatonic River due to PCBs. For more information call the Mass. Department of Public Health at (617) 624-5757 or visit mass.gov/dph.

TAGGING, TRANSPORTING, AND REPORTING

No reporting requirement.

No one may possess another hunter's migratory game birds unless the birds are properly tagged. Birds must be tagged with the hunter's signature, address, total number of birds by species, and dates birds were killed.

Field Dressing: The head and one fully-feathered wing must remain attached to each migratory game bird while it is transported to the hunter's home, preservation facility or port of entry.

Shipment: Any package containing migratory game birds must be marked on the outside with the name and address of the sender and recipient and number of birds, by species, contained inside.

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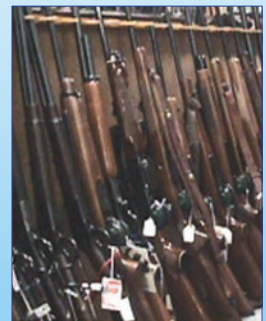
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COYOTE HUNTING

2023 HUNTING SEASON DATES

Jan. 2 – Mar. 8, 2023

Oct. 14, 2023 – Mar. 8, 2024

All dates inclusive. Hunting on Sundays is prohibited. Coyote hunting is open during the deer shotgun season.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end at midnight. Exception:

- Hunting hours start 1/2 hour before sunrise and end 1/2 hour after sunset during shotgun deer season.

REQUIRED LICENSES

You must have a license to hunt coyote, which you can buy through MassFishHunt, mass.gov/massfishhunt.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license

NON-RESIDENTS:

- Small game or big game license

BAG LIMITS

- None

HUNTING ZONES

All Wildlife Management Zones statewide.

HUNTING IMPLEMENTS

Shotguns: Shot sizes up to and including FF. Slugs, single balls, and buckshot may only be used during the shotgun deer season.

Archery: Archery equipment is legal. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, bows drawn by mechanical means are prohibited.

Rifles and handguns:

- Daytime hunting: During the period from 1/2 hour before sunrise to 1/2 hour after sunset, there are no restrictions on size or caliber of rifles or handguns.
- Nighttime hunting: During the period from 1/2 hour after sunset to midnight rifles are restricted to those chambered not larger than .22 long rifle and handguns are restricted to those chambered not larger than .38 caliber.
- Prohibited during the shotgun deer season.

Muzzleloader: Smooth bore muzzleloaders: Only shot sizes up to and including FF. Slugs, single balls, and buckshot may only be used during the shotgun deer season. Rifled bore muzzleloaders: no restrictions on caliber size.

HUNTING METHODS

Decoys and bait are legal.

Electronic and manual calls, and the use of dogs are legal, but prohibited during the shotgun deer season.

Artificial lights are prohibited.

BLAZE ORANGE 🧡

During the shotgun season for deer, 500 square inches on chest, head and back is required.

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

TAGGING, TRANSPORTING, AND REPORTING

You must report your coyote harvest within 48 hours of harvest.

Report at an official check station or online.

If you report your harvest online, write the confirmation number on a tag and attach the tag to the carcass or pelt.

Confirmation numbers must stay attached to the pelt or carcass until that pelt or carcass is prepared for sale, taxidermy, tanning or other use.

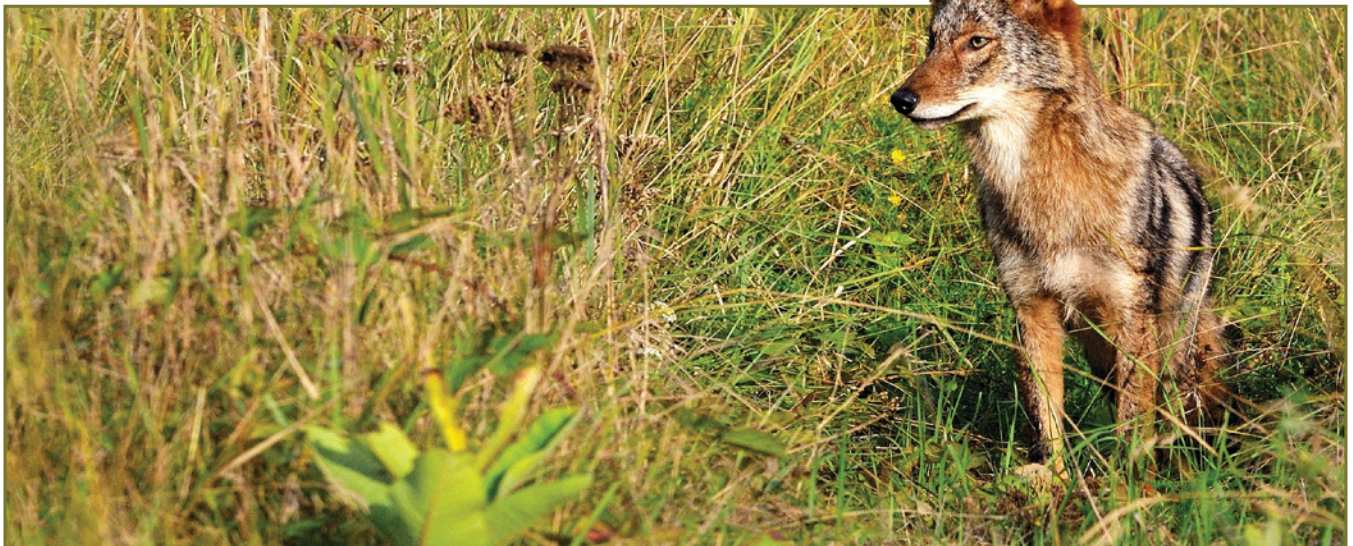


Photo by Bill Byrne/MassWildlife



FOX HUNTING

2023 HUNTING SEASON DATES

Jan. 2 – Feb. 28, 2023

Nov. 1, 2023 – Feb. 29, 2024

All dates inclusive. Hunting is prohibited on Sundays. Fox hunting is closed during the shotgun deer season.

HUNTING HOURS

Hunting hours begin 1/2 hour before sun-rise and end at midnight.

REQUIRED LICENSES

You must have a license to hunt fox, which you can buy through MassFishHunt, mass.gov/mass_shhunt.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license

NON-RESIDENTS:

- Small game or big game license

BAG LIMITS

- None

HUNTING ZONES

All Wildlife Management Zones statewide.

HUNTING IMPLEMENTS

Shotguns: Only shot size up to #1 birdshot.

Archery: Archery equipment is legal. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, bows drawn by mechanical means are prohibited.

Rifles and handguns:

- Daytime hunting: During the period from 1/2 hour before sunrise to ½ hour after sunset, there are no restrictions on size or caliber of rifles or handguns.
- Nighttime hunting: During the period from 1/2 hour after sunset to midnight rifles are restricted to those chambered not larger than .22 long rifle and handguns are restricted to those chambered not larger than .38 caliber.

Muzzleloaders: Smooth bore muzzleloaders: Only shot size up to #1 birdshot can be used. Rifled bore muzzleloaders: no restrictions on caliber size.

HUNTING METHODS

Electronic and manual calls, decoys, bait, and the use of dogs are legal.

Artificial lights are prohibited.

BLAZE ORANGE 🧡

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

TAGGING, TRANSPORTING, AND REPORTING

You must report your fox harvest within 48 hours of harvest.

Report at an official check station or online.

If you report your harvest online, write the confirmation number on a tag and attach the tag to the carcass or pelt.

These confirmation numbers must stay attached to the pelt or carcass until that pelt or carcass is prepared for sale, taxidermy, tanning or other use.



Photo by Bill Byrne/MassWildlife

BOBCAT HUNTING

2023 HUNTING SEASON DATES

Zones 1–8: Jan. 2 – Mar. 8, 2023 and

Dec. 20, 2023 – Mar. 8, 2024

All dates inclusive. Hunting is prohibited on Sundays. Bobcat hunting is closed during the shotgun deer season. See WMZ map on pages 22–23.

HUNTING HOURS

Hunting hours begin 1/2 hour before sunrise and end 1/2 hour after sunset.

REQUIRED LICENSES AND PERMITS

You must have a license to hunt bobcat, which you can buy through MassFishHunt, mass.gov/mass_shhunt. No permits are required.

MASSACHUSETTS RESIDENTS

- Hunting or sporting license

NON-RESIDENTS

- Small game or big game license

BAG LIMITS

None

HUNTING IMPLEMENTS

Shotguns: Only shot size up to #1 birdshot can be used.

Archery: Archery equipment is legal, with no minimum pull. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, and bows drawn by mechanical means are prohibited.

Rifles and handguns: No restrictions on caliber size for rifles or handguns.

Muzzleloaders: Smooth bore muzzleloaders: Only shot size up to #1 birdshot can be used. Rifled bore muzzleloaders: no restrictions on caliber size.

HUNTING METHODS

Electronic and manual calls, decoys, and bait are legal.

Use of dogs is prohibited.

BLAZE ORANGE 🧡

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.

TAGGING, TRANSPORTING, AND REPORTING

Bobcat cannot be reported online. You must take your bobcat to an official furbearer check station at MassWildlife facilities only (see page 46), where you will be issued a federally-required seal.

You must report your bobcat harvest within 4 working days of the end of the season.

Seals must remain attached to the pelt/carcass until the pelt/carcass is prepared for sale, taxidermy, tanning or other use.



RACCOON AND OPOSSUM HUNTING

2023 HUNTING SEASON DATES

Jan. 2 – Jan 31, 2023

Oct. 2, 2023 – Jan. 31, 2024

All dates are inclusive. Hunting is prohibited on Sundays. Raccoon and opossum hunting seasons may coincide with the Youth Deer Hunt Day, when special restrictions apply, see page 25. Raccoon and opossum hunting is closed during the shotgun deer season.

HUNTING HOURS

Raccoon and opossum may be hunted 24 hours per day. Exception: WMAs stocked with pheasant or quail during the pheasant or quail season, the hunting hours for raccoon and opossum are from 9:00 P.M. to 3:00 A.M.

REQUIRED LICENSES

You must have a license to hunt raccoon and opossum, which you can buy through MassFishHunt, mass.gov/mass_shunt.

MASSACHUSETTS RESIDENTS:

- Hunting or sporting license

NON-RESIDENTS:

- Small game or big game license

There are no tagging, transportation or reporting requirements for raccoon or opossum.

BAG LIMITS

Raccoon:

- Individual bag limit — 3 raccoons (Between sunset of one day and sunset of the following day.)
- Group bag limit (2 or more hunters) — 6 raccoons (Between sunset of one day and sunset of the following day.)

Opossum: No bag limit.

HUNTING ZONES:

All Wildlife Management Zones statewide.

HUNTING IMPLEMENTS

Shotguns: Only shot size up to #1 birdshot.

Archery: Archery equipment is legal, with no minimum pull. Crossbows may be used only by hunters with a crossbow permit. Poisoned arrows, explosive tips, and bows drawn by mechanical means are prohibited.

Rifles and handguns:

- Daytime hunting: During the period from 1/2 hour before sunrise to 1/2 hour after sunset there are no restrictions on size or caliber of rifles or handguns.

- Nighttime hunting: During the period from 1/2 hour after sunset to 1/2 hour before sunrise, rifles are restricted to those chambered not larger than .22 long rifle and handguns are restricted to those chambered not larger than .38 caliber.

Muzzleloaders: Smooth bore muzzleloaders: Only shot size up to #1 birdshot. Rifled bore muzzleloaders: no restrictions on caliber size.

HUNTING METHODS

Electronic and manual calls and artificial lights are legal. Use of dogs is permitted.

BLAZE ORANGE 🧡

When hunting on a pheasant or quail stocked WMA during the pheasant/quail season, a blaze orange cap is required.



Photo by Bill Byrne/MassWildlife

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FURBEARER TRAPPING SEASONS

OPEN SEASON (ALL DATES INCLUSIVE)

Beaver ¹	Jan. 1 – April 15, 2023 Nov. 1, 2023 – April 15, 2024
Bobcat ^{1,2} , Coyote ¹ , Fox ¹ , Weasel	Nov. 1 – Nov. 30, 2023
Fisher ¹	Nov. 1 – Nov. 22, 2023
Mink ¹ , River Otter ¹	Nov. 1 – Dec. 15, 2023
Muskrat, Opossum,	Jan. 1 – Feb. 28, 2023
Raccoon, Skunk	Nov. 1, 2023 – Feb. 29, 2024

1 – Pelt checking/reporting required; see below.

2 – Bobcats may only be trapped or salvaged in Wildlife Management Zones 1–8. See WMZ map on pages 22–23.

LICENSING

A trapping license is required for all persons age 12 years of age and older.

TRAP REGISTRATION

All traps used on the land of another must have a valid Trap Registration Number embedded or cut into the trap. The trap must also have attached a metal tag bearing the owner's name, town and registration number. Letters and figures must be legible and no less than 1/8-inch high. The registration number must be renewed every two years. To trap on another's land, a trapper must maintain a current certification of that registration number. To obtain registration numbers, contact MassWildlife at (508) 389-6300 or mass.wildlife@mass.gov.

MANDATORY TRAPPER EDUCATION

Trapper Education is mandatory for first-time trappers and Problem Animal Control (PAC) agents in order to apply for a trap registration certificate. Government issued Trapper Education certificates from any U.S. state are accepted to apply. Included in the Massachusetts Trapper Education course is the mandatory training required to use Bailey or Hancock traps. Both a Trapper Education Certificate and a Bailey-Hancock Certificate are issued to students who successfully complete this course.

TRAPPING IMPLEMENTS

Only cage or box type traps may be used for the taking of fur-bearing mammals. Common rat traps may only be used for the taking of weasels. Bailey and Hancock traps may only be used for the taking of beaver by trappers with a Bailey-Hancock certi-

cate of completion. The Bailey-Hancock certificate must be in possession when using such traps. To obtain a special permit to use bodygrip traps (e.g., Conibear™ traps) addressing certain types of wildlife damage, contact your local MassWildlife District office.

PROHIBITED: Use of steel-jaw foothold traps, padded jaw traps, body-gripping (Conibear) traps, snares, deadfalls, and any traps other than those specified in this Guide are prohibited. Such traps may not be set, tended, used, or possessed in the field.

STAKING is not a recognized practice and conveys no special trapping privileges.

STOLEN TRAPS: A trapper must report the loss or theft of a trap in writing to the Massachusetts Environmental Police (MEP) within 48 hours of the loss or theft, or remain responsible for its use. See MEP contact information on page 5.

HARVEST REPORTING (PELT CHECKING)

Coyote and fox must be checked within 48 hours of harvest. Fisher, beaver, bobcat, river otter, and mink must be checked within 4 days of the end of their respective seasons. Bobcat and river otter cannot be reported online. Take all bobcat and river otter to an official fur-bearer check station, which are located at MassWildlife facilities only (see Furbearer Check Stations below), within 4 working days of the end of the season. You will be issued a federally-required seal for bobcat and river otter. For detailed information on Online Game Check, visit the Game Check Station page on mass.gov/dfw/checkstation; visit the MassFishHunt System online at mass.gov/massfishhunt to report your harvest online. Once issued a harvest confirmation number, write it on a tag of your own making and attach it to the pelt/carcass. Confirmation numbers must remain attached to all pelts/carcasses until the pelt/carcass is prepared for sale, taxidermy or other use.

SALE OF PELTS

EXPORTING RAW FURS: When shipping raw fur pelts by any carrier, the contents of the package and the shipper's hunting or trapping license number must be listed on the outside of the package. The destruction or removal of any identifying tag or label that is attached to a container in which skins are shipped is unlawful.

FURBEARER CHECK STATIONS

Check stations are open Monday–Friday (excluding holidays). Call check stations prior to bringing pelts in for sealing. Most deer check stations also check coyotes; visit our website at mass.gov/dfw/checkstation or call MassWildlife Field Headquarters for further information.

- **Western District:**
Dalton (413) 684-1646
- **Connecticut Valley District:**
Belchertown (413) 323-7632
- **Central District:**
West Boylston (508) 835-3607
- **Northeast District:**
Ayer (978) 772-2145
- **Southeast District:**
Buzzards Bay (508) 759-3406
- **Sunderland Hatchery:**
Sunderland (413) 665-4680
- **Bitzer Fish Hatchery:**
Montague (413) 367-2477
- **Field Headquarters:**
Westborough (508) 389-6300



TRAPPING PROHIBITIONS

IT IS ILLEGAL TO:

- Trap fur-bearing mammals with any trap other than a cage or box type trap, or a common rat trap for weasels.
- Intentionally or knowingly drown wildlife.
- Trap before 6:00am on opening day of any trapping season.
- Possess or have under control a trap on land of another in any place where fur-bearing mammals might be found between April 16 of any year and 6:00am on the following November 1.
- Possess the green pelt of any fur-bearing mammal or any part of such pelt except during the open season for such mammal and for ten days thereafter.
- Possess or have under control an unregistered trap on land of another.
- Possess or have under control the registered trap of another, unless he or she has entered into a trapping partnership through the Boston Office.
- Trap on posted land of another without the written permission of the owner or tenant of such land.
- Trap in a public way, cart road, path or other way commonly used as a passageway for people or domestic animals.
- Tear open, disturb, or destroy a muskrat lodge, beaver lodge or beaver dam, except as provided in 321 CMR 2.08.
- Use poison or trap with a trap designed to take more than one mammal at a time.
- Trap on land with a Bailey or Hancock beaver trap or other trap of similar design, except when set upon a beaver dam or beaver lodge, snag, stump, rock, or other above-water protrusion entirely or substantially surrounded by water, or, when the pan of such trap is not completely submerged.
- Trap with a Bailey or Hancock beaver trap or other trap of similar design without having completed a training session and having been issued a certificate of completion, or to fail to carry such certificate on one's person when using such traps.
- Fail to visit all traps staked out, set, used, tended, placed, or maintained, and remove all animals trapped at least once in each calendar day between the hours of 4:00am and 10:00pm.
- Destroy, mutilate, spring, or remove the trap of another.
- Take any fur-bearing mammal from the trap of another unless he has on his person a specific written authorization to do so, signed by the owner of such trap. The owner of traps may give such authorization to any person licensed to trap for a period not to exceed one week from the day the traps were last tended, provided that notice of the giving of such authorization including the name and trapping license number of the person so authorized shall be given to the regional Environmental Police Officer and to the Director within 24 hours of the giving of such authorization.
- Set, use, place, locate, tend, or maintain a trap not bearing on a metal tag the name, town of residence, and trap registration number of the person or persons using the same in a manner as to be legible at all times. Said registration number shall be permanently embedded in or marked on the traps with letters and figures not less than 1/8 inches high in such a manner as to be legible at all times.
- Possess any road-killed furbearers during the closed season, or possess road-killed furbearers during the open season without a valid hunting or trapping license as appropriate to that species and season.
- Alter, tamper with, or reapply a furbearer tag or seal, or possess any altered or resealed tag, or possess any pelt bearing an altered or resealed tag or seal.

INCIDENTAL CATCH — EMERGENCY PERMIT

Catch of any species other than beaver or muskrat while trapping with a 10 day emergency permit must be turned over to MassWildlife.

PROBLEM ANIMAL CONTROL AGENTS

Problem Animal Control (PAC) agents are private individuals licensed by the Division of Fisheries and Wildlife to assist the public in situations involving sick animals or animals causing property damage. If you are experiencing wildlife damage and wish to contract with a PAC agent, a listing can be found on mass.gov/masswildlife. Individuals interested in becoming a PAC agent can obtain information on the permitting process from this same website, or call MassWildlife Field Headquarters at (508) 389-6300.



Photo by Troy Gipps/MassWildlife

RABIES

Rabies in wild mammals has been confirmed in all counties in Massachusetts except Dukes and Nantucket. Wear rubber gloves when skinning furbearers. If you believe you have been exposed to a rabid animal, scrub the area thoroughly with soap and water and seek medical advice immediately. If possible, isolate and preserve the dead animal by refrigeration as soon as possible. Contact your local Board of Health.

DEVELOP OUTDOOR SKILLS WITH MASSWILDLIFE

LEARN TO HUNT PROGRAMS

Hunters with little or no experience can learn skills and techniques used to hunt different game animals. Courses are geared toward recent Basic Hunter Education graduates and include classroom learning and outdoor skills exercises. Taught by volunteers, the courses utilize the experience and knowledge of seasoned sportsmen and -women. Courses range from one-day condensed classes to three-day, in-depth courses. To learn more, to be notified about upcoming courses, or to volunteer as an instructor, visit mass.gov/dfw/learn-to-hunt.

EXPLORE BOWHUNTING

This program is designed to help instructors, program leaders, and educators teach students ages 11 and up the basic skills of bowhunting through 23 innovative lesson plans. Through these hands-on experiences students gain confidence interacting with the natural environment and strengthen their appreciation for wildlife and the woods. For more information about this program visit mass.gov/dfw/explore-bowhunting.

ANGLER EDUCATION PROGRAM

The Angler Education Program introduces people of all ages to fishing, educates them about the state's aquatic wildlife and habitats through fishing, and promotes Massachusetts' abundant waterways and freshwater fishing opportunities. Program elements include one-day family fishing festivals and short fishing clinics offered by volunteers and MassWildlife staff across the state. A Fishing Gear Loaner Program is available for groups and organizations that already have an event organized, but need equipment. Occasional specialty classes such as fly tying or ice fishing are also scheduled. Visit mass.gov/learn-to-fish for fishing information and current class offerings.

BECOMING AN OUTDOORS-WOMAN

Designed primarily for adult women, the Becoming and Outdoors-Woman (BOW) Program offers numerous outdoor skills classes. An example of previous courses



Photo by Troy Gipps/MassWildlife

include shooting skills workshops, fishing classes, hunting seminars, and mentored hunts. For more information and to view previous and upcoming courses visit mass.gov/dfw/bow.

HUNTER EDUCATION PROGRAM

Provides courses in the safe handling of firearms, and other outdoor activities related to hunting and firearm use. Designed for novices, courses in Basic Hunter Education, Bowhunter Education, Trapper Education, and others are offered statewide throughout the year. Certificates in certain courses satisfy hunting license requirements for Massachusetts as well as other states and Canadian provinces. For more information, call (508) 389-7820.

MASSACHUSETTS JUNIOR CONSERVATION CAMP

This two-week overnight program, held in August for boys and girls ages 13–17, provides a solid grounding in outdoor skills. Participants learn about fisheries, wildlife, forestry, and camping, and become proficient in the use of shotgun, rifle, archery equipment, map and compass, and other outdoor activities. Basic Hunter Education and Boat Safety programs are included. For more information, call (508) 389-6300, or go to juniorconservationcamp.org.

YOUTH HUNT DAYS AND PROGRAMS

Special hunt days and programs are designed for young hunters. Details can be found on pages 24–25.

EDUCATION PROGRAMS

ARCHERY IN THE SCHOOLS

The National Archery in the Schools Program in Massachusetts is an archery program developed for educators to provide students in grades 4–12 with an exposure to a fun, alternative sport that can be enjoyed by people of all ages and abilities. Taught primarily by physical education teachers, the program also includes social studies, mathematics, and physics. This program is a partnership between MassWildlife, National Archery in the Schools, the Archery Trade Association, and local sporting groups. Training is provided by MassWildlife to educators. Participating schools may borrow archery kits for one month per year free of charge. Funding may be available for schools to buy a kit of their own. For more information, visit mass.gov/how-to/archery-in-the-schools.

PROJECT WILD IN MASSACHUSETTS

An international program of wildlife education workshops designed for educators of a wide range of ages, from pre-school to high school. Hours spent may be used toward professional development or other continuing education credit. Co-sponsored by the Massachusetts Sportsmen's Council. For information on attending or hosting a workshop, email pam.landry@mass.gov.

- **GROWING UP WILD:** Exploring Nature With Young Children (Ages 3–7 years). This workshop is designed for early childhood educators with ac-

tivities that build on children's sense of wonder about nature and invites them to explore wildlife and the world around them. Educators experience a wide range of activities that provide a foundation for developing a child's positive impression about nature.

- **PROJECT WILD AND AQUATIC WILD** workshops are interdisciplinary, hands-on learning opportunities for educators of K–12 level students focusing on terrestrial and aquatic wildlife and ecosystems. The curriculums encourage problem-solving and decision-making skills concerning the environment. Scout leaders, youth group leaders, homeschoolers, and both formal and non-formal educators find the materials and workshops valuable.

MASSACHUSETTS ENVIROTHON

The Envirothon is Massachusetts' leading natural resource education program for high school students, emphasizing hands-on, team-oriented problem solving and community involvement that prepares young people for environmental careers and active citizenship. For over three decades, the Massachusetts Envirothon has engaged young people in hands-on exploration of soil, water, wildlife, and forest resources, and investigation of the important environmental issues affecting themselves, their families, and their communities. For more information, email massenvirothon@gmail.com or go to <https://massenvirothon.org>.

NORTH AMERICAN CONSERVATION EDUCATION STRATEGY RESOURCES

An array of tools and resources developed by state fish and wildlife agencies support conservation educators who offer fish and wildlife-based programs that guide students in grades K–12 on their way to becoming involved, responsible, conservation minded citizens. The strategy resources deliver unified, research-based Core Concepts and messages about fish and wildlife conservation, translated into K–12 academic standards to shape students' environmental literacy, stewardship, and outdoor skills. Resources in the tool kit include: landscape investigation, schoolyard biodiversity, field investigation, fostering outdoor observation skills, applying systems thinking, and much more. Download these free resources at fishwildlife.org/afwa-informs/ce-strategy.



Photo courtesy Massachusetts Envirothon

JUNIOR DUCK STAMP

The Junior Duck Stamp (JDS) Conservation and Design Program; *Connecting Youth with Nature Through Science and Art* is a dynamic arts and science curriculum for educators designed to teach wetland habitat and waterfowl conservation to students in K–12. Using scientific and wildlife observation principles, the program helps students to visually communicate what they have learned by creating an entry to the state's JDS contest. Guidelines and curriculum for students, educators, homeschool, and non-formal groups designed to spark youth interest in habitat conservation through science, art, math, and technology can be downloaded at www.fws.gov/juniorduck. Co-sponsored by the USFWS with support from the Massachusetts Sportsmen's Council. For more information, go to mass.gov/dfw/jds or email pam.landry@mass.gov.



The acrylic painting of a Common Eider by Andrew Liu, Apple-Leaf Art Studio, won Best of Show and represented Massachusetts in the 2022 National Junior Duck Stamp Competition.

MASSWILDLIFE PUBLICATION ORDER FORM

PRINTED MATERIAL

	PRICE	QUANTITY
Field Guide to Animals of Vernal Pools	\$12.00	_____
Field Guide to Amphibians and Reptiles of Massachusetts	\$10.00	_____
Field Guide to Massachusetts Reptiles	\$3.00	_____
Massachusetts Homeowner's Guide to Bats*	\$2.50	_____
Massachusetts Natural Heritage Atlas 15th Edition, Individual Town Map	\$25.00	_____
Town Name: _____		
Massachusetts Wildlife Magazine (4 issues)**	\$6.00	_____
Massachusetts Wildlife Magazine (8 issues)**	\$10.00	_____
Animal Tracks Pocket Guide*	\$2.50	_____

CD/DVD

Vascular Plants of Massachusetts: A County Checklist, First Revision (CD)	\$5.00	_____
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POSTER/BROCHURE

Freshwater Fishes of Massachusetts poster/brochure (folded or unfolded)	\$2.50	_____
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AB2023 TOTAL \$ _____

NOTE: Some items are available at a discount if purchased in bulk or if you are an educator.

* Free of charge if picked up at a MassWildlife office. Please call (508) 389-6300 to ensure availability and for special bulk/educator pricing. Allow 7–10 days for delivery.

** Also available for purchase using a credit card through the MassFishHunt licensing system, mass.gov/massfishhunt.

SHIPPING ADDRESS

Name: _____
 Address: _____
 City: _____
 State: _____ Zip Code: _____
 Phone Number: _____

We can only accept checks at this time. Please make checks payable to: Comm. of MA – MassWildlife.

Mail this order form and payment to:

Publications

Massachusetts Division of Fisheries and Wildlife
 1 Rabbit Hill Road
 Westborough, MA 01581



2023 SUNRISE-SUNSET TABLE

DAY	JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER	
	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET	RISE	SET
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
1	7:16	4:25	7:01	5:01	6:23	5:37	6:30	7:13	5:43	7:46	5:13	8:17	5:14	8:28	5:40	8:07	6:12	7:21	6:44	6:29	7:20	5:41	6:56	4:16
2	7:16	4:26	7:00	5:03	6:21	5:38	6:28	7:14	5:42	7:48	5:13	8:18	5:15	8:27	5:41	8:06	6:13	7:20	6:45	6:27	7:21	5:40	6:57	4:16
3	7:16	4:27	6:59	5:04	6:20	5:39	6:27	7:15	5:40	7:49	5:12	8:19	5:15	8:27	5:42	8:04	6:14	7:18	6:46	6:26	7:23	5:38	6:58	4:15
4	7:16	4:28	6:58	5:05	6:18	5:40	6:25	7:16	5:39	7:50	5:12	8:19	5:16	8:27	5:43	8:03	6:15	7:16	6:47	6:24	7:24	5:37	6:59	4:15
5	7:16	4:29	6:56	5:06	6:16	5:42	6:23	7:17	5:38	7:51	5:12	8:20	5:17	8:27	5:44	8:02	6:16	7:15	6:48	6:22	6:25	4:36	7:00	4:15
6	7:16	4:30	6:55	5:08	6:15	5:43	6:22	7:18	5:36	7:52	5:11	8:21	5:17	8:26	5:45	8:01	6:17	7:13	6:49	6:20	6:26	4:35	7:01	4:15
7	7:16	4:31	6:54	5:09	6:13	5:44	6:20	7:19	5:35	7:53	5:11	8:21	5:18	8:26	5:46	7:59	6:19	7:11	6:51	6:19	6:28	4:34	7:02	4:15
8	7:16	4:32	6:53	5:10	6:11	5:45	6:18	7:21	5:34	7:54	5:11	8:22	5:19	8:26	5:47	7:58	6:20	7:09	6:52	6:17	6:29	4:32	7:03	4:15
9	7:16	4:33	6:52	5:12	6:10	5:46	6:17	7:22	5:33	7:55	5:11	8:23	5:19	8:25	5:48	7:57	6:21	7:08	6:53	6:15	6:30	4:31	7:04	4:15
10	7:15	4:34	6:50	5:13	6:08	5:48	6:15	7:23	5:32	7:56	5:10	8:23	5:20	8:25	5:49	7:55	6:22	7:06	6:54	6:14	6:31	4:30	7:05	4:15
11	7:15	4:35	6:49	5:14	6:06	5:49	6:13	7:24	5:30	7:57	5:10	8:24	5:21	8:24	5:50	7:54	6:23	7:04	6:55	6:12	6:33	4:29	7:06	4:15
12	7:15	4:36	6:48	5:16	7:05	6:50	6:12	7:25	5:29	7:58	5:10	8:24	5:21	8:24	5:51	7:53	6:24	7:02	6:56	6:10	6:34	4:28	7:07	4:15
13	7:14	4:38	6:47	5:17	7:03	6:51	6:10	7:26	5:28	7:59	5:10	8:25	5:22	8:23	5:52	7:51	6:25	7:01	6:57	6:09	6:35	4:27	7:07	4:15
14	7:14	4:39	6:45	5:18	7:01	6:52	6:08	7:27	5:27	8:00	5:10	8:25	5:23	8:23	5:53	7:50	6:26	6:59	6:59	6:07	6:36	4:26	7:08	4:15
15	7:14	4:40	6:44	5:19	6:59	6:53	6:07	7:28	5:26	8:02	5:10	8:25	5:24	8:22	5:54	7:48	6:27	6:57	7:00	6:06	6:37	4:26	7:09	4:16
16	7:13	4:41	6:42	5:21	6:58	6:55	6:05	7:30	5:25	8:03	5:10	8:26	5:25	8:21	5:55	7:47	6:28	6:55	7:01	6:04	6:39	4:25	7:10	4:16
17	7:13	4:42	6:41	5:22	6:56	6:56	6:04	7:31	5:24	8:04	5:10	8:26	5:26	8:21	5:56	7:45	6:29	6:54	7:02	6:02	6:40	4:24	7:10	4:16
18	7:12	4:43	6:40	5:23	6:54	6:57	6:02	7:32	5:23	8:05	5:10	8:27	5:26	8:20	5:57	7:44	6:30	6:52	7:03	6:01	6:41	4:23	7:11	4:16
19	7:11	4:45	6:38	5:24	6:53	6:58	6:00	7:33	5:22	8:06	5:10	8:27	5:27	8:19	5:59	7:42	6:31	6:50	7:04	5:59	6:42	4:22	7:12	4:17
20	7:11	4:46	6:37	5:26	6:51	6:59	5:59	7:34	5:21	8:07	5:10	8:27	5:28	8:18	6:00	7:41	6:32	6:48	7:06	5:58	6:44	4:22	7:12	4:17
21	7:10	4:47	6:35	5:27	6:49	7:00	5:57	7:35	5:21	8:08	5:11	8:27	5:29	8:18	6:01	7:39	6:33	6:47	7:07	5:56	6:45	4:21	7:13	4:18
22	7:10	4:48	6:34	5:28	6:47	7:01	5:56	7:36	5:20	8:08	5:11	8:27	5:30	8:17	6:02	7:38	6:34	6:45	7:08	5:55	6:46	4:20	7:13	4:18
23	7:09	4:50	6:32	5:29	6:46	7:03	5:54	7:37	5:19	8:09	5:11	8:28	5:31	8:16	6:03	7:36	6:35	6:43	7:09	5:53	6:47	4:20	7:14	4:19
24	7:08	4:51	6:31	5:31	6:44	7:04	5:53	7:39	5:18	8:10	5:11	8:28	5:32	8:15	6:04	7:35	6:36	6:41	7:10	5:52	6:48	4:19	7:14	4:19
25	7:07	4:52	6:29	5:32	6:42	7:05	5:51	7:40	5:18	8:11	5:12	8:28	5:33	8:14	6:05	7:33	6:38	6:40	7:11	5:50	6:50	4:18	7:14	4:20
26	7:06	4:53	6:28	5:33	6:40	7:06	5:50	7:41	5:17	8:12	5:12	8:28	5:34	8:13	6:06	7:31	6:39	6:38	7:13	5:49	6:51	4:18	7:15	4:21
27	7:06	4:55	6:26	5:34	6:39	7:07	5:48	7:42	5:16	8:13	5:13	8:28	5:35	8:12	6:07	7:30	6:40	6:36	7:14	5:48	6:52	4:17	7:15	4:21
28	7:05	4:56	6:24	5:36	6:37	7:08	5:47	7:43	5:16	8:14	5:13	8:28	5:36	8:11	6:08	7:28	6:41	6:34	7:15	5:46	6:53	4:17	7:15	4:22
29	7:04	4:57			6:35	7:09	5:46	7:44	5:15	8:15	5:13	8:28	5:37	8:10	6:09	7:26	6:42	6:33	7:16	5:45	6:54	4:17	7:16	4:23
30	7:03	4:59			6:34	7:10	5:44	7:45	5:14	8:16	5:14	8:28	5:38	8:09	6:10	7:25	6:43	6:31	7:18	5:43	6:55	4:16	7:16	4:24
31	7:02	5:00			6:32	7:12			5:14	8:16			5:39	8:08	6:11	7:23			7:19	5:42			7:16	4:24

Table shows Eastern Standard Time and daylight savings time — seen in **bold**.

Data shown above is for Worcester, Massachusetts.

BOSTON subtract 3 minutes; SPRINGFIELD add 3 minutes; PITTSFIELD add 7 minutes.

HUNTING HOURS

Generally, hunting hours are from 1/2 hour before sunrise to 1/2 hour after sunset on each day of open season. There are exceptions:

- Rabbit, hare, fox, and coyote hunting hours close at midnight.
- During the shotgun deer/coyote season when hunting closes 1/2 hour after sunset. (see species hunting pages)
- Spring turkey hunting: 1/2 hour before sunrise and end at-noon. (see page 32).
- Raccoon and opossum hunting (see page 44)
- Youth Turkey Hunt Day: 1/2 hour before sunrise to 5:00 pm (see page 25).
- Wildlife Management Areas (page 21): Hunters targeting game other than pheasant and quail on pheasant and quail-stocked WMAs are no longer restricted to hunting from sunrise to sunset. See each species' page for details. Pheasant and quail hunting hours on all public and private land statewide are now from sunrise to sunset.
- Migratory game bird hunting: 1/2 hour before sunrise to sunset. Exception: Early Canada Goose season hours are 1/2 hour before sunrise to 1/2 hour after sunset (see pages 40–41).

SUMMARY OF HUNTING SEASON DATES

No hunting on Sunday. For further information regarding bag limits and seasons please visit the pages noted below.

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DEER		SEE PAGE 26 FOR BAG LIMITS
Deer (Big Game)	Youth Deer Hunt Day	Sept. 30
	Archery	Zones 10-14: Oct. 2 - Nov. 25
	Paralegic	Zones 1-9: Oct. 16 - Nov. 25
	Shotgun	Nov. 2 - Nov. 4
	Primitive Firearms	Nov. 27 - Dec. 9
		Dec. 11 - Dec. 30
BLACK BEAR		SEE PAGE 30 FOR BAG LIMITS
Black Bear (Big Game)		Sept. 5 - Sept. 23
	Zones 1-14	Nov. 6 - Nov. 25
		Nov. 27 - Dec. 9
UPLAND GAME BIRDS*		SEE PAGE 32-36 FOR BAG LIMITS
Crow		Jan. 2 - Apr. 10
	Zones 1-14	July 1 - Apr. 10, 2024 (M, F, Sat only)
Pheasant	Youth Hunt	Sept. 2, 9, 16, 23, and Oct. 7
	Zones 1-14	Oct. 14 - Dec. 30
Quail	Zones 11-14	Oct. 14 - Dec. 30
Ruffed Grouse	Zones 1-14	Oct. 14 - Nov. 25
Wild Turkey (Big Game)	Youth Hunt: Zones 1-13	April 22 (special restrictions apply**)
	Spring: Zones 1-13	April 24 - May 20
	Fall: Zones 10-13***	Oct. 2 - Nov. 25
	Fall: Zones 1-9***	Oct. 16 - Nov. 25

* Crow, pheasant, and quail hunting are closed during shotgun deer season. Migratory game birds (includes waterfowl, woodcock, snipe, rails): Seasons and bag limits set annually. For Migratory Game Bird Regulations see pages 40-41 and visit mass.gov/migratory-game-bird.

** Must have completed the Youth Turkey Hunt program (page 24).

*** Shotgun, muzzleloading shotgun, and archery from Oct. 16 - 28, 2023.

RABBIT, HARE & SQUIRREL*		SEE PAGE 38-39 FOR BAG LIMITS
Cottontail Rabbit		Jan. 2, 2023 - Feb. 28, 2023
	Zones 1-14	Oct. 14, 2023 - Feb. 29, 2024
Snowshoe Hare		Jan. 2, 2023 - Feb. 28, 2023
	Zones 1-14	Oct. 14, 2023 - Feb. 29, 2024
Gray Squirrel		Jan. 2, 2023 - Feb. 28, 2023
	Zones 1-14	Sept. 5, 2023 - Feb. 29, 2024

* Rabbit, hare, and squirrel hunting are closed during shotgun deer season.

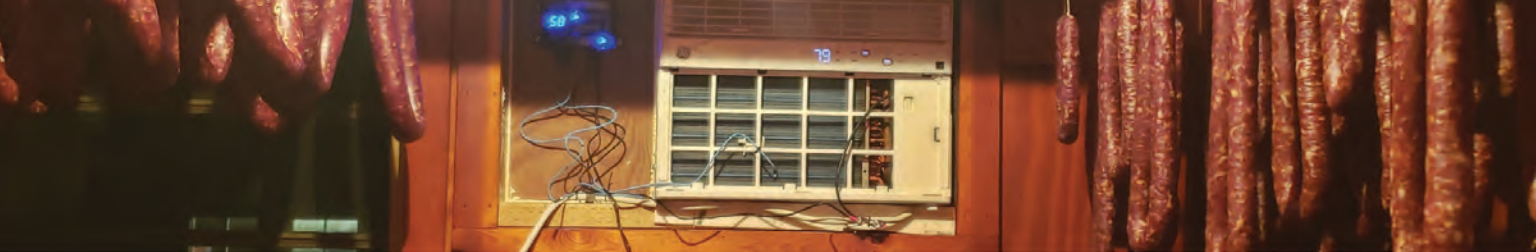
FURBEARERS*		SEE PAGE 42-44 FOR BAG LIMITS
Bobcat		Jan. 2 - Mar. 8
	Zones 1-8	Dec. 20 - Mar. 8, 2024
Coyote		Jan. 2 - Mar. 8
	Zones 1-14	Oct. 14 - Mar. 8, 2024
Fox (red or gray)		Jan. 2 - Feb. 28
	Zones 1-14	Nov. 1 - Feb. 29, 2024
Opossum		Jan. 2 - Jan. 31
	Zones 1-14	Oct. 2 - Jan. 31, 2024
Raccoon		Jan. 2 - Jan. 31
	Zones 1-14	Oct. 2 - Jan. 31, 2024

* All furbearer hunting seasons are closed during shotgun deer season, except for coyotes (Special restrictions apply. See page 42).

The following species may be taken year-round (except during shotgun deer season) by licensed hunters with no daily or seasonal bag limit: English sparrow, flying squirrel, red squirrel, chipmunk, porcupine, skunk, starling, weasel, woodchuck.

Falconers may hunt pheasant, bobwhite quail, ruffed grouse, cottontail rabbit, snowshoe hare, and gray squirrel from the respective opening day through March 15th.





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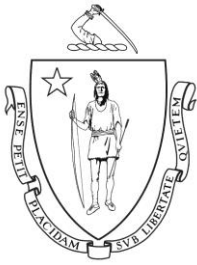
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ATTORNEY GENERAL

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October 31, 2022

Colette M. Williams, Town Clerk
Town of Brewster
2198 Main Street
Brewster, MA 02631

**Re: Brewster Annual Town Meeting of May 14, 2022 -- Case # 10575
Warrant Article # 18 (General)**

Dear Ms. Williams:

Under Article 18 the Town voted to amend the general by-laws to add a new Chapter 98, “Hunting in the Punkhorn Parklands” that prohibits hunting in the Punkhorn Parklands (“Punkhorns”) except for bow hunting during the three-week period beginning on the first Monday in December of each year. In addition, the new Chapter 98 prohibits the discharge of firearms in the Punkhorns.

We approve Article 18 because it is consistent with G.L. c. 131, § 59, that prohibits hunting on “any land owned or leased by the commonwealth or any political subdivision thereof” *unless* “the authorities or persons having the control and charge of such reservations, parks, commons or other lands” authorizes hunting on such land during the applicable open season. G.L. c. 31, § 59.

In this decision, we summarize the by-law adopted under Article 18; discuss the Attorney General’s standard of review of town by-laws under G.L. c. 40, § 32; and then explain why, based on our standard of review, we approve Article 18.¹

I. Summary of Article 18

Under Article 18, a citizen petitioned article, the Town voted to amend the general by-laws to add a new Chapter 98, “Hunting in the Punkhorn Parklands.” The new Chapter 98 prohibits several activities within the Punkhorns including: (1) the discharge of any gun; (2) the

¹ On August 12, 2022, by agreement with Town Counsel pursuant to G.L. c. 40, § 32, we extended the deadline for our review of Article 18 for 45-days until October 8, 2022. On October 3, 2022, by agreement with Town Counsel pursuant to G.L. c. 40, § 32, we extended the deadline for our review of Article 18 for an additional 30-days until November 7, 2022.

release of an arrow from a bow; (3) hunting; (4) trapping; (5) poisoning; and (6) fireworks. In addition, as an exception to the hunting prohibition, Chapter 98 authorizes bow hunting during a three-week period beginning on the first Monday in December of each year, as follows:

No person shall discharge any gun, including paint ball guns, fowling piece, pistol, or firearm or release an arrow from a bow or hunt or trap or poison or set fire to any material known as fireworks, or other combustible matter, within the Town-owned land known as the Punkhorn Parklands; provided however, this section shall not apply to any person abating nuisance or in the exercise of duty required by law: provided further that bow hunting only shall only be permitted during a three-week period beginning on the first Monday in December of each year.

II. Attorney General’s Standard of Review and General Preemption Principles

Our review of Article 18 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32 the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) In order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. A municipality has no power to adopt a by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6. Moreover, where the Legislature intended to preempt the field on a topic, a municipal by-law on that topic is invalid and must be disapproved. Town of Wendell v. Attorney General, 394 Mass. 518, 524 (1985).

In determining whether a by-law is inconsistent with a state statute, the “question is not whether the Legislature intended to grant authority to municipalities to act...but rather whether the Legislature intended to deny [a municipality] the right to legislate on the subject [in question].” Town of Wendell, 394 Mass. at 524 (1985). “This intent can be either express or inferred.” St. George Greek Orthodox Cathedral of Western Mass. v. Springfield, 462 Mass. 120, 125-26 (2012). Local action is precluded in three instances: (1) where the “Legislature has made an explicit indication of its intention in this respect”; (2) where “the State legislative purpose can[not] be achieved in the face of a local by-law on the same subject”; and (3) where “legislation on a subject is so comprehensive that an inference would be justified that the Legislature intended to preempt the field.” Town of Wendell, 394 Mass. at 524. “The existence of legislation on a subject, however, is not necessarily a bar to the enactment of local ordinances and by-laws exercising powers or functions with respect to the same subject[, if] the State legislative purpose can be achieved in the face of a local ordinance or by-law on the same subject[.]” Bloom v. Worcester, 363 Mass. 136, 156 (1973); see Town of Wendell, 394 Mass. at 527-28 (“It is not the comprehensiveness of legislation alone that makes local regulation inconsistent with a statute. . . . The question . . . is whether the local enactment will clearly frustrate a statutory purpose.”).

III. Municipal Power to Regulate Hunting and the Discharge of Firearms

Article 18 prohibits both hunting (with allowance for bow hunting during a limited time period in December) and the discharge of firearms. Because a municipality's power to regulate hunting differs from its power to regulate the discharge of firearms, it is important to distinguish between the two.

A. Towns Cannot Regulate Hunting Except as Provided in Chapter 131

The activity of hunting is comprehensively regulated by General Laws Chapter 131 and related statutes and regulations that preempt the field. Chapter 131 imposes "carefully guarded conditions by which one may hunt in the Commonwealth safely, provisions by which one is licensed, and provisions designed to preserve and maintain the wildlife and natural resources of the Commonwealth." Amherst, 398 Mass. at 797. Chapter 131 grants the Director of the Department of Fish and Game/Division of Fisheries and Wildlife (DFW Director) wide-ranging authority over hunting and trapping in the Commonwealth (see generally G.L. c. 131, § 4, and 321 CMR 3.01 *et seq.*), and further grants the DFW authority to adopt comprehensive regulations governing hunting and trapping, which are embodied in 321 CMR 3.00 *et seq.* Pursuant to G.L. c. 131, § 5, "Except as provided in rules and regulations made under authority of this section, and except as otherwise provided in [Chapter 131], a person shall not fish, hunt or trap ...".

Chapter 131 does not expressly preempt local regulation of hunting. However, the broad scope of Chapter 131, and the extensive powers granted to the DFW Director to regulate hunting, indicate a legislative intent that Chapter 131 occupies the field of hunting regulation. Towns are therefore preempted from regulating hunting except as expressly provided in Chapter 131. See Boston Edison Co. v. Town of Bedford, 444 Mass. 775 (2005) (town by-law imposing fines for failure to remove utility poles preempted by the comprehensive, uniform state regulation of utilities in G.L. c. 164); Wendell, 394 Mass. at 518 (town by-law regulating the use of pesticides in town frustrates the statutory purpose of centralized regulation of pesticide use).

Because of the Legislature's comprehensive grant of authority to the DFW to be the exclusive, state-wide regulator of hunting in the Commonwealth, towns are preempted from imposing by-law requirements which are inconsistent with G.L. c. 131 and related statutes and regulations. Thus, towns may only impose their local hunting requirements in those two categories expressly provided in Chapter 131: municipally owned lands (see G.L. c. 131, § 59); and Great Ponds not exceeding 500 acres in size (see G.L. c. 131, § 45).

B. Towns May Regulate the Discharge of Firearms Within Their Borders

By contrast, towns are allowed to regulate the discharge of firearms within their borders. See Brown v. Carlisle, 336 Mass. 147, 150-151 (1957) (upholding a firearm discharge by-law because "[t]he enumeration of [Chapter 131 and other] statutes demonstrates that the State has not excluded the type of legislation here undertaken by the defendant town...*We are not confronted with an attempt to regulate hunting....*" (emphasis supplied). See also Amherst, 398 Mass. at 797-798 (rejecting argument that Amherst's firearm discharge by-law is preempted by

Chapter 131 because “the Amherst by-law in no way frustrates those sections” of Chapter 131 which “concern the safe use of certain firearms.”).

IV. Article 18 is Consistent with General Laws Chapter 131, § 59 that Prohibits Hunting on Town-Owned Land Unless the Town Allows It

We approve Article 18 because it is consistent with the statutory prohibition of hunting on town-owned land without town authorization. General Laws Chapter 131, Section 59 provides that a person shall not hunt on “any land owned or leased by the commonwealth or any political subdivision thereof” except that the persons having control and charge of such lands may “permit the hunting, within said boundaries during the applicable open season of any birds or mammals,” as follows (with emphasis added):

A person shall not hunt, or in any manner molest or destroy, any bird or mammal within the boundaries of any reservation, park or common, or any land owned or leased by the commonwealth or any political subdivision thereof, or any land held in trust for public use; except that the authorities or persons having the control and charge of such reservations, parks, commons or other lands, may, with such limitations as they deem advisable, permit the hunting, within said boundaries during the applicable open season of any birds or mammals. The authorities or persons having the control and charge of such reservations, parks, commons or land owned or leased or held for public use, the director of law enforcement, his deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, deputy environmental police officers, wardens and members of the state police in areas over which they have jurisdiction and all officers qualified to serve criminal process shall enforce this section.

This section shall not apply to state forests acquired under section thirty or section thirty-three of chapter one hundred and thirty-two or any other provision of law, or to state parks and reservations under the control of the division of forests and parks of the department of environmental management. Nothing in this section shall be deemed to prohibit any agency of the commonwealth or any political subdivision of the commonwealth from permitting the hunting, during the applicable open season, in any area owned or leased by it, of any bird or mammal, or from entering into agreements with the director for the establishment of wildlife management areas.

Because Article 18 is consistent with Chapter 131 that authorizes towns to determine whether to allow hunting on town-owned property, we approve it.

V. Article 18 Must be Applied Consistent with General Laws Chapter 131, § 45 that Requires Great Ponds to be Accessible for Hunting

General Laws Chapter 131, Section 45 requires that a Great Pond “shall be public for the purpose of hunting or boating thereon.” Further, G.L. c. 131, § 45 provides that “[a]ll persons shall be allowed reasonable means of access to such ponds for the purposes aforesaid,” which includes hunting. General Laws Chapter 131, Section 45, provides in relevant part as follows, with emphasis added:

Except as otherwise provided in this section and elsewhere in this chapter, every great pond not actively being used as a source of water supply of any town, water supply or fire district or public institution, and not subject to the provisions of section one hundred

and sixty of chapter one hundred and eleven, shall be public for the purpose of hunting or boating thereon and shall, notwithstanding the provisions of any special law relating to fisheries in any particular place, be open to all inhabitants of the commonwealth for fishing purposes; provided that any city or town in which the whole or any portion of any great pond not exceeding five hundred acres in extent is situated may, as to so much thereof, as is located within its boundaries, make and enforce rules and regulations relative to hunting, fishing and boating thereon....Any such rules or regulations shall, to the extent that they authorize hunting or fishing or, both, be subject to the approval of the director, and to the extent that they authorize any other use thereof, be subject to the approval of the commissioner of environmental protection or to the extent that they impose restrictions upon the speed limit, a limitation on engine horsepower, a prohibition of the use of internal combustion engines, a ban on water skiing and other high speed uses, and a limitation of such uses to certain areas and certain times, be subject to the approval of the director of law enforcement. All persons shall be allowed reasonable means of access to such ponds for the purposes aforesaid.

General Laws Chapter 131, Section 45 defines a “Great Pond” as: “a natural pond the area of which is twenty acres or more.” According to the Massachusetts Department of Environmental Protection, there are several Great Ponds located in Brewster. See <https://www.mass.gov/doc/massachusetts-great-ponds-list/download>. Moreover, it appears that some of these Great Ponds are located in or near the Punkhorns, including Seymour Pond, Upper Mill Pond and Walkers Pond. See Northern Punkhorn Trail Map available on the Town’s website (https://brewster-ma.gov/files/Punkhorn_North_Section_Trail_Map.pdf).² The Town must ensure that Article 18 is applied consistent with G.L. c. 131, § 45. Thus, the Town cannot apply Article 18’s hunting prohibition to any Great Pond located in the Punkhorns.³ Further, to the extent the Punkhorns abut a Great Pond, the Town cannot apply the by-law in such a way as to impede access to Great Ponds for the statutorily protected activities of hunting, fishing, and boating, as established by G.L. c. 131, § 45. The Town should consult with Town Counsel with any questions on this issue.

²See also DEP Great Pond Information as follows: (1) Walkers Pond: <https://www.mass.gov/doc/walkerspond/download> (2) Seymour Pond: <https://www.mass.gov/doc/dfwseymopdf/download>; and (3) Upper Mill Pond: <https://www.mass.gov/doc/dfwwalkupdf/download>.

³ We note that G.L. c. 131, § 45 grants to certain categories of cities and town the right to make rules and regulations regarding hunting on great ponds not exceeding five hundred acres, but it requires that such rules and regulations be approved by the Director. See Pearson v. Plymouth, 44 Mass. App. Ct. 741, 744 (1998) (“All such [great pond] rules and regulations are subject to the approvals of various State administrative agencies having special competence and responsibility in the particular subject, e.g., ...rules and regulations authorizing hunting and fishing are subject to the approval of the director of fisheries and wildlife.”)

VI. Conclusion

Because the by-law adopted under Article 18 is consistent with G.L. c. 131, § 59, we approve it. However, the Town is not authorized to prohibit hunting on Great Ponds and the by-law cannot apply to any Great Ponds in the Town, except as outlined in G.L. c. 131, § 45.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL

Margaret J. Hurley

by: Margaret J. Hurley, Assistant Attorney General
Chief, Central Massachusetts Division
Director, Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4402

cc: Town Counsel Gregg J. Corbo

To: Chris Miller, Director Department of Natural Resources
Cc: Peter Lombardi, Town Administrator
Fr: Gregg J. Corbo, Esq.
Da: June 15, 2022
Re: Regulation of Hunting

As you are aware, Town Meeting recently voted to approve an amendment to the Town’s General Bylaws to prohibit hunting on the Town-owned land known as the Punkhorn Parklands, except during a three week period in December when bow and arrow hunting only will be allowed.

As you prepare for the upcoming hunting season, you have asked several questions about how the bylaw may be implemented and how it affects the authority of the Town with respect to the subject-matter of the bylaw.

I will respond to each of your questions below. Please be advised, however, that the bylaw amendment is still subject to review and approval by the Office of the Attorney General and that it does not take effect until after such approval and publication by the Town Clerk as set forth in G.L. c. 40, §32.

- 1. I would like to have town counsel opine if the care/custody could further restrict hunting (such as include a buffer from marked hiking trails). Right now state law says “...within 150 feet of any State or hard surfaced highway or within 500 feet of any dwelling in use...”, so do the various named dirt roads in the Punkhorn apply . . . (from question 2) And what does “dwelling in use” really mean; I’m assuming a seasonal cottage may not apply in December, but need guidance***

Although the newly enacted bylaw allows hunting within the Punkhorn Parklands during a certain time of year, the bylaw must be interpreted so that it is consistent with State law. Fafard v. Conservation Commission of Barnstable, 432 Mass. 194, 200 (2000).

In this regard, G.L. c. 131, §58 states that:

A person shall not discharge any firearm or release any arrow upon or across any state or hard surfaced highway, or within one hundred and fifty feet, of any such highway, or possess a loaded firearm or hunt by any means on the land of another within five hundred feet of any dwelling in use, except as authorized by the owner or occupant thereof.

State law prohibits the discharge of arrows in certain specified areas throughout the Commonwealth, whether on public or private property. Although the Town has the authority to allow hunting on property owned or controlled by the Town, see, G.L. c. 131, §59, it is my further opinion that the Town cannot allow hunting in areas where it is prohibited by State law. Therefore, it is my opinion that the buffer zones set forth in G.L. c. 131, §58 will continue to apply after the bylaw takes effect.

The Statute Does not Apply on or Around the Dirt Roads and Paths

That being said, it is also my opinion that the statutory buffer zone across and around highways does not apply to the dirt roads and paths within the property. On its face, the statute only applies to “state or hard surfaced highways”. In my opinion, the term “hard surfaced highway” does not include dirt trails or roads that are not intended for public travel from one place to another. Thus, in Clark v. Inhabitants of Waltham, 128 Mass. 567 (1880), the Supreme Judicial Court held that footpaths and walks in a public park were not considered highways. In contrast, in Opinion of the Justices to the Senate, 370 Mass. 895 (1976), the Court subsequently found that bike paths and bike lanes may be considered part of a highway when they are connected to or intended to be used as part thereof.

In this matter, it is my understanding that the trails and roadways within the Punkhorn Parklands are not paved and are intended to be used for passive and active recreation rather than for purposes of travelling from one place to another. They are not part of or adjacent to any public roadways. Therefore, it is my opinion that the prohibition on the discharge of arrows across or within one hundred and fifty feet of hard surfaced highways does not apply to the dirt roads and paths within the Punkhorn Parklands.

The Statute Applies to Most Dwellings

In addition to creating buffer zones across and around certain highways, the statute also prohibits “hunt[ing] by any means on the land of another within five hundred feet of any dwelling in use, except as authorized by the owner or occupant thereof.” G.L. c. 131, §58. You have indicated that there are certain dwellings located within five hundred feet of the Punkhorn Parklands, but some of those dwellings may not be in use during the hunting season of the first three weeks in December.

The statute does not define what is meant by “dwelling in use” and it is not a phrase that is used elsewhere in the General Laws. When the meaning of a statute is not clear, it is interpreted “according to the intent of the Legislature ascertained from all its words construed by the ordinary and approved usage of the language, considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be accomplished, to the end that the purpose of its framers may be effectuated.” Jinks v. Credico (USA) LLC, 488 Mass. 691, 699 (2021). In attempting to ascertain the meaning of a statute, a literal interpretation

of the words used should not be applied if such a meaning would defeat the intent of the Legislature. Ciani v. MacGrath, 481 Mass. 174, 178 (2019).

A literal interpretation of the statute would mean that hunting is only prohibited when someone is actually inside or using a dwelling at the time. In my opinion, this is not a reasonable interpretation of the statute. A person engaged in the act of hunting may or may not be able to ascertain whether or not a dwelling is in use at the time. Likewise, a dwelling intended for use only during the summer season may be kept open for brief visits during the winter. For these reasons, the statute would likely be considered invalid if interpreted as only applying when a person is actually in a dwelling because such a reading would not give individuals sufficient notice of what is or is not allowed. Commonwealth v. McGhee, 427 Mass. 405, 414 (2015).

The apparent purpose of the statute is to protect public safety by prohibiting hunting in an area where people are likely to congregate. Brown v. Town of Carlisle, 338 Mass. 147 (1957) (prohibition of hunting in certain places is a reasonable method of preserving peace of good order). Given this public purpose, I recommend that the term “dwelling in use” be interpreted broadly to include most dwellings. Therefore, it is my opinion that a dwelling should be considered “in use” if it is capable of being used at the time. As such, I recommend that dwellings only be considered not “in use” if: (a) occupancy is prohibited by law; (b) the dwelling is boarded to prevent entry; or (c) there is other objective proof that the dwelling has been abandoned.

2. So the other question for counsel, if the bylaw just authorizes a three week hunt, can we limit the areas hunted or do we have to allow hunting unless otherwise restricted by buffers for homes/hard surfaced highway?

It is my opinion that the board or officer in possession or control of the property has the authority to regulate hunting in a manner that is more stringent than State law or the recently enacted bylaw, as long as the measures do not have the effect of prohibiting hunting on the property altogether. In fact, in Brown v. Town of Carlisle, 338 Mass. 147 (1957), specifically upheld the authority of municipalities to prohibit hunting in areas not restricted pursuant to G.L. c. 131, §58 or other state laws. Therefore, in my opinion, the board or officer in possession or control of the property has the authority to restrict hunting in areas in which it may otherwise be allowed. For example, although I have opined that the buffer zone across and around highways does not apply to the unpaved roads and trails in the Punkhorn Parklands, it is my opinion that the Town has the authority to create its own buffer zones around such areas.

Pursuant to G.L. c. 131, §59, hunting is prohibited on Town-owned land unless that the board or officer permits it “with such limitations as they deem advisable.” Despite this broad grant of authority, Town Meeting has voted to allow hunting on the Punkhorn Parklands during certain times of the year. As previously discussed, statutes and bylaws should be interpreted so that they can both be effectively carried out without being inconsistent with each other. In this

regard, it is my opinion that a reasonable interpretation of the statute and the bylaw would allow Town officials to impose reasonable restrictions on hunting on the Punkhorn Property as long as those restrictions do not have the effect of prohibiting hunting altogether.

3. ***Once we've identified what the bylaw means, we can determine how we manage it; do we post signs in December indicating hunting may be occurring? Mark out buffers? Pull down the no hunting signs we've put up?***

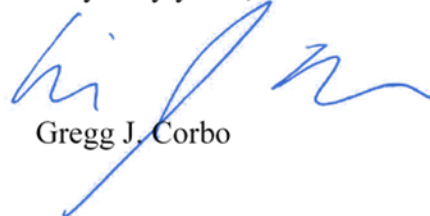
This is not necessarily a legal question. However, I recommend that signage and other markers be placed so that individuals have a clear understanding of where hunting is and is not allowed.

4. ***Our other bylaw on use of guns requiring written permission led to the town hunting permit. It is about guns, not archery. Do we amend that bylaw to include archery, which then allows us to provide maps of town land where hunting is allowed (and where it is not)?***

I agree that the current bylaw does not apply to bow hunting or the discharge of arrows. It is my opinion that an amendment to the bylaw to encompass the discharge of arrows in certain locations would likely be considered consistent with State law. See, *Brown v. Town of Carlisle*, 338 Mass. 147 (1957). However, whether or not you amend the bylaw to be more expansive is a question of policy.

Please do not hesitate to contact me if you have any further questions in this regard.

Very truly yours,



Gregg J. Corbo

Town of Brewster



SPECIAL TOWN MEETING

WARRANT

for

NOVEMBER 13, 2023

at

6:00 PM

**STONY BROOK ELEMENTARY SCHOOL
384 UNDERPASS ROAD**

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

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

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INFORMATION FOR NOVEMBER 13, 2023

SPECIAL TOWN MEETING

Services Available to the Public During Town Meeting

TRANSPORTATION:

The Council on Aging offers rides to and/or from Town Meeting. For information or to schedule a ride to and/or from Town Meeting please call the Council on Aging at 508-896-2737 by noon on Wednesday, November 8th. Rides are available during the entirety of Town Meeting.

CHILD CARE SERVICES:

Cape Cod YMCA is providing free childcare services in the Stony Brook School Library during Town Meeting. **This service is available for children of all ages.** If you would like to take advantage of this service, please call or email the YMCA before 4:00 pm on Wednesday, November 8th; at (508) 362-6500 ext. 1020 or dgraham-reardon@ymcacapecod.org.

FOOD & BEVERAGES:

Nauset Youth Alliance provides food and beverages for purchase from 5:30 pm to 8:00 pm during Town Meeting. Items include sandwiches, chips, desserts, water, coffee, tea, and juice. These refreshments are generously provided by Ocean Edge Resort.

TOWN OF BREWSTER SPECIAL TOWN MEETING NOVEMBER 13, 2023

Barnstable, ss

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

Greetings:

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

OUTSTANDING OBLIGATIONS

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

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

Or to take any other action relative thereto.

(Select Board)

(Nine-tenths Vote Required)

COMMENT

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

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 6, No 0, Abs 0

CAPITAL AND SPECIAL PROJECTS EXPENDITURES

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

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

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

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
6 Information Technology				
	a. Technology Upgrades/ Replacement	Ongoing information system & equipment improvements, including but not limited to the purchase of computers, software, servers, and other hardware/ software	Free Cash	\$40,000
Sub-Total				\$40,000
7 Council on Aging				
	a. Council on Aging 50 th Anniversary Celebration	Funding for Town-wide activities related to the COA's 50 th anniversary	Free Cash	\$15,000
Sub-Total				\$15,000
8 Assessors				
	a. Valuation Services	Professional services for new growth and cyclical inspections as required by the Department of Revenue	Overlay	\$80,000
Sub-Total				\$80,000
9 Brewster Elementary Schools				
	a. Stony Brook Generator Design	Professional design services for replacement of the Stony Brook Elementary School generator	Free Cash	\$75,000
Sub-Total				\$75,000
10 Water Enterprise Fund				
	a. Red Top Road Water Main Installation	Professional services and costs for engineering and construction of new water main on Red Top Road	Water Retained Earnings	\$75,000
Sub-Total				\$110,000
11 Golf Enterprise Fund				
	a. Golf Maintenance Building Design	Professional services associated with the design of a new maintenance building	Golf Retained Earnings	\$400,000
	b. Irrigation Pump Reconditioning/ Replacement	Professional services and costs associated with the reconditioning of well #2 and pump replacement	Golf Retained Earnings	\$100,000
	c. Equipment Replacement	Purchase and replace equipment necessary to maintain golf course	Golf Retained Earnings	\$350,000

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

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

1a.

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

1b.

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

2a.

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

3a.

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

3b.

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

4a.

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

4b.

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

4c.

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

4d.

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

5a.

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

5b.

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

5c.

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

5d.

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

5e.

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

5f.

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

5g.

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

6a.

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

7a.

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

8a.

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

9a.

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

10a.

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

11a.

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

11b.

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

11c.

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

11d.

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

11e.

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

11f.

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

11g.

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

11h.

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

12a.

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

13a.

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

14a.

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

CAPITAL AND SPECIAL PROJECTS: MILLSTONE ROAD IMPROVEMENTS

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

(Select Board)

(Majority Vote Required)

COMMENT

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

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

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

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

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

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

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

COMMUNITY PRESERVATION ACT FUNDING

ARTICLE NO. 4: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fund Balances Reserved for future expenditure, the amounts shown below, for the purpose of future expenditures, operating and administration expenses, and reserve funds related to Community Preservation, Historic Preservation, Open Space, Community Housing and/or Recreation; and to authorize the Town Administrator to enter into contracts for operating and administration related to Community Preservation, Historic Preservation, Community Housing and Open Space and/or Recreation, all as follows:

	<i>Purpose</i>	<i>Item</i>	<i>Funding Source(s)</i>	<i>Amount</i>
1	Community Housing			
	a. Brewster Affordable Housing Trust	Affordable Buydown Program	Undesignated Fund Balance	\$255,000
	b. Preservation of Affordable Housing	Development of affordable housing	Undesignated Fund Balance	\$507,500

	(POAH) and Housing Assistance Corporation (HAC)	units at Spring Rock Village on Millstone Road		
			Sub-total	\$762,500
			Grand Total	\$762,500

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

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

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

COMMENT

In May of 2005, Brewster voters approved a ballot question which allowed for the adoption of the modified Community Preservation Act (CPA). The act appropriates a 3% surcharge on the Town’s real estate tax revenues, which are reserved in a special fund in order to finance projects and programs for the purposes of preservation of open space, recreation, community housing, and historic preservation. Brewster is also eligible to receive up to 100% in matching funds from the State, although we anticipate a reduced reimbursement rate from the State for Fiscal Year 2024, which is projected at 25%. In Fall 2022, Brewster adopted, through a local bylaw, a distribution schedule for the annual CPA funds beginning in FY24 as follows: 10% of the funds for open space and recreation, 10% for community housing, 10% for historic preservation, and the 70% undesignated reserve balance is available for any CPA eligible project. The 2022 bylaw also established a non-binding 2023-2027 Target Allocation Policy as follows: 30% for Open Space, 30% for community housing, 10% historic preservation, 10% recreation, and 20% for any CPA eligible project.

1. Community Housing:

a. Brewster Affordable Housing Trust – Brewster Affordable Buydown Program

Brewster Affordable Housing Trust's (BAHT) Affordable Buydown Program is a continuation of the Brewster Affordable Homebuyers Buy Down Program which began in 2007 and, over the past 16 years, expended \$360,000 to assist 12 households in purchasing affordable homes in

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

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

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

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

Spring Rock Village is the proposed development of 45 affordable housing units located on Millstone Road in Brewster. The community will provide apartments for a range of household types – with affordable rents that working Brewster households can support. The site design creates a sociable neighborhood that preserves over 70% of the existing 16-acre woodland habitat. The development prioritizes sustainability with its compact site layout and commitment to Passive House energy efficiency. The apartments will include 15 one-bedrooms, 25 two-bedroom, and 5 three-bedrooms scattered across 11 buildings featuring traditional Cape Cod architecture. The project is close to Nickerson State Park, the Cape Cod Rail Trail, and public transportation provided by Cape Cod Regional Transit Authority. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) were selected by the Brewster Affordable Housing Trust to develop this project through a Request for Proposals process. (RFP) The Town of Brewster, through the Affordable Housing Trust, Select Board and town staff crafted the vision for this project prior to releasing a Request for Proposals from developers. The project is scheduled for completion in June 2026. The initial lease up for tenants will include a 55% local preference (24 units) and a 15% regional preference (7 units). \$500,000 of the award will be used for construction costs of the project. \$7,500 will be used to pay CPC legal and administrative expenses related to the award. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

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

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

ZONING BYLAW AMENDMENT: ACCESSORY DWELLING UNIT

ARTICLE NO. 5: To see if the Town will vote to replace the Accessory Dwelling Unit (ADU) provisions of the Brewster Zoning Bylaw, including Section 179-2, Section 179-42.2, Section 179 Use Regulation Tables 1 and Section 179 Area Regulation Table 2, with new text as follows*:

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

Section 179-2 Definitions.

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

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

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

DWELLING, ONE FAMILY DETACHED

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

FLOOR AREA, NET

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

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

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

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

A. An ADU may be located within, connected to or adjoining a single-family dwelling, or in a detached, accessory residential building to a single-family dwelling, subject to all standards of this Section. An ADU shall maintain a separate entrance(s), either directly from the outside or

through an entry or shared corridor sufficient to meet the requirements of the State Building Code for safe egress. Also see the Definitions section of this Chapter, § 179-2.

- B. There shall be no more than one ADU per lot.
- C. An ADU shall have no more than two bedrooms and no more than one thousand (1000) square feet of net floor area.
- D. A minimum of one parking space for the ADU shall be provided in addition to the parking spaces for the principal dwelling.
- E. A detached, accessory residential building in which an ADU is located shall not otherwise contain bedrooms not associated with the ADU.
- F. An ADU shall be subject to and comply with all other provisions of this Chapter, as applicable, including without limitation the building height, coverage and setback requirements for the underlying lot, either as set out in Table 2, Area Regulations, Table 3, Height and Bulk Regulations, or as otherwise may be permitted in Article VIII of this Chapter. To the extent there is conflict between the provisions in this Section and other provisions in this Chapter, the provisions in this Section shall control.
- G. There shall be no minimum lot size required to construct and maintain an ADU. However, a Special Permit, pursuant to the applicable standards in Section 179-51 herein, and Table 1, Use Regulations, shall be required from the Planning Board for an ADU on a lot less than 15,000 sq. ft.
- H. Either the principal dwelling or the ADU shall be occupied by the owner of the property on a year-round basis, except for bona fide temporary absences, and the other dwelling unit shall be used for year-round dwelling purposes, leased or occupied for continuous periods of not less than twelve (12) months at a time. Notwithstanding the foregoing, an owner who does not so occupy the property on a year-round basis may apply for a Special Permit from the Planning Board, pursuant to the applicable standards in Section 179-51 herein, to authorize an ADU on the property and the use of whichever dwelling unit(s) said owner does not intend to occupy, either the principal dwelling, the ADU, or both, for year-round dwelling purposes, to be leased or occupied for continuous periods of not less than twelve (12) months at a time. Pursuant to its Special Permit authority under Section 179-51 of this Chapter, the Planning Board may consider and require, among other things, safeguards to ensure that privacy to abutting properties is reasonably maintained and that there are appropriate management and facilities in place to serve the dwelling units.
- I. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. An ADU shall not be used as an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms, or boarding of lodgers in an ADU

on a short-term basis, and no Short-Term Rental use shall be permitted on a lot containing an ADU.

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

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

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

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

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

(Planning Board)

(2/3 Vote Required)

COMMENT

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

Select Board: Yes 0, No 0, Abs 0

Finance Committee:

Yes 7, No 1, Abs 0

TOWN BYLAW AMENDMENT/PRIVATE ROAD REPAIR AND BETTERMENT

ARTICLE NO. 6: To see if the Town will vote to replace the General Bylaws, Section 157-20, with new text as follows:

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

Section 157-20

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

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

C. The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation. After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the properties subject to the petition by tax map and parcel number together with the owners' names of record from the most recent tax list with a space for each owner to place his or her

signature. The petition must state that each signature represents an irrevocable agreement by each signatory to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which administrative costs shall not exceed 4% of the project. The petition shall not be presented to the Select Board, nor shall the Select Board recognize such a petition, unless a majority of the owners shall have agreed to the proposal and its financial commitment by having signed the petition.

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

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

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

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

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

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

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

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

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

(Select Board)

(Majority Vote Required)

COMMENT

The Town proposes deleting the language currently in Article VII and replacing it with an amended version of Article VIII. Both articles pertain to private road betterment. Additionally, certain areas of Article VIII as currently written are either inconsistent with practice, contradictory, or duplicative. The proposed changes make clear the definition of a private road, as well as the distinction between permanent and temporary repairs. The Planning Board will no longer be involved in the review and approval process since their role is duplicative.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 6, No 0, Abs 0

FIRE UNION CONTRACT

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

(Select Board)

(Majority Vote Required)

COMMENT

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

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

LOCAL COMPREHENSIVE PLAN

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

Or take any other action relative thereto.

(Select Board & Planning Board)

(Majority Vote Required)

COMMENT

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

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

The 2018 Brewster Vision Plan serves as a foundation for this LCP. Similar to the Vision Plan's structure, the LCP includes a Vision Statement and is organized by "Building Blocks": Community Character; Water Resources; Open Space; Housing; Coastal Management; Local

Economy; Governance; Community Infrastructure; Solid Waste Management; and Climate Mitigation and Adaptation. The heart of the LCP is the Action Plan, which includes goals, purposes and an ambitious list of recommended actions associated with each Building Block.

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

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

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

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

OPIOID SETTLEMENT FUNDS APPROPRIATION

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

(Select Board)

(Majority Vote Required)

COMMENT

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

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

SPECIAL REVENUE FUND: CABLE FRANCHISE FEE ACCOUNT

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

(Select Board)

(Majority Vote Required)

COMMENT

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

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

COMMUNITY PRESERVATION ACT SURCHARGE EXEMPTION

ARTICLE NO. 11: To see if the Town will vote, in accordance General Laws Chapter 44B, Section 16(a), to amend its acceptance of the Community Preservation Act, General Laws Chapter 44B, Sections 3-7 inclusive, by accepting the optional exemption set forth in Section 3(e)(1) of said

Act, for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town, said exemption to commence with taxes assessed for the fiscal year beginning on July 1, 2024; provided, however, that in order for said exemption to take effect, the exemption must also be accepted by the voters of the Town at the next regular municipal or state election, or take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

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

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

GOLF COMMISSION BYLAW

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

Section 6-5. Appointment; terms.

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

Section 6-6. Purpose.

A. In fulfilling its responsibility to the Town of Brewster, the Select Board, **and** the Town ~~Administrator~~ **Manager**, and the Golf Commission shall be guided by ~~two basic~~ **the following** principles; ~~as follows:~~

- (1) ~~The golf course shall be operated and maintained so as to pay its expenses and return a reasonable profit to the Town.~~ **The Captains Golf Course facility shall be**

operated as an Enterprise Fund in accordance with MGL Chapter 44, Section 53F1/2.

(2) The golf course shall be operated and maintained as a **recreational** facility available to the residents of the Town **as well as to the general public.**

B. The Golf Commission, **in coordination with the Town Manager, the Golf Operations Director, and the Course Superintendent,** shall be responsible for ~~the preparation of~~ **establishing** near and long-term plans, policies and strategies **for the golf course,** including, but not limited to, eligibility for use, fees, hours of operation, block time approval and liaison with various golf associations and other golf course users. ~~Any changes in policies, regulations, procedures or operations that would alter these principles or change their stated priority shall be approved by the Select Board.~~ **The Golf Commission may provide recommendations on financial matters to the Town Manager and Select Board as appropriate. The Select Board shall vote to approve any proposed changes to fees, limitations on membership, and/or allocation of tee times. The Town Manager may consult with the Golf Commission in the preparation and development of the Golf Department's budget and capital plan.**

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

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

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

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

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

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

~~Section 6-10. Appointment. (Reserved)~~

~~The Director of Operations of the golf course, appointed by the Select Board pursuant to the provisions of Chapter 5, Art. 1, § 5-3C of the Brewster Town Code, may enter into an employment contract for a period of up to three years.~~

(Golf Commission)

(Majority Vote Required)

COMMENT

The Golf Commission bylaw was last substantially updated in the late 1990s, shortly after construction of the 2nd 18 holes at the Captains Golf Course. Since that time, significant changes to how the course is managed have occurred. In addition, Town Meeting approved transitioning the Golf Department to an enterprise fund effective July 1, 2022. Residents also

voted to adopt a Town Charter in May 2021, which was subsequently approved by the state legislature in January 2023. The proposed changes to this bylaw are meant to bring the charge of the Golf Commission into conformance with current practice and these other relevant Town actions, and to clarify their role and responsibilities.

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

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

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

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

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

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

Purpose:

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

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

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

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

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

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

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

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

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

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

Registration System Implementation Proposal:

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

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

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

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

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

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

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

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

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

Rental Certificates may be suspended or revoked for violations of the bylaw, State Sanitary Code, or any other applicable General Law, regulation, or bylaw intended to protect public health, safety, and/or the environment. Additional conditions may be imposed on the Rental Certificate in lieu of suspension or revocation.

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

Definitions:

- "Dwelling" is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).
- "Full-Time Resident" is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.

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

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

- “Property Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- “Short-term rentals” are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

(Citizens Petition)

(Majority Vote Required)

COMMENT

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

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

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

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

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

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

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

Purpose:

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

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

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

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

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

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

Definitions:

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

- “Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- “Permanent Place of Abode” is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse.

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

- “Property Owner” is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- “Short-term rentals” are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

(Citizens Petition)

(Majority Vote Required)

COMMENT

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

Short-term rentals have always existed on the Cape, that is true. However, with the advent of Airbnb, VRBO, and other platforms, more people began to convert their properties to short-term rentals. In analyzing the assessor’s data from Brewster for FY 2022, it appears there would

be 100 or fewer owners who would be impacted by the proposed bylaw, while most short-term rental operators would be able to continue their small-time operations.

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

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

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

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

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

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

Ned Chatelain, Chair

Mary Chaffee, Vice-Chair

Kari Hoffman, Clerk

Cynthia A. Bingham

David Whitney

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

Brewster Town Offices
Brewster Ladies Library
The Brewster General Store

Café Alfresco
Brewster Pizza House
Millstone Liquors

U. S. Post Office

Roland W. Bassett, Jr. Constable



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

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

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

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

~~The property owner shall be required to file a notarized affidavit with the Building Department annually, stating that either the principal dwelling or the accessory single family dwelling unit will be, and/or has been, used as the principal residence of the owner for the next twelve month period and that the remaining dwelling will be leased for a period of not less than 12 months.~~

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

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

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

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

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

~~J. An ADU shall be clearly subordinate in use, size and design to the principal single family dwelling. An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single family residential property and the privacy of abutting properties is maintained. K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.~~

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

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

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

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							
		R-R	R-L	R-M	C-H	V-B	I	MRD	PWS-CF
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.

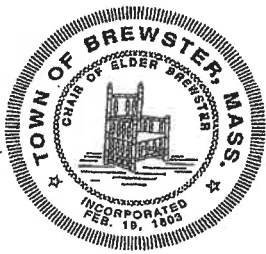
Cottage colony conversion. An existing nonconforming cottage colony may not be converted to a single-family dwelling use under separate ownership, unless the lot upon which each building is located complies with the minimum requirements for single-family dwellings in the zoning district in which the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



Town of Brewster

2198 Main Street
BREWSTER, MASSACHUSETTS 02631

(508) 896-4506 – Fax (508) 896-8089

OFFICE OF:
TOWN CLERK

Receipt for a Petition filed in the Town Clerk's Office

Received from: Matilda Delano Name Phone Number: 774 216 9554

Summary: Short term Rental Registration

	# of signatures submitted	# of signatures certified		# of signatures submitted	# of signatures certified		# of signatures submitted	# of signatures certified		# of signatures submitted	# of signatures certified
1	25	24	6			11			16		
2	25	24	7			12			17		
3	25	24	8			13			18		
4	25	25	9			14			19		
5	25	25	10			15			20		

122

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Town Clerk/Registrar

When signatures have been certified please:

call me at: _____

I will call you.

Time Stamp

23 SEP 19 10 57
BREWSTER TOWN CLERK

Picked up on: _____

By whom: _____

PLEASE REMEMBER TO BRING YOUR RECEIPT WITH YOU TO PICK UP YOUR PAPERS

Article to Create Registration System for Short-Term Rentals in Brewster

Proposed Bylaw:

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

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

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

Purpose:

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

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

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

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

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

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

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

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

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

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

Registration System Implementation Proposal:

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

The registrants would need to apply prior to Feb. 28 of each year, with the rental period running from Mar. 1 to Feb. 28 of the following year. Registrations are subject to annual renewal and fees.

Registrations cannot be transferred to any other person, legal entity, or address. The registration shall be terminated upon sale or transfer of the property for which the registration has been issued.

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

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

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

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

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

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

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

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

environment. Additional conditions may be imposed on the Rental Certificate in lieu of suspension or revocation.

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

Definitions:

- "Dwelling" is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).
- "Full-Time Resident" is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.
- "Occupancy" is defined as the use or possession of, or the right to use or possess, a short-term rental.
- "Occupant" is defined as any individual, of any age, residing overnight in a short-term rental.
- "Operator" is defined as any person operating a short-term rental.
- "Operator's Agent" is defined as a person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, a property management company, or real estate agent.
- "Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- "Permanent Place of Abode" is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse. This **does not include** a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter; a hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time **not to exceed 1 year**.

- "Property Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- "Short-term rentals" are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

Petition for the Town of Brewster Annual Town Meeting Warrant

Article _____ To see if the Town will vote to create a registration system for short-term rentals.

(Citizen's Petition)

PREPARED BY
DATE

	Name	Address	Signature
✓ 1	Matilda Delano	154 Barons Way, Brewster	A
✓ 2	Anne McGoar	99 Herring Brook Lane Brewster	Anne
✓ 3	Laura Marshall	81 Ebenezer Ln Brewster	L. Marshall
✓ 4	Lynn Debn	154 Barons Way Brewster	Lynn
✓ 5	Leslie Kelley	1334 Main St. Brewster	Leslie Kelley
✓ 6	Richard Kelley	1334 Main St, Brewster	Richard Kelley
✓ 7	Rebecca Benton	75 Paul Hush Way Brewster	Rebecca Benton
✓ 8	Sarah Abney	50 Paul Hush Way Brewster	Sarah
✓ 9	Katherine Gillis	1147 Long Pond Rd Brewster MA	Katherine Gillis
✓ 10	Irene Gillis	1147 Long Pond Rd Brewster MA	Irene Gillis
✓ 11	Jill Delano	154 Barons way Brewster MA	Jill
✓ 12	Chris Yerkes	32 Beechtree Dr. Brewster MA	Chris Yerkes
✓ 13	Steph Bush Brown	54 Beechtree Dr. Brewster MA	Steph Bush Brown
✓ 14	Robert Brown	54 Beechtree Dr Brewster MA	Robert Brown
✓ 15	Yler Brown	54 Beechtree Dr Brewster MA	Yler Brown
✓ 16	Teresa Colson	84 Beechtree Dr. Brewster MA	Teresa Colson
✓ 17	James Callin	92 Beech tree Dr Brew	James Callin
✓ 18	Nancy Giarsite	120 Beech tree Dr.	Nancy Giarsite
✓ 19	Dr Skunk	141 Beechtree Dr	Dr Skunk
✓ 20	Patricia	141 Beechtree Dr	Patricia
✓ 21	Margaret	141 Beechtree Dr	Margaret
✓ 22	John	141 Beechtree Dr	John
✓ 23	John Murphy	243 Gould Rd, Brew	John Murphy
✓ 24	Martha Zuker	164 Barons way Brewster	Martha Zuker
✓ 25	Mauricio Holguin	174 Barons way Brewster	MH

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24

Petition for the Town of Brewster Annual Town Meeting Warrant

Article _____ To see if the Town will vote to create a registration system for short-term rentals.

(Citizen's Petition)

	Name	Address	Signature
✓ 101	ELLEN DOVICHO	59 GREENLAND ROAD	Ellen Dovich Ellen Dovich
✓ 102	Michael Ryan	728 Great Fields RD	Michael Ryan
✓ 103	Mya Pires	1434 Long Pond RD	Mya Pires
✗ 104	Daniel Phillips	1434 Long Pond Rd	Daniel Phillips
✓ 105	LAREE LABDON	62 Whiffletree Ave	Laree Labdon
✓ 106	JANET LABDON	62 Whiffletree Ave	Janet Labdon
✓ 107	Brit Jordan	62 Whiffletree Ave	Brit Jordan
✓ 108	ROBERT DELOYS	9 PRECIRCLE	Robert Deloys
✓ 109	Terry Gustamacho	Terry Gustamacho 139 Old Chatham Rd	Terry Gustamacho
✓ 110	Teresa Swansa	151 Old Chatham Rd Brewster	Teresa Swansa
✓ 111	Patrice Thornberg	148 Old Chatham Rd	Patrice Thornberg
✓ 112	CLAIRE MORRIS	56 CAROL ANN DR	Claire Morris
✓ 113	TRAIL MORRIS	56 CAROL ANN DR	Trail Morris
✓ 114	Horaine O'Brien	59 Carol Ann Dr	Horaine O'Brien
✓ 115	Jesse O'Brien	84 Old Chatham Rd	Jesse O'Brien
✓ 116	Jim O'Brien	59 CAROL ANN DR	Jim O'Brien
✓ 117	Catherine Graciano	7 Carol Ann Drive	Catherine Graciano
✓ 118	Jesse C. Bennett	37 Carol Ann Drive	Jesse C. Bennett
✓ 119	Leslie Greenberg	32 CAROL ANN DR Brewster	Leslie Greenberg
✓ 120	Ada George	25 CAROL ANN DR Brewster	Ada George
✓ 121	Susanne Norman	6 Russells Path	Susanne Norman
✓ 122	Janet Barriman	7 Russells Path Brewster, MA	Janet Barriman
✓ 123	Cindy Murr	34 Russells Path	Cindy Murr
✓ 124	Walter Murr	34 Russells Path	Walter Murr
✓ 125	Gayle Harper	64 Russells Path	Gayle Harper

Petition for the Town of Brewster Annual Town Meeting Warrant

Article _____ To see if the Town will vote to create a registration system for short-term rentals.

(Citizen's Petition)

SEP 3 10 54 AM

	Name	Address	Signature
✓	76 DAVID MICHELBOWE	102 PINEWOODS DRIVE	[Signature]
✓	77 Budget-Rentington	164 Pine Wood DR.	Budget-Rentington
✓	78 Samuel Bell	34 Sandpiper Ln.	Samuel Bell
✓	79 Damon Ryder	20 Sandpiper Ln	[Signature]
✓	80 Kathryn Perkins	33 Sandpiper Ln	Yan
✓	81 John Dule	50 PARITAN DR	[Signature]
✓	82 Tom Danning	18 Woodview Dr	[Signature]
✓	83 Braxton	39 Woodview Dr.	[Signature]
X	84 Ashton Miter	96 Hedgeberry Lane	[Signature]
✓	85 Erin Powers	YANKEE DR	Erin Powers
✓	86 Linda Nickerson	240 Yankee Dr.	Linda Nickerson
✓	87 GINI DODDLEY	296 YANKEE DRIVE	[Signature]
✓	88 David Doddley	296 Yankee Drive	[Signature]
✓	89 David Bromberg	50 CLIPPER WAY	[Signature]
✓	90 Steven Hicks	336 Yankee Dr.	Steven Hicks
✓	91 Eric Wats	424 Yankee Dr.	Eric Wats
✓	92 DAVE REHWART	72 GREAT OAK RD.	[Signature]
✓	93 JUDY HARRISON	12 LEAND RD	Judy Harrison
✓	94 Ben Han	12 Leand Rd	Ben Han
✓	95 Greg Noy	503 FREEMANS WAY	[Signature]
✓	96 Nick Bengsten	7 Pequot Court	[Signature]
✓	97 Kate Ketchum	50 Anne Way	Kate Ketchum
✓	98 ERNEST KETCHUM	55 ANNE WAY	Ernest Ketchum
✓	99 Ewan Hillen	54 TOWNMAN RD	Ewan Hillen
✓	100 Miniam Chen	59 Greenland Pond	[Signature]

24

[Handwritten signature]

Petition for the Town of Brewster Annual Town Meeting Warrant

NOV 3 09 10 44
NOV 3 09 10 44

Article _____. To see if the Town will vote to create a registration system for short-term rentals.

(Citizen's Petition)

	Name	Address	Signature
✓ 51	DAVID SORSA	177 BARONS WAY	
✓ 52	Adrienne Jones	51 Barons Way	
✓ 53	Peter Blusch	31 Barons Way	
✓ 54	Lisa Tish	9 Barons Way	
✓ 55	TODD Montgomery	132 Baronsway	
✓ 56	Greta Montgomery	132 Barons Way	
✓ 57	HEBS MONTGOMERY	60 BARONS WAY	
✓ 58	Wendy Olin	26 Barons Way	
✓ 59	Jen Curran	304 State St 1	
✓ 60	Jennifer Cavelt	502 State St	
✓ 61	Linda Sullivan	1103 State St. Brewster	
✓ 62	Susan Krause	909 State Brewster	
✓ 63	Kathy Kirkbride	1302 State St. Brew	
✓ 64	Lorraine Wile	1304 State St Brewster	
✓ 65	Patricia Martin	1501 State St Brewster	
✓ 66	Ellen Avella	1803 State Street Brewster	
✓ 67	John Mucci	54 Sachem Trail	
✓ 68	Tyler Reyes	44 Sachemus Trail	
✓ 69	Mary Ducharme	32 Sachemus Trail	
✓ 70	Fel Ducharme	32 Sachemus Trail	
✓ 71	MARI Burroughs	150 Pinewood Dr.	
✓ 72	Sandra	98 Pilgrims	
✓ 73	John & Linda	139 Pinewood Dr	
✓ 74	Patricia Skanilly	139 Pinewood Dr	
✓ 75	namuhiewicz	102 Pinewood Dr.	

(25)

Petition for the Town of Brewster Annual Town Meeting Warrant

25 SEP 19 11

Article _____ To see if the Town will vote to create a registration system for short-term rentals.

(Citizen's Petition)

	Name	Address	Signature
✓ 26	John Lombardo	53 Beach Plum Ln Brewster, MA	[Signature]
✓ 27	Jason Walsh	137 Beach Plum Ln Brewster, MA	[Signature]
✓ 28	Margaret Walsh	137 Beach Plum Ln Brewster	[Signature]
✓ 29	Martha Johnson	108 Beach Rose Ln, Brewster	Martha E Johnson
✓ 30	John LaBlanc	86 Beach Rose Ln Brewster	John LaBlanc
✓ 31	Catherine LeBlanc	86 Beach Rose Ln Brewster	Catherine LeBlanc
✓ 32	Claire Evans	59 Beach Rose Ln Brewster	[Signature]
✓ 33	Abby Fernandes	22 Sheffield Rd Brewster	[Signature]
✓ 34	Gilbert D'Amico	52 Beach Rose Ln Brewster	[Signature]
✓ 35	Jane Chartier	16 Beach Rose Ln, Brewster	Jane Chartier
✓ 36	Peter McElm	144 Beach Plum Ln Brewster	[Signature]
✓ 37	Jennifer McElm	144 Beach Plum Ln Brewster	[Signature]
✓ 38	Danise Jones	144 Beach Plum Ln Brewster	[Signature]
✓ 39	Greg Hanmen	34 DEATH RUN LN BREWSTER	[Signature]
✓ 40	Lora P Karchuk	38 James Burr Rd Brewster	[Signature]
✓ 41	Chris P. Karchuk	38 James Burr Rd Brewster	[Signature]
✓ 42	Jennifer Stevens	2 Johnson Ctgy Brewster	[Signature]
✓ 43	Ashlee McCarty	902 State St Brewster MA 02631	Ashlee McCarty
✓ 44	Mary Gamerman	64 Tracy Lane, Brewster	Mary Gamerman
✓ 45	Rachel Sullivan	130 Paul Hush Way Brewster	Rachel Sullivan
✓ 46	Crystal Kautz	120 Paul Hush Way Brewster	[Signature]
✓ 47	Tim Kautz	120 Paul Hush Way Brewster	[Signature]
✓ 48	Meghan Delman	90 Paul Hush Way, Brewster	Meghan Delman
✓ 49	Mark Sargent	90 Paul Hush Way, Brewster	Mark Sargent
✓ 50	Sean Smith	105 State St Brewster	[Signature]



Town of Brewster

2198 Main Street
BREWSTER, MASSACHUSETTS 02631

(508) 896-4506 – Fax (508) 896-8089

OFFICE OF:
TOWN CLERK

Receipt for a Petition filed in the Town Clerk's Office

Received from: Matilde Delano Phone Number: 774 216 9554
Name

Summary: Restrict short term Rentals

	# of signatures submitted	# of signatures certified		# of signatures submitted	# of signatures certified		# of signatures submitted	# of signatures certified		# of signatures submitted	# of signatures certified
1	25	24	6			11			16		
2	25	25	7			12			17		
3	25	25	8			13			18		
4	25	24	9			14			19		
5	25	24	10			15			20		

(122)

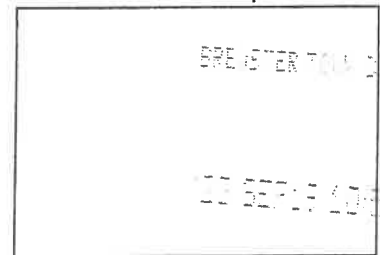
[Signature]
Town Clerk/Registrar

When signatures have been certified please:

_____ call me at: _____

_____ I will call you. _____

Time Stamp



Picked up on: _____

By whom: _____

PLEASE REMEMBER TO BRING YOUR RECEIPT WITH YOU TO PICK UP YOUR PAPERS

Article to Restrict Short-Term Rentals In Brewster

2023 SEP 19 10:57

Proposed Bylaw:

The proposed bylaw seeks to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

Purpose:

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

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

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

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

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

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

Definitions:

- "Dwelling" is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).
- "Full-Time Resident" is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.

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- "Occupancy" is defined as the use or possession of, or the right to use or possess, a short-term rental.
- "Occupant" is defined as any individual, of any age, residing overnight in a short-term rental.
- "Operator" is defined as any person operating a short-term rental.
- "Operator's Agent" is defined as a person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, a property management company, or real estate agent.
- "Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- "Permanent Place of Abode" is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse. **This does not include** a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter; a hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time **not to exceed 1 year**.
- "Property Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- "Short-term rentals" are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

Petition for the Town of Brewster Annual Town Meeting Warrant

Article _____ To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

BREWSTER TOWN CLERK

23 SEP 19 10:57 AM

(Citizen's Petition)

	Name	Address	Signature
✓	101 Erin Hilly	54 Tubman Rd	Erin Hilly
✓	102 Miriam Enst	59 Greenland Pond Rd	Miriam Enst
✓	103 ELLEN DAVIDIO	59 GREENLAND POND RD	Ellen Davidio
✓	104 Michael Ryan	728 Great Fields RD	Michael Ryan
✓	105 Mya Pires	1434 Long Pond RD.	Mya Pires
X	106 Daniel Phillips	1934 Long Pond Rd	Dan Phillips
✓	107 LAUREL LABDON	62 Whiffletree Ave	Laurel Labdon
✓	108 JANET LABDON	62 Whiffletree Ave	Janet Labdon
✓	109 ROBERT LABDON	62 WHIFFLETREE AVE	Robert Labdon
✓	110 ROBERT DELOYS	9 PRELU CIRCLS	Robert DeLoys
✓	111 TERESA SWANU	151 0 10 Chatham Brewster	Teresa Swanu
✓	112 Patrice Thornberg	148 Old Chatham Rd	Patrice Thornberg
✓	113 Claire Morris	56 Carol Ann Dr Brewster	Claire Morris
✓	114 CRAIG MORRIS	56 CAROL ANN DR, BREWSTER	Craig Morris
✓	115 LORRAINE O'BRIEN	59 Carol Ann Dr Brewster	Lorraine O'Brien
✓	116 JIM O'BRIEN	59 CAROL ANN DR BREWSTER	Jim O'Brien
✓	117 Catherine Graciano	7 Carol Ann Drive Brewster	Catherine Graciano
✓	118 GORGE BELLENT	37 Carol Ann Drive Brewster	Gorge Bellent
✓	119 LESTER GREENBERG	32 Carol Ann Dr Brewster	Lester Greenberg
✓	120 Ada George	25 CAROL ANN DR. Brewster	Ada George
✓	121 Susanna Norman	6 Russells Path	Susanna Norman
✓	122 Janet Barricman	7 Russells Path Brewster	Janet Barricman
✓	123 Cindy Mann	34 Russell's Path	Cindy Mann
✓	124 Willie Mann	34 Russell's Path	Willie Mann
✓	125 Gayle Harper	64 Russells Path	Gayle Harper

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Petition for the Town of Brewster Annual Town Meeting Warrant

Article _____ To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

SEP 17 2019
 11 SEP 19 2019

(Citizen's Petition)

	Name	Address	Signature	
1	Matilda Delano	154 Barons Way, Brewster	[Signature]	✓
2	Anne McGrath	99 Herring Brook Ln Brewster	[Signature]	✓
3	Laura Marshall	81 Ebenezer Ln Brewster	L. Marshall	✓
4	Lynn DeBano	154 Barons Way Brewster	[Signature]	✓
5	Leslie Kelley	1334 Main St. Brewster	[Signature]	✓
6	Richard Kelly	1334 Main St, Brewster	[Signature]	✓
7	Rebecca Benton	75 Paul Hush Way Brewster	[Signature]	✓
8	Sarah Abney	50 Paul Hush Way Brewster	[Signature]	✓
9	Katherine Gillis	1147 Long Pond Rd Brewster MA	[Signature]	✓
10	Irene Gillis	1147 Long Pond Rd Brewster MA	[Signature]	✓
11	Jed Delano	154 Barons way Brewster MA	[Signature]	✓
12	Chris Yerkes	32 Beechtree Dr. Brewster	[Signature]	✓
13	Steph Bush Brown	54 Beechtree Dr. Brewster MA	[Signature]	✓
14	Robert Brown	54 Beechtree Dr Brewster MA	[Signature]	✓
15	Tyler Brown	54 Beechtree Dr Brewster MA	[Signature]	✓
16	Teresa A Coffin	84 Beechtree St. Brewster, MA	[Signature]	✓
17	Janice Callan	92 Beechtree Dr Brew	[Signature]	✓
18	Nancy Giansant	120 Beechtree Dr.	[Signature]	✓
19	David Fenber	145 Beechtree Dr	[Signature]	✓
20	Shirley Hill	142 Beechtree Dr.	[Signature]	✓
21	Margaret Mitchell	154 Beechtree Drive	[Signature]	✓
22	Chris Brown	161 Beechtree Drive	[Signature]	✓
23	Ryan Murphy	243 Green Pond Rd, Brew	[Signature]	✓
24	Martha Zuber	164 Barons way Brewster	[Signature]	✓
25	[Signature]	174 Barons way Brewster	[Signature]	✓

Petition for the Town of Brewster Annual Town Meeting Warrant

TOWN CLERK

SEP 10 10 57 AM

Article _____ To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

(Citizen's Petition)

Name	Address	Signature
John Lombardi	53 Beach Plum Ln Brewster, MA	[Signature]
Jean R Walsh	137 Beach Plum Ln Brewster, MA	[Signature]
Margaret Walsh	137 Beach Plum Ln Brewster	[Signature]
Martha Johnson	108 Beach Rose Ln. Brewster	[Signature]
John LeBlanc	86 Beach Rose Ln. Brewster	[Signature]
Catherine LeBlanc	86 Beach Rose Ln Brewster	[Signature]
Clare Evans	59 Beach Rose Ln Brewster	[Signature]
Roby Fernandes	22 Sheffield Rd Brewster	[Signature]
Rober Oliveira	252 Beach Rose Ln Brewster	[Signature]
Jane Chartier	10 Beach Rose Ln, Brewster	[Signature]
Peter McLean	144 Beach Plum Ln, Brewster	[Signature]
Famille McIlvin	144 Beach Plum Ln Brewster	[Signature]
Emilee Jones	66 Beach Plum Ln Brewster	[Signature]
REG HENNICH	34 BEACH PLUM LN BREWSTER	[Signature]
Erica Richard	38 James Burr rd Brewster	[Signature]
Chris Pizarro	316 James Burr rd Brewster	[Signature]
Emilee Stevens	21 Johnson Ctuy Brewster	[Signature]
Lee McCarty	902 State St Brewster MA 02631	[Signature]
Mary Cameron	64 Tracy Lane, Brewster MA	[Signature]
Rachel Sillman	130 Paul Hush way, Brewster Ma	[Signature]
Estel Kautz	120 Paul Hush way Brewster	[Signature]
Estel Kautz	120 Paul Hush way Brewster	[Signature]
Meghan Delman	90 Paul Hush way, Brewster	[Signature]
Mark Sargent	90 Paul Hush way, Brewster	[Signature]
Ann Smith	105 State St Brewster	[Signature]

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Petition for the Town of Brewster Annual Town Meeting Warrant

SEP 23 2011

Article _____ To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

(Citizen's Petition)

	Name	Address	Signature
✓ 51	DAVID Souch	177 Barons way	[Signature]
✓ 52	John Adams	57 Barons Way	[Signature]
✓ 53	Peter Blasco	31 Barons Way	[Signature]
✓ 54	Lynda Kline	9 Barons Way	[Signature]
✓ 55	Carmen Bennett	981 Millstone	[Signature]
✓ 56	LOUIS GARRETT	981 Millstone	[Signature]
✓ 57	TODD Montgomery	132 Barons way	[Signature]
✓ 58	Breda Montgomery	132 Barons Way	[Signature]
✓ 59	HERB Montgomery	60 Barons way	[Signature]
✓ 60	Wendy Olin	26 Barons Way	[Signature]
✓ 61	Jennifer Curran	304 State St	[Signature]
✓ 62	Jennifer Curran	502 State St	[Signature]
✓ 63	Linda Sullivan	1103 State St. Brewster	[Signature]
✓ 64	Susan Crivello	504 State Brewster	[Signature]
✓ 65	Kathy Kirkbide	1302 State St. Brew	[Signature]
✓ 66	LORRAINE WISE	1304 State St Brewster	[Signature]
✓ 67	PATRICIA MARTIN	1501 State St. Brewster	[Signature]
✓ 68	Ellen Avelly	1003 State Street Brewster	[Signature]
✓ 69	John Minci	575 Sachems Trl	[Signature]
✓ 70	Tyler Keyes	44 Sachemus Trail	[Signature]
✓ 71	Mary Ducharme	32 Sachemus Trail	[Signature]
✓ 72	Ed Ducharme	32 Sachemus Trail	[Signature]
✓ 73	Arthur Knight	7 Pilgrims Way	[Signature]
✓ 74	Mari Burdette	150 Pilgrims Dr	[Signature]
✓ 75	Jim Burdette	9 Pilgrims	[Signature]

00 (25)

Petition for the Town of Brewster Annual Town Meeting Warrant

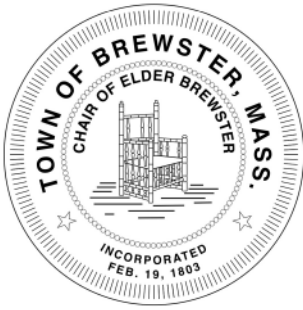
Article _____ To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

SEP 15 10 59

(Citizen's Petition)

	Name	Address	Signature
✓	76 Dan Kennelly	139 Pinewood Dr.	Dan Kennelly
✓	77 Pat Kennelly	139 Pinewood Dr	Pat Kennelly
✓	78 Nancy Michniewicz	102 Pinewood Dr	Nancy Michniewicz
✓	79 DAVID MICHNIEWICZ	102 PINWOOD DRIVE	David Michniewicz
✓	80 Bruce Pennington	44 Pine Wood DR.	Bruce Pennington
✓	81 SANDRA BELLER	34 Sandpiper Ln.	Sandra Beller
✓	82 Damian Ryder	20 sandpiper Ln	Damian Ryder
✓	83 KATHY NORTON	33 Sandpiper Ln	Kathy Norton
✓	84 JOHN WILSON	80 A WILSON DR	John Wilson
✓	85 Tom Downing	18 Woodview Dr	Tom Downing
✓	86 Sara Patic	39 Woodview Dr.	Sara Patic
X	87 Andrew Much	96 Anheleberg Lane	Andrew Much
✓	88 Erin Powers	18 Yankee Dr	Erin Powers
✓	89 Nickerson	240 Yankee Dr.	Nickerson
✓	90 GID DOONELLY	2910 YANKEE DRIVE	GID DOONELLY
✓	91 David Donnelly	296 Yankee Drive	David Donnelly
✓	92 David Gomez	50 CUPPER WAY	David Gomez
✓	93 Steven Hicks	336 Yankee Dr	Steven Hicks
✓	94 Eric Coats	424 Yankee Dr	Eric Coats
✓	95 LAUREN REINHARDT	72 GREAT OAK RD.	Lauren Reinhardt
✓	96 JUDY HARRISON	12 LELAND RD	Judy Harrison
✓	97 BRAD HARRISON	1A Leland Rd	Brad Harrison
✓	98 Nick Bengston	7 Pequot Court	Nick Bengston
✓	99 Kate Ketchum	355 Anne Way	Kate Ketchum
✓	100 ERNEST KETCHUM	55 ANNE WAY	Ernest Ketchum

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Town of Brewster

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

Office of:
Human Resources

MEMORANDUM

TO: Select Board
FROM: Susan Broderick, Human Resources Director
RE: Town Manager Priority Goals
DATE: October 12, 2023

Review Status of FY23 Goals & Discuss and Vote on FY24 Town Manager Goals

As part of the annual performance evaluation of the Town Manager each Select Board member is asked to identify three goals for the Town Manager to achieve during the fiscal year. The Board then discusses the goals and votes to identify five priority goals for the Town Manager for the fiscal year.

Fiscal year FY23 was the first year with a performance evaluation of the Town Manager that included priority goals.

As part of the review and goal setting process I would suggest the Board have a brief discussion on the status of the FY23 priority goals. In developing the FY24 goals for the Town Manager the Board may continue FY23 goals, develop new goals for FY24, or merge FY23 & 24 goals that are in the same context. For example, goals concerning the former Cape Cod Sea Camps property are still a high priority for the majority of the Select Board, based on the aggregate FY24 goals. The goals that the Select Board votes to set as the priority FY24 goals will again be reviewed and discussed next year during the Town Manager's annual performance evaluation.

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"><u>X 1</u></p>	<p align="center">In Progress</p> <p align="center"><u>X 4</u></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"><u>X 2</u></p>	<p align="center">In Progress</p> <p align="center"><u>X 3</u></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>



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. Housing Coordinator Update- August 2023
2. Brewster Fire Department Citizens Fire Academy
3. Blood Drive- October 24th
4. Barnstable County Department of Human Services Community Forums
5. Lower Cape Outreach Council, Inc. FY24 Q1 Report
6. Committee Applications:
 - a. Zoning Board of Appeals – David Ayers
 - b. Cultural Council – Marla Ker

Housing Coordinator Update August 2023

Jill Scalise

Ongoing Activities/ Projects

1. Community Outreach and Education (Housing Production Plan (HPP) Strategy #14 & 15)
 - Responded to email, phone & in person requests for information and assistance, 66 total requests for housing information (47) or assistance (19). Open office hours Thursdays from 10-noon.
 - Local Preference Information Session held for Select Board, Housing Partnership, Housing Trust, Community Preservation Committee (CPC) and Finance Committee. With Donna Kalinick, prepared and presented information on local preference. Questions and discussion followed.
 - Updated housing webpages. Newspaper interview & article.
2. Brewster Affordable Housing Trust (BAHT) (HPP assorted strategies, Select Board (SB) Strategic Plan H-1)
 - Housing Trust's Community Preservation Act (CPA) application for Affordable Buydown Program presented to Housing Partnership which recommended CPC support of the application.
 - Housing Program Assistant job description finalized, expect to be posted in September.
 - Trust met and worked on additional items throughout this report.
3. Community Housing Parcel off Millstone (SB Strategic Plan H-4, HPP Strategies #12 & 16)
 - Name approved for development: Spring Rock Village. Woodlot Way is driveway name. Spring Rock refers to a nearby large glacial erratic. Historically, this area had woodlots used to harvest poles for fishing weirs.
 - State added the 45 permitted Spring Rock Village units to Brewster's Subsidized Housing Inventory (SHI) which now stands at 7.2 %, 372 units. With these units, the Town's Housing Production Plan was certified.
 - Select Board voted & request letter sent to Executive Office of Housing & Livable Communities (EOHLC) to approve 55% local preference and 15% regional preference (Barnstable County) for initial leasing.
 - Spring Rock Village \$500,000 CPC funding application recommended for approval by Housing Partnership.
4. Comprehensive Permit Projects (HPP Strategy #16):
 - Habitat for Humanity, Phoebe Way: 30 applications received for 2 homes. Evaluating applicant eligibility.
5. Preservation of Housing and Related Support of Brewster Residents (SB H-3, HPP Strategies #20, 21 & 22)
 - Brewster's Rental Assistance Program (BRAP)- Housing Trust voted to award 3 year contract to HAC.
 - Community Development Block Grant (CDBG)- Brewster awarded FY 22/23 \$1.7 million regional grant for housing rehab and childcare assistance in Brewster, Dennis, and Wellfleet.
6. Subsidized Housing Inventory (SHI) (HPP Strategies #21 & 22)
 - 212 Yankee Drive- Upon the Housing Trust's recommendation, Select Board awarded housing preservation contract to Pearl Construction and waved building fees. Attended walkthrough of property with Pearl.
 - 6 Sachemus Trail- Worked with homeowner, Planning, Administration, legal counsel, EOHLC, and Select Board on deed violation. Property in resale process. Applications were due and lottery held by HAC.
 - Continue working on several SHI homes of concern including 11 Sean Circle.
7. Housing Production Plan (HPP) (Select Board Strategic Plan Goal H-2)
 - ADU Bylaw: Planning Board recommended ADU bylaw amendments to Select Board.
8. Collaboration and Education (HPP Strategies #7 & 15)
 - Met with CDP. Attended HOME Consortium meeting and CDP event.
 - State of Emergency declared by Governor Healey for safe shelter in Massachusetts.

Upcoming Events & Announcements:

- Brewster's Housing Production Plan was certified by the state and the Town is in 'safe harbor' until June 13, 2024. Brewster's SHI is 7.2%, this is based on Brewster's 2020 census data of 5,170 year round units.

Personnel

- Participated in Housing Trust, Planning Board & Select Board meetings. Also worked with: Assessors, Building, Council on Aging, CPC, Finance, Health, Library, Planning, Public Works, Town Administration, Vision Planning & Water.



BREWSTER FIRE DEPARTMENT CITIZENS FIRE ACADEMY

Register now to join us **Tuesday** evenings this Fall!

Academy participants will receive an inside view of Brewster Fire/Rescue and during each session will acquire information on a distinctive component of the organization ranging from daily administration and operations, staffing, emergency medical services, fire suppression response, motor vehicle extrication, fire prevention, and technical rescue services.



Attendees will also obtain CPR and First Aid certification and visit the Barnstable County Sheriff's Communications Center to become more familiar with the 911 and fire dispatch services our community utilizes.

The program is designed to ensure each participant acquires an in-depth understanding of the Brewster Fire/Rescue and the professional life safety emergency services we provide the community.

Register Today!

Know what it's like to
be a Brewster
Firefighter!

Practice real
firefighting skills!

Become CPR and
First-Aid Certified!

Space is Limited!

WHERE:

Brewster Fire Department
1671 Main Street
Brewster, MA 02631
508-896-7018

WHEN:

Tuesday's 6-9PM
November 7 -December 12

Pick up an application
or visit
facebook.com/BrewsterMAFD



CAPE COD
HEALTHCARE

Nicholas G. Xiarhos
Blood Donor Center

WHAT'S DONATED HERE, STAYS HERE.

BLOOD DRIVE

Tuesday, October 24th

10 am – 4 pm

Northside United Methodist Church

701 Airline Rd - Brewster

Stop & Shop gift card for all donors!!

Appointments are required.

Cape Cod Healthcare Bloodmobile



To make an appointment please visit our donor portal at
<https://srt.capecodhealth.org/donorportal>

For information about the Nicholas G. Xiarhos Blood Donor Program,
please visit www.capecodhealth.org/give-blood

Like us on Facebook: www.facebook.com/capecodbloodcenter

Every pint of blood donated to us stays on Cape Cod to serve your community and save the lives of your family, friends and neighbors.



COMMUNITY FORUMS

On the Behavioral Health needs of children and youth (age 0 to 21) in Barnstable County

A series of Community forums is being hosted by Barnstable County Department of Human Services to hear about the behavioral health needs of children and youth (age 0-21) in Barnstable County. Join us and share your thoughts and experiences!



→ Attend In-Person or Participate Virtually via Zoom! ←

OUTER CAPE
October 16th
5:30-7:30PM

Truro Community Center
7 Standish Way
North Truro

-> [Click HERE to RSVP & receive Zoom link!](#)

LOWER CAPE
October 25th
5:30-7:30PM

Cape Cod Technical High School
351 Pleasant Lake Ave
Harwich

-> [Click HERE to RSVP & receive Zoom link!](#)

MID CAPE
October 26th
5:30-7:30PM

The Family Table Collaborative
1338 Route 28
South Yarmouth

-> [Click HERE to RSVP & receive Zoom link!](#)



UPPER CAPE
November 6th
5:30-7:30PM

Mashpee Wampanoag Gov't Center
483 Great Neck Road South
Mashpee

-> [Click HERE to RSVP & receive Zoom link!](#)

Food and Refreshments will be provided for In-Person Attendees.
RSVP is encouraged for all attendees; required to receive the link for Virtual attendance.
Childcare is not available, but Parents/Caregivers are welcome to bring their child(ren).

FOR MORE INFORMATION CONTACT:
Mandi Speakman, mandi.speakman@capecod.gov

Lower Cape Outreach Council, Inc.
REPORT TO THE TOWN OF BREWSTER
FISCAL YEAR 2024

Quarter:	1. Jul - Sept.	2. Oct - Dec	3. Jan - Mar	4. Apr - Jun	Year to Date
Service Provided					
Cash Assistance	\$35,420.26				\$35,420.26
# of Households **	72				72
Food: Value in \$	\$34,500.00				\$34,500.00
# of Orders **	264				264
# of Adults	268				268
# of Children	180				180
# of Seniors	132				132
Thanksgiving Baskets in \$	\$0.00				\$0.00
# of Orders **	0				0
# of People					0
Clothing Value in \$	\$337.50				\$337.50
# of Orders **	4.75				4.75
# of Adults	7				7
# of Children	2				
# of Seniors	2				4
Holiday Toys Value in \$	\$0.00				
# of Families **	0				
# of Children	0				
** Total Units of Service	341		0	0	341
Value per Unit of Service	\$206.19	#DIV/0!	#DIV/0!	#DIV/0!	\$206.19
TOTAL CASH VALUE	\$70,257.76	\$0.00	\$0.00	\$0.00	\$70,257.76

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 ATTACHED CV)

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.

I am very interested in helping the town and shaping the way it grows and develops.

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.

- Active in the community
- Parent of 3, growing up in the town
- Professional career managing complex issues

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:
Address:
Phone:
Email:
Relationship to you:

b. Name:
Address:
Phone:
Email:
Relationship to you:

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

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:

DAVID AYERS

Global Product and Merchandising Leader

📍 Boston, MA

@ [Redacted]

🌐 [linkedin.com/in/david-ayers-2154414](https://www.linkedin.com/in/david-ayers-2154414)

EXPERIENCE

Vice President, Global Merchandising, Innovation, Licensing

CHAMPION (HBI, Inc.)

📅 2021 - Present 📍 Boston/NYC

- Developed and led global product merchandising fundamentals across previously independent operations in North America, Europe, and Asia-Pacific
- Created a cross-functional, stand-alone Innovation Team, linking Product, Design, Strategy, R&D, and Consumer Insights to pipeline 8 projects and drive \$10M in new revenue
- Executive lead for licensing strategy, RFPs, and contracts across all adjacent categories contributing \$30M+ in royalty income
- Lead merchant for the inaugural premium, "Index and Archives" global product line at Paris Fashion Week 2023

Senior Management Consultant

Calistonia Consulting Group

📅 2019 - Present 📍 Boston, MA

Project based management consulting for the Apparel, Footwear, and Equipment industry. Address clients' needs across all aspects of commercialization including materials, technology, business development, investor relations, supply chain, calendar, and organizational structure. Key projects include:

- Developed vendor penetration and product realignment strategies for a material supplier resulting in 26% YOY sales increase within the focused sector
- Collaborated to build and implement a 3-year strategic business plan for a fitness apparel startup covering design, development, sourcing, and market launch tied to a comprehensive P&L

Vice President, Apparel, Accessories and Equipment

ASICS

📅 2017 - 2019 📍 Boston, MA

- Led the Sales, Product Design, Development, Merchandising, Operations, and Sourcing teams across Boston and California
- Reduced overall inventory by 27% by establishing category specific forward coverage goals
- Established infrastructure and process for remote global product collaboration across US, Japan, Europe, and China improving on time delivery by 37% YOY
- Initiated and led Footwear and Apparel collaborations with Reigning Champ, Footlocker Inc., and influencer accounts throughout North America

INDUSTRY EXPERTISE

Product Creation Expert



Global Merchandising and Execution



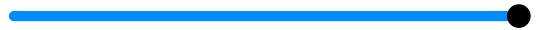
Innovation Concept to Consumer



P&L Creation and Control



Short and Long Range Strategic Planning



EDUCATION

Bachelor of Science, English

NORTHEASTERN UNIVERSITY

📅 1992 📍 Boston, MA

- Honor Society of Phi Kappa Phi

SUMMARY

I have had a diverse career in managing both products, people, and stores with brands that have connected to customers both tactically and emotionally. I obsess over my product, focus intensely on my consumer, and dedicate myself to my team. I have a passion for travel, a perpetual curiosity, a hunger for business, and an empathetic approach to management.

EXPERIENCE

Director of Global Merchandising

UNDER ARMOUR

📅 2011 - 2016 📍 Baltimore, MD

- Chartered the creation of the North American, European, Asian, and Latin American merchandising function leading remote teams globally
- Cross-functional leader of seasonal Go-To-Market processes, establishing content and accountability from concept to mix, volume, flow, floor-set, and visual standards
- Launched an international system of merchandising metrics that drove a 49% increase in sku productivity in its first year
- Management of \$350M Japanese licensed business with a team in Tokyo and Baltimore, driving brand integrity, a four year CAGR of over 25%, and a revised corporate infrastructure that resulted in over \$20M in tax savings

Director of Men's Global Product Creation

UNDER ARMOUR

📅 2005 - 2011

- Consumer focused Product Creation expert launching over 1000 new products across 10 sport categories, exceeding top and bottom line goals for 22 consecutive quarters
- Led cross-functional teams across Product, Design, Development, Merchandising, and Sourcing
- Oversight for product and material innovations, leading factory and mill relationships for new concepts and developments across Latin America and Asia with on the ground relationships in both regions
- Conceived and launched over fifty 100,000+ (annual) unit items

International Business Development Manager

NEW BALANCE ATHLETIC SHOE, INC.

📅 2000 - 2005 📍 Boston, MA

- Established short and long term strategic plans for global apparel assortments and organizational structures across distributors and subsidiaries
- Created the inaugural Asia Pacific Apparel and Accessories product line driving a \$5M increase in regional sales

Senior Product Manager/Buyer

Eastern Mountain Sports

📅 1997 - 2000 📍 Peterborough, NH

- Oversight of Product Creation and Branded Buying for 80 stores, Ecommerce, and International wholesale

Retail Buying and Retail Management

Olympia Sports

📅 1987 - 1997 📍 Yarmouth, ME

- Senior Level Buyer for Men's, Women's and Kids Apparel and Accessories across 100+ stores
- Retail Store Manager for multiple doors throughout Greater Boston

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.

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.

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.

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:
Address: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]
Relationship to you:

b. Name:
Address: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]
Relationship to you:

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

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:

MARLA N. KER, LCSW-C

Brewster, MA 02631 | [REDACTED]

SUMMARY

Comprehensive and proven record of achievement in clinical, mental health, and case management service provision with diverse clients, blended with clinical and organizational leadership. Develop solid clinical management strategy and forge therapeutic connections with clients and families. Policy development, documentation systems, operational efficiency, outreach, and partnership development expertise. Recognized for organizational skills and business savvy blended with strong relationship building and communication skills with internal and external stakeholders. Unparalleled multi-tasker with proven ability to juggle multiple, emerging priorities. Self-motivated team player who builds collaboration and employee engagement.

EXPERIENCE

Clinical Director, PLAN of MD-D.C., Inc. (Planned Lifetime Assistance Network),

Gaithersburg, MD (2019-present)

Provide clinical and case management services to clients and assist Executive Director with operational planning.

Clinical

- Maintained direct service caseload, providing case management for long-term and new clients.
- Conducted intake with new clients for clinical and trust services, providing seamless service delivery, clinical case management, and therapeutic counseling.
- Provided counseling and support to parents of adult children to promote well-being.
- Initiated review of clinical record keeping system, creating accountability, documentation, and communication with case managers to maintain up-to-date records in compliance with all regulations and policies.
- Created cohesive intake procedure, providing comprehensive information and improved documentation to assigned clinician to gain full understanding of clients' needs; enhancing internal understanding between financial and clinical aspects of services; and promoting quality service delivery reporting.
- Spearheaded review and update of case managers' client assignments, type of client escrow account, trust status, and frequency of client appointments to maintain HIPAA regulations, legal compliance, and fiduciary responsibility.

Leadership

- Contributed to recruiting, interviewing, hiring, onboarding, and training new employees. Reviewed progress notes and facilitated case reviews to promote learning and enhance services.
- Worked with ED and Board to create policies and procedures, streamlining operations to create greater accountability and steer the organization in a direction of continued growth.
- Represented agency and promoted services through national organizations and developed and strengthened relationships and partnerships with community-based organizations, State agencies, psychiatrists, attorneys, financial planners, and hospitals to generate referrals and maintain community presence.

- Updated Plan of Care Review and created Plan of Care document to communicate and provide a goal-oriented and clearly defined outline of mental health support and financial budgets, goals, and expectations to families, clinicians, and the Trust Division.
- Contributed to PLAN National Alliance meetings, represented and promoted the achievements of PLAN of MD-DC, and shared Alliance members' best practices to strengthen service delivery and operational effectiveness.

Clinical Case Manager/LCSW-C, PLAN of MD-D.C., Inc. (Planned Lifetime Assistance Network),
Gaithersburg, MD (3/2009-2018)

- Provided clinical case management, therapeutic interventions, and social-emotional support to adults with chronic mental illness.
- Provided support, planning, and resources to family members for continued care allowing adult clients to continually meet their goals and stay in the community.
- Researched and adapted Cognitive Enhancement Therapy (CET) model to fit client profile, and co-lead year-long course.
- Coordinated services and programs that emphasize long term planning, case management, family services, and financial management.
- Worked with clients on financial management and explained services and funding to set realistic expectations.
- Worked collaboratively and advocated for services with other organizations.

Child & Family Development Specialist, Metropolitan Consortium for Early Head Start (based at
Reginald S. Lourie Center)
Rockville, MD (10/1999-11/2000)

- Provided early intervention/prevention services to at-risk expectant parents and to families with children under three years of age. Conducted family needs assessment and goals in partnership with families.
- Offered home-based services focused on enhancing child development and promoting health and mental health of parents and children. Led weekly parent toddler groups.
- Used informal role modeling and didactic parent education to assist families in initiating skills for the specific development needs of children.
- Oversaw case management and service coordination.

ADDITIONAL EXPERIENCE

Assistant Teacher, Creative Learning Center, Derwood, MD

Teacher's Aide, Sequoyah Elementary School, Derwood, MD

Teacher's Aide, Rockville Community Nursery School, Rockville, MD

Assistant Educational Coordinator, The Stephen H. Bennett School (formerly The Therapeutic Center), Brookline, MA

Social Worker, Visiting Nurses Association, Elders-At-Risk Program, Hingham, MA

EDUCATION

LCSW-C, State of Maryland (current). Massachusetts licensure pending.

Master of Social Work – Simmons College School of Social Work

B.A. in English, Minor in Sociology – Connecticut College