



# Town of Brewster Select Board

2198 Main St., Brewster, MA 02631

[townmanager@brewster-ma.gov](mailto:townmanager@brewster-ma.gov)

(508) 896-3701

## SELECT BOARD MEETING AGENDA

2198 Main Street

August 21, 2023 at 5:30 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=WHM2V3hrVklhSTloWWhVU09kanUzQT09>

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](http://livestream.brewster-ma.gov)), or **Video recording** ([tv.brewster-ma.gov](http://tv.brewster-ma.gov)).

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

1. Call to Order
  2. Declaration of a Quorum
  3. Meeting Participation Statement
  4. Recording Statement: As required by the Open Meeting Law, we are informing you that the Town will be video and audio taping as well as broadcasting this public meeting. In addition, if anyone else intends to either video or audio tape this meeting they are required to inform the Chair.
  5. Executive Session:
    - a. To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares - Police Dispatchers Union
    - b. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body - 6 Sachemus Trail
- Anticipated Start Time for Open Session: 6:00PM
6. Vote on Memorandum of Understanding with Police Dispatchers Union
  7. 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.
  8. Select Board Announcements and Liaison Reports
  9. Town Manager's Report (pages 3- 17)
  10. Consent Agenda (pages 18-79)
    - a. Meeting Minutes: July 24, 2023
    - b. Appointments: Nancy Evans (Barnstable County Human Rights Advisory Commission), Scott Weissmann (Natural Resources Advisory Committee), Adrienne Jones (Brewster Housing Partnership), Jon Idman (Cape Cod Commission Alternate), and Susan Brown (Water Quality Review Committee)



**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

- c. One Day Liquor License Applications: Chatham Bars Inn Farm (8), Cape Cod Museum of Natural History (2), Cape Rep Theatre (2) and Friends of Brewster Seniors (plus fee waiver request)
  - d. One Day Entertainment License Applications: Chatham Bars Inn Farm and Arts Empowering Life
  - e. Fee Reduction/Waiver Requests: Friends of Brewster Seniors Crosby Mansion Fee Reduction and Conservation Commission Filing Fee Waiver for the Cape Cod Sea Camps Remediation Project
  - f. Acceptance of Donation from Willowbend Cape Cod
  - g. Facility Use Applications: Drummer Boy Park 2024 (Castleberry Fairs & Festivals and A Different Drummer Craft Event) (pages 80-95)
- 11. Review and Vote on Common Victualler License: The Peacemaker Inc., 2149 Main Street
  - 12. Update on Local Comprehensive Plan – Sharon Tennstedt, Vision Planning Committee Chair (pages 96-173)
  - 13. Water Resource Task Force Update on New Title 5 and Watershed Regulations (Joint with Board of Health) (pages 174-271)
  - 14. Pleasant Bay Alliance Update – Carole Ridley (Joint with Board of Health) (pages 272-316)
  - 15. Review & Vote on Draft FY24-25 Select Board Strategic Plan (pages 317-353)
  - 16. Discuss & Vote on Local Preference Designation Spring Rock Village Housing Project, 0 Millstone Road (pages 354-433)
  - 17. Discuss & Vote on Letter to Department of Environmental Protection Regarding Preliminary Determination on Holtec’s Proposed Wastewater Discharge (pages 434-451)
  - 18. Discuss & Vote on Addition of Part-Time Department Assistant Position (Recreation Department) to Personnel Bylaw (pages 452-459)
  - 19. FYIs (pages 460-496)
  - 20. Matters Not Reasonably Anticipated by the Chair
  - 21. Questions from the Media
  - 22. Next Meetings: September 11, September 18, September 27 (Joint with Planning Board regarding Local Comprehensive Plan), October 2, and October 16, 2023
  - 23. Adjournment

**Date Posted:**  
8/17/2023

**Date Revised:**

**Received by Town Clerk:**

BREWSTER TOWN CLERK  
M  
23 AUG 17 3 22 PM

**Governor Healey to Seek Historic Federal Grant Funding for Cape Cod Bridges Project**

**Statement from Governor Maura Healey:**

“Rebuilding the Cape Cod Bridges has been a top priority of our administration since day one. It’s why we’ve increased the state’s funding commitment to the project, hired a Director of Federal Funds and Infrastructure, and advocated for funding to be included in President Biden’s budget. We are proud to be finalizing our application this month to compete for \$1.45 billion in federal funds. This first phase will enable us to get shovels in the ground quickly on the Sagamore Bridge, lay the groundwork for rebuilding the Bourne Bridge, and move forward on the permitting and design of both bridges. We believe that this is a competitive application that will put us on the best footing to move forward on this project that is critical for the economy of the Cape and our entire state. We’re grateful for the strong partnership of our Congressional delegation and the Biden Administration for making available significant infrastructure funding for states.”

**Background info:**

- The Healey-Driscoll Administration is preparing to submit the first of companion applications by August 21 for competitive discretionary grant funding, first for the Multimodal Project Discretionary Grant combined notices of funding opportunity, which includes the Nationally Significant Multimodal Freight & Highway Projects (INFRA) program and the National Infrastructure Project Assistance (MEGA) program. This will be closely followed this fall by application for the Bridge Investment Program (BIP). MassDOT is the lead applicant, applying jointly with U.S. Army Corps of Engineers (USACE) as the owner of the bridge.
- This will be a concrete and significant step forward – and it’ll be one of the largest federal infrastructure grants on a single project in American history.
- This project will have a significant impact on the Massachusetts economy. It will create many high-quality, good-paying construction jobs and usher in new opportunities and economic growth for the region.
- Through this application, the administration is taking a phased approach to reconstruction. This funding would be used to immediately start construction of the Sagamore Bridge, while laying the groundwork for future reconstruction of the Bourne Bridge. This phased approach maintains momentum on design and permitting of both bridges for the full program.
- There are three primary reasons to start with the Sagamore Bridge – traffic, safety and economic impact.
- Traffic
  - Of the two Cape Cod bridges, the Sagamore is more frequently traveled and experiences a higher volume of traffic for personal and professional travel.
  - Due to the bridge’s layout and traffic volume, the Sagamore accounts for about 56% of crashes that occur on the bridges.
  - The Sagamore Bridge brings drivers directly onto Route 6, also known as the Mid-Cape Highway.

- A new Sagamore Bridge will have wider lanes, added auxiliary lane and bicycle and pedestrian accommodations across the channel for the first time.
- The improvements to the bridge cross-section, particularly the addition of the Auxiliary Lanes, provide a greater benefit to the Sagamore crossing compared to the Bourne Bridge.
- Safety
  - Structural condition is similar for both bridges. However, the deteriorated condition paired with the higher traffic volume make the Sagamore the logical first choice.
- Economic Impact
  - Given its direct access to the Mid-Cape Highway and traffic volume, the Sagamore plays a vital role in the Cape's economic viability.
- The Healey-Driscoll Administration recently included \$262 million toward replacing the bridges in their Fiscal Year 2024-2028 Capital Investment Plan, with the goal of ramping up to Governor Healey's \$700 million total long-term commitment.
- Last month, the Senate Appropriations Committee advanced President Biden's budget proposal of \$350 million for the Cape Cod Canal Bridges Project.

### **Multimodal & Environmental Aspects:**

- The administration is working to ensure that the construction of these new bridges advances the state's priorities for statewide decarbonization, climate resilience, environmental protection, and expanded access to transit.
- As part of the planned work associated with this proposal, the administration is moving forward with several multimodal projects to protect the Cape's delicate ecosystem while ensuring that residents and visitors can access the Cape & Islands.
- These projects are already in the design process and will be a focus of the Cape Cod Bridge Program moving forward:
  - Designing the new bridges to ensure multimodal infrastructure and connection points on each side of the canal for all users, including:
    - Sagamore
      - Designing the new bridge to facilitate pedestrian access and future rapid bus transit
    - Bourne – Scenic Highway
      - Will provide safety improvements to motoring public and add a shared use path for bicyclists and pedestrians
    - Bourne – Rail Trail (Phase I & Phase IV)
      - Will provide connections to existing bicycle and pedestrian facilities
  - Safety improvements at Bourne rotary
  - Improved accommodation and access to park and rides in Sandwich at Route 130 and Route 6
  - State Route 3 and US Route 6 are included as alternative fuel corridors and are proposed to include future EV charging as a part of the NEVI plan



## Town of Brewster

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

Office of:  
Select Board  
Town Manager

August 18, 2023

The Honorable Pete Buttigieg  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Buttigieg,

On behalf of the Brewster Select Board, I write in strong support of the Massachusetts Department of Transportation's (MassDOT) application for funding through the Multimodal Project Discretionary Grant Program's National Infrastructure Project Assistance (MEGA) and Infrastructure for Rebuilding America Program (INFRA) opportunities. This proposal seeks to replace the vitally important but aging Bourne and Sagamore Bridges that connect Cape Cod and the rest of Massachusetts across the Cape Cod Canal. The Cape Cod Bridges Program (Program) will deliver immense social, economic, public safety, and environmental benefits for a nationally significant and iconic region and ultimately resolve an outstanding federal responsibility for the maintenance and safety of the Cape Cod Bridges.

The Bourne and Sagamore Bridges—currently owned and maintained by the U.S. Army Corps of Engineers (USACE)—are vital assets for the Cape Cod economy and surrounding communities, and serve as the gateway to Cape Cod for more than 250,000 Cape and Islands residents and over 5 million visitors annually. With more than 35 million vehicles crossing the canal each year, the bridges are the sole access point for vehicular traffic to and from Cape Cod and serve as essential routes for commuter traffic, general transportation, tourism, and evacuation in case of an emergency. However, the current bridges are nearly 90 years old, functionally obsolete, require increasingly costly maintenance, and need major rehabilitation. In 2020, USACE estimated that the full rehabilitation of both bridges would cost approximately \$395 million and would include both extensive lane closures and full bridge closures with consequences to traffic and the local economy.<sup>[1]</sup> The bridges' structural deficiencies—a USACE responsibility—present an enormous risk to the accessibility and economic stability of the Cape Cod region and a long term financial liability for the federal government.

Over the last decade, the Commonwealth, USACE, and other stakeholders have partnered and worked in consultation with the U.S. Department of Transportation to develop a comprehensive plan for replacing both the Bourne and Sagamore Bridges and the associated highway approaches. Under the Healey-Driscoll Administration, the Commonwealth has developed a rigorous sequencing plan that will lead to the replacement of both bridges and commence with the

replacement of the Sagamore Bridge. To further buttress the plan, the Healey-Driscoll Administration has committed \$700 million to the Program and agreed to financially backstop this initial phase of the project. With these new commitments and the existing Memorandum of Understanding between the Commonwealth and USACE, the project will lead to contemporary bridges that vastly improve travel conditions, meet modern safety standards for vehicle and pedestrian travel, and provide vastly improved multimodal options.

With the strong leadership of the Healey-Driscoll Administration and the deep support of the Biden Administration, the partnership between the Commonwealth and USACE is prepared to capitalize on the historic funding opportunities provided by President Biden's Bipartisan Infrastructure Law. To address the need for further federal commitments, we recently secured \$380 million in federal funding in the Senate's *Fiscal Year 2024 Energy and Water Development Appropriations Act*, which reflects a major step forward to fulfill President Biden's request in his Fiscal Year 2024 budget to provide an initial \$350 million toward a minimum total commitment of \$600 million from USACE for the Program. The Massachusetts Congressional delegation will continue to work hand-in-glove with the Healey administration, the Army Corps of Engineers, and the Biden Administration to deliver essential federal funding, which will not only get construction underway on the bridges replacement project and ensure the safety of residents and visitors, but also deliver good-paying union construction jobs for our workers and create greener, more sustainable transit options for the Cape.

The Cape Cod Bridges Program is a prototypical project that the Bipartisan Infrastructure Law was designed to fund, and is a key to modernizing Massachusetts' physical infrastructure to meet the economic, social, and environmental challenges of the 21<sup>st</sup> Century. We are proud to support the Commonwealth's application for funding. We appreciate your fair and full consideration of this important project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Lombardi". The signature is fluid and cursive, with a large initial "P" and "L".

Peter Lombardi  
Town Manager  
Town of Brewster

**Archived:** Friday, August 18, 2023 8:14:47 AM

**From:** [Brown, Patrick J. \(GOV\)](#)

**Sent:** Tuesday, August 8, 2023 6:47:48 PM

**Cc:** [Rebello-Pradas, Alicia \(GOV\)](#)

**Subject:** Governor Healey Declares State of Emergency, Calls for Support for Newly Arriving Migrant Families

**Importance:** Normal

**Sensitivity:** None

---

Dear Municipal Leaders,

I am writing to share with you an un update from the Healey-Driscoll Administration regarding the state's Emergency Assistance Family Shelter program. First and foremost, the Administration would like to extend their greatest appreciation to the cities and towns who have hosted locations providing shelter to families. This humanitarian crisis has had an immense impact on us all, and your patience, generous hospitality, and collaborative effort have helped to ensure that families have had safe access to shelter, food, and essential services.

Over the past six months, the Commonwealth has experienced unprecedented demand for emergency shelter. There are currently more than 5,500 families, including children and pregnant people, living in emergency shelter, with over 80 cities and towns stepping up to host families. Although the state has worked vigorously to continue adding shelter units, we fear we will be unable to add capacity fast enough to place all eligible families safely into shelter. In response to this situation, Governor Healey has declared that a state of emergency exists in Massachusetts, calling for immediate federal intervention, including by streamlining and expediting work authorizations and increasing funding to states to assist in providing shelter and services to families. The declaration also urges a collaborative effort from local leaders, faith organizations, providers, and advocates to work together to continue providing support to address the crisis. The Administration also encourages cities and towns to keep welcoming those families who wish to resettle in all corners of the state. If you want to share with your communities how they can help, please advise them to visit [mass.gov/sheltercrisis](https://mass.gov/sheltercrisis) or contact [shelterhelp@mass.gov](mailto:shelterhelp@mass.gov).

Included in this email you will find an FAQ and our Press Release that has a link to the Emergency Declaration document that the Governor announced today.

The Administration will continue to work with stakeholders at the local, state, and federal levels to address the current humanitarian crisis.

Should you have any questions on any of these materials, please contact me by phone or email and I will be happy to best direct your questions.

Thank you,  
Pat

**Patrick Brown**

Legislative Affairs Liaison  
Office of Governor Maura T. Healey  
(857) 327-3213  
[Patrick.J.Brown@mass.gov](mailto:Patrick.J.Brown@mass.gov)

-  
**FAQ**

**What is an Emergency Assistance (EA) family shelter?**

EA shelter is an emergency shelter program for low-income families with children under 21 or pregnant women. Families in typical EA shelters receive case management, housing search, and other supports from a local non-profit service provider

under contract with the Executive Office of Housing and Livable Communities (EOHLC).

Beginning in August 2023, the Commonwealth also began placing families in hotel sites without a designated service provider. These families receive some assistance meeting basic needs from state staff and local organizations.

### **What is a Temporary Emergency Shelter (TES)?**

Temporary Emergency Shelter sites are short-term shelters for families with children under age 21 and pregnant persons experiencing homelessness referred to shelter by Family Welcome Centers. Services at TES sites are provided by vendors under contract with the Executive Office of Health and Human Services or the Massachusetts Emergency Management Agency.

### **What services are provided at families staying at non-EA or TES hotels?**

EOHLC works to transition families from temporary hotel placement to EA shelter as soon as units become available. Whenever possible, families in temporary hotel placements are supported with food and resources by the state and social service providers, often in coordination with local communities. These hotel placements are made to ensure that families can sleep with a roof over their heads.

### **What impact does this announcement have on existing EA shelter sites in my district/ municipality?**

Existing EA and TES shelter sites and hotel placements will continue to be resourced for current operations to ensure well-being of families in their care.

### **Is this a statutory declaration?**

The Governor is invoking her authority as Governor to address an emerging and humanitarian crisis. This is a declaration that the Governor will use all the powers granted to her to issue recommendations, directions, and orders to address the shelter crisis. It is both an alert and a call to action. This is a first step - the immediate goal is that the state will get urgently needed assistance from the federal government. But this declaration widens the path for the Governor to take additional action as needed.

### **Are you mobilizing the National Guard?**

The Governor has previously deployed 50 members of the National Guard to assist with the TES at Joint Base Cape Cod. The Administration is continuing to evaluate the situation and will take additional action as needed.

### **Are you considering congregate care sites?**

Congregate care sites are essential at this point, and the Administration is calling on support for identifying, funding, and setting up congregate care sites.

### **How long with this state of emergency last?**

There is no timetable set in the emergency declaration. It will last until this humanitarian crisis is no longer an emergency. And that will depend on whether we have people, organizations and government step up to help us advance a systematic response to this crisis.

### **How can people help?**

- \* Go to [unitedwaymassbay.org/migranrelief](https://unitedwaymassbay.org/migranrelief) and check out the new Migrant Relief Families Fund organized by United Way of Massachusetts Bay and The Boston Foundation to help ensure that migrants in Massachusetts have their essential needs met.
- \* You can also donate basic necessities and supplies at our Family Welcome Centers.
- \* You can get connected to a local shelter, donate your time, or donate gift cards for grocery stores or pharmacies.
- \* If you're a local official, college president, business owner or faith leader with an available building or space in your community, please consider offering it as a shelter site.



- \* If you're a social service provider, please consider becoming an Emergency Assistance homeless shelter provider.
- \* If you own a hotel or motel, please consider opening it up for Emergency Assistance shelter services.
- \* If you're a landlord or property owner, please consider connecting with EA service providers to assist in transitioning families into permanent housing.
- \* If you have an extra room or suite in your home, please consider becoming a host family. You can contact the Brazilian Workers Center for more information.
- \* Go to [mass.gov/sheltercrisis](https://mass.gov/sheltercrisis) to learn more.

### **Resources for Families Experiencing Homelessness**

#### **What resources can I get at the Family Welcome Center?**

The staff at the Family Welcome Centers can assist in connecting families to public benefits and basic necessities including diapers, wipes, hygienic products, and baby formula.

#### **Will I be more likely to get into shelter if I go to Boston Medical Center or a DTA/EOHLC field office, like Nubian Square, rather than calling?**

No, your priority for shelter will not change depending on where you show up.

#### **Do I have to enter shelter to access \$20,000 (or more) in HomeBASE rental assistance funding?**

No, low-income families with children under 21 and pregnant women can access HomeBASE even without staying in an EA shelter. You can also use HomeBASE to help pay rent, even if you're not on the lease, like if you're sharing an apartment with another family.

#### **Is entering EA shelter the fastest way to get a housing voucher?**

No, vouchers – like MRVPs and Section 8 vouchers that help pay rent – are very limited. Many families in EA do not receive vouchers. Waitlists are many years long.

#### **Can I get food assistance benefits, even if there is no EA shelter capacity?**

Yes, you can still apply for and, if eligible, receive benefits like SNAP to pay for food costs, even if you don't enter EA shelter.

#### **Where can I find immigration resources?**

There are resources for immigrants across the Commonwealth. A list of resources is available online through the Massachusetts Office of Refugee and Immigrants.

#### **I came to Massachusetts thinking I could get shelter. How can I get help paying for travel back to the last safe place I stayed?**

Yes, we can help with some transportation costs to other cities and states. You can visit the Nubian Square

#### **Do I need to go to the Nubian Square DTA office or the Family Welcome Center to get benefits?**

No, many applications for benefits can be quickly and easily submitted online. Please see the Resource List for instructions.

#### **If I stay with family and friends, can I still get benefits?**

Yes! You can still receive SNAP ("food stamps"), TAFDC ("cash assistance") and even HomeBASE (assistance paying for rent)

**FOR IMMEDIATE RELEASE:**

August 8, 2023

**CONTACT**

Karissa Hand, [Karissa.hand@mass.gov](mailto:Karissa.hand@mass.gov), 617-823-2258

## **Governor Healey Declares State of Emergency, Calls for Support for Newly Arriving Migrant Families**

*Administration calls on federal government to expedite funding and work authorizations*

*Migrant Families Relief Fund established by United Way of Massachusetts Bay and Boston Foundation to support new arrivals*

*Additional ways to help available at [mass.gov/sheltercrisis](https://mass.gov/sheltercrisis)*

**BOSTON** – Governor Maura T. Healey today declared that a state of emergency exists in Massachusetts due to rapidly rising numbers of migrant families arriving in Massachusetts in need of shelter and services and a severe lack of shelter availability in the state. The declaration serves as a notice to the federal government and the Commonwealth that the state’s shelter system is rapidly expanding capacity in an unsustainable manner, and that further assistance is urgently needed. There are currently nearly 5,600 families or more than 20,000 individuals in state shelter, including children and pregnant women.

In a [letter](#) to Secretary of Homeland Security Alejandro Mayorkas, Governor Healey pointed to work authorizations as a primary driver of the crisis. She called on the federal government to take urgent action to streamline and expedite work authorizations and increase funding to states to assist in providing shelter and services to families. She called on bipartisan leaders in Congress to address outdated and punitive immigration laws. She also called on the cities and towns, charities, advocates, faith organizations and providers to continue to partner with the administration to meet the need for shelter and work. Information about how the public can help is available at [mass.gov/sheltercrisis](https://mass.gov/sheltercrisis). Anyone who can offer assistance should contact the state at [shelterhelp@mass.gov](mailto:shelterhelp@mass.gov) or by dialing 211, which will be monitored by MEMA.

The administration recently launched the [Immigrant Assistance Services \(IAS\) program](#), which provides case management, legal services and other support for families in state shelters. This program, not yet replicated in any other state, is providing an unprecedented level of legal support toward asylum, work authorization, and other legal steps to help new arrivals integrate into Massachusetts. The state is also working to establish new and innovative pathways for new arrivals to secure work. The Massachusetts federal delegation also recently [wrote to](#) Secretary of Homeland Security Alejandro Mayorkas and U.S. Citizenship and Immigration Services Director Ur M. Jaddou urging them to expedite and streamline the work authorization process.

“State employees and our partners have been miracle workers throughout this crisis – going above and beyond to support families and using every tool at their disposal to expand shelter capacity by nearly 80 percent in the last year. But in recent months, demand has increased to levels that our emergency shelter system cannot keep up with, especially as the number of families leaving shelter has dwindled due to a lack of affordable housing options and barriers to securing work,” said **Governor Maura Healey**. “I am declaring a state of emergency in Massachusetts and urging my partners in the federal government to take the action we need to address this crisis by streamlining the work authorization process and passing comprehensive immigration reform. Many of the new arrivals to our state desperately want to work, and we have historic workforce demands across all industries. I am also calling on all of our partners – from cities and towns to the faith community, philanthropic organizations, and human service providers – to rise to this challenge and do whatever you can to help us meet this moment.”

“Our Emergency Assistance system is designed to be a temporary, emergency safety-net program. It is not equipped to handle the demand that we have seen in recent months. While we have made herculean efforts to expand capacity as much as possible, we’ve reached a point where the expansion is unsustainable,” said **Lieutenant Governor Kim Driscoll**. “We know what it will take to truly address the root causes of this emergency – rapidly increasing housing production across the state and implementing comprehensive immigration reform at the federal level, including work authorizations. We invite our partners in the federal government and across the Commonwealth to join us in advancing these solutions and supporting all families in Massachusetts.”

In her letter, the Governor pointed to several primary drivers of this emergency, including federal policies on immigration and work authorizations, inadequate production of affordable housing over the last decade, and the end of COVID-era food and housing security programs. As a result, the demand for emergency shelter in Massachusetts has skyrocketed over the past year. Today, nearly 5,600 families, including very young children and pregnant women, are living in emergency shelter, many of whom are migrants who recently arrived in Massachusetts. That’s up from around 3,100

families a year ago. Meanwhile, the number of families leaving emergency shelter for safe, permanent housing has dwindled, in large part due to a lack of affordable housing options.

“Teams of people from EOHHS have worked with our colleagues across state government relentlessly pursuing creative ways to provide essential resources for families in need, many of whom are new arrivals to Massachusetts,” said **Health and Human Services Secretary Kate Walsh**. “We are committed to supporting these resilient families as they find new opportunities in our state.”

“Over the past year, the teams at EOHLC have been able to expand emergency shelter capacity and support more families than ever before. But now we confront significant challenges. Our service provider partners are stretched beyond their means, and it has become increasingly difficult to add new shelter units to our EA portfolio,” said **Housing and Livable Communities Secretary Ed Augustus**. “The health and well-being of the families in emergency shelter are our first responsibility and we will continue to place eligible families when units become available. I thank the Governor and the Lieutenant Governor for leading an empathetic and collaborative approach to addressing this crisis, and I thank the communities and shelter service providers who have partnered with us in this incredible, ongoing effort.”

The administration also announced that the United Way of Massachusetts Bay and The Boston Foundation have launched the Massachusetts Migrant Families Relief Fund to help ensure that new arrivals in Massachusetts have their essential needs met. More information can be found at [//unitedwaymassbay.org/migrantr relief](https://unitedwaymassbay.org/migrantr relief). The Fund will:

- \* Rapidly deploy emergency financial assistance through our trusted network of human services and shelter organizations in the Commonwealth to ensure individuals, children, and families have access to essential needs (temporary accommodations food, clothing, diapers, hygiene items, transportation).
- \* Fund livelihood opportunities and assistance such as health screenings, translation services, legal assistance, work authorizations, ESOL classes, and other socio-economic and cultural integration supports.
- \* Support the local community-based organizations providing direct services on already-stretched budgets and staff resources.

“As we face this unprecedented stress on our shelter system, we must embrace our collective responsibility to care for those individuals and families in need of housing and support, and to work in partnership with cities, towns and civic and community organizations leading this work,” said **M. Lee Pelton, President and CEO of The Boston Foundation**.

“We are honored to join the Healey Administration, the United Way and the roster of community leaders who are tirelessly working to ensure the dignity, safety, and health and wellbeing of these new arrivals.”

“We are committed to demonstrating we are a welcoming place for our newest arrivals and to connecting them to the resources and support needed to work and thrive,” said **Bob Giannino, President and CEO at United Way of Massachusetts Bay**. “By working together, we can ensure every person in Massachusetts has their essential needs met and is treated with the dignity and respect we would all want for our own families. We are proud to stand with the Healey-Driscoll Administration and The Boston Foundation to mobilize and distribute resources with urgency and compassion to address this humanitarian crisis.”

Since taking office in January, the Healey-Driscoll Administration has taken a whole-of-government approach and utilized every resource at its disposal to expand shelter capacity and support families. The administration created a standalone housing secretariat and dramatically expanded staff and resources dedicated to address this crisis. The Emergency Assistance system spread to more than 80 communities, added thousands of new units of emergency assistance housing, launched new shelter sites, including activating 50 National Guard Members at Joint Base Cape Cod, and created Family Welcome Centers to serve as central intake centers to connect families with shelter and services. Despite these efforts, demand has continued to rise at a pace that the Emergency Assistance system cannot sustain.

###

# Award Letter

U.S. Department of Homeland Security  
Washington, D.C. 20472

Effective date: 08/02/2023



Robert Moran  
TOWN OF BREWSTER FIRE  
1657 MAIN ST  
BREWSTER, MA 02631

EMW-2022-FG-04639

Dear Robert Moran,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2022 Assistance to Firefighters Grant (AFG) Grant funding opportunity has been approved in the amount of \$91,579.79 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 5.00% of the Federal funds awarded, or \$4,579.00 for a total approved budget of \$96,158.79. Please see the FY 2022 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2022 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in blue ink that reads "P. Williams". The signature is fluid and cursive.

PAMELA WILLIAMS

# Summary Award Memo

**Program:** Fiscal Year 2022 Assistance to Firefighters Grant

**Recipient:** TOWN OF BREWSTER FIRE

**UEI-EFT:** NU17HZ1HFEL3

**DUNS number:** 958272502

**Award number:** EMW-2022-FG-04639

## Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for Fiscal Year (FY) 2022 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded table

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

<b>Object Class</b>	<b>Total</b>
Personnel	\$62,858.79
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$33,300.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
Federal	\$91,579.79
Non-federal	\$4,579.00
<b>Total</b>	<b>\$96,158.79</b>
Program Income	\$0.00

## **Approved scope of work**

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2022 AFG NOFO.

### **Approved request details:**

## **Training**

## Driver/Operator

### DESCRIPTION

These expenses are based on quotes received from the Massachusetts State Fire Academy for the contracted instructor costs to present a classroom and hands-on NFPA/ISO standard driver/operator and defensive driving program to 21 operational staff members of Brewster Fire/Rescue.

QUANTITY	UNIT PRICE	TOTAL
1	\$33,300.00	\$33,300.00

### BUDGET CLASS

Contractual

## Driver/Operator

### DESCRIPTION

Complete NFPA 1002, 1451, 1201 recommended and ISO required driver/operator and defensive driving training program. All department operational staff will complete this training which will be presented by certified instructors from the Massachusetts State Fire Academy at our facility in a classroom and hands-on based instructor led training environment. Grant funding will be utilized to cover the contractually obligated overtime and back-fill expenses and the contracted instructor program costs associated with the training. Each member will complete 61.5 hours of training for a total of 1,291.5 hours. The average overtime rate used to calculate the personnel expense is \$48.69. All members will receive NFPA and State certification upon completion of the training program.

QUANTITY	UNIT PRICE	TOTAL
1,291	\$48.69	\$62,858.79

### BUDGET CLASS

Personnel

**Archived:** Friday, August 18, 2023 1:12:14 PM

**From:** [Massachusetts=20Municipal=20Association](#)

**Mail received time:** Wed, 9 Aug 2023 16:53:33

**Sent:** Wednesday, August 9, 2023 12:53:33 PM

**To:** [Peter Lombardi](#)

**Subject:** MMA Breaking News

**Importance:** Normal

**Sensitivity:** None

---

[View this email in your browser](#)



## Breaking News from the MMA

---



[Gov. Healey signs FY24 state budget](#)



Gov. Maura Healey today signed a \$56 billion state budget bill for fiscal 2024 that increases unrestricted local aid by 3.2% over fiscal 2023 and boosts Chapter 70 education aid by \$603 million.

The budget was enacted by the Legislature on July 31. The governor vetoed \$205 million in net spending and signed 103 of the bill's 112 outside sections.

The budget increases Unrestricted General Government Aid to \$1.27 billion and Chapter 70 education aid to \$6.5 billion for fiscal 2024. It also increases the Rural School Aid account by \$15 million, while fully funding the Special Education Circuit Breaker account and charter school mitigation payments. ...



---

*Copyright © 2023 Massachusetts Municipal Association, All rights reserved.*

You are receiving this email because you opted in via our website.

**Our mailing address is:**

Massachusetts Municipal Association  
3 Center Plaza  
Suite 610  
Boston, MA 02108

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).



## Consent Agenda Cover Page

**a. Meeting Minutes: July 24, 2023**

Draft meeting minutes from the Select Board regular session meeting on July 24, 2023, has been submitted for approval.

**Administrative Recommendation:**

We recommend the Board approve the draft minutes.

**b. Appointments: Nancy Evans (Barnstable County Human Rights Advisory Commission), Scott Weissmann (Natural Resources Advisory Committee), Adrienne Jones (Brewster Housing Partnership), Jon Idman (Cape Cod Commission Alternate) and Susan Brown (Water Quality Review Committee)**

Nancy Evans has applied for and has been recommended to serve on the Barnstable County Human Rights Advisory Commission as the Brewster liaison. This is for a 1-year term ending June 30, 2026.

Scott Weissman and Adrienne Jones submitted their applications and followed the Select Board appointment policy for the vacant member position on the respective committees. The Select Board liaison and Chair of each committee have interviewed the applicants and recommended their appointments. These are for 3-year terms ending June 30, 2026.

Jon Idman is to be appointed to the Cape Cod Commission as an Alternate member. The term of this appointment is one year and will expire on June 30, 2024.

The Water Commissioners voted at their August 4, 2023, meeting to recommend that the Select Board appoint Susan Brown to the Water Quality Review Committee as their representative. This is for a one-year term ending on June 30, 2024.

**Administrative Recommendation:**

We recommend the Board approve these appointments.

**One Day Liquor License Applications: Chatham Bars Inn Farm (8), Cape Cod Museum of Natural History (2), Cape Rep Theatre (2) and Friends of Brewster Seniors (plus fee waiver request)**

*Please see the memo for Department feedback regarding these applications.*

Chatham Bars Inn Farm is requesting the following 8 One Day Liquor Licenses:

- Friday September 1, 2023, from 3pm-10pm to serve beer, wine, and liquor to 50 guests for a private rehearsal dinner.
- Wednesday September 6, 13, 20, and 27, 2023, from 3pm -9pm to serve beer, wine and liquor to 150 guests for a public farm to table dinner.
- Friday September 15, 2023, from 4:30pm- 9:30pm to serve beer, wine, and liquor to 50 guests for a private rehearsal dinner.
- Friday September 22, 2023, from 5pm – 9pm to serve beer, wine, and liquor to 80 guests for a private farm to table dinner.
- Friday September 29, 2023, from 4pm – 8:30pm to serve beer, wine, and liquor to 70 guests for a private rehearsal dinner.

The Cape Cod Museum of Natural History is requesting two One Day Liquor Licenses for the following:

- Thursday October 12, 2023, from 6pm – 8pm to serve beer and wine to 50-100 guests for an author lecture and book signing event.
- Sunday October 15, 2023, from 3pm – 6pm to serve beer and wine to 50-100 guests for the Alzheimer’s Family Support Center Fundraiser.

The Cape Rep Theatre is requesting two One Day Liquor Licenses on Friday September 1 and Saturday September 2, 2023, from 7pm- 10pm to serve beer and wine at their “All Our Best” Fundraising event. They expect 125 attendees each night.

The Friends of Brewster Seniors is requesting permission to serve beer and wine at the Crosby Mansion for their social event on Sunday September 24, 2023, from 3pm – 5pm. Chatham Bartending will be serving alcohol to their expected 125 guests. They are also requesting a fee waiver of the \$35 One Day Liquor License fee.

**Administrative Recommendation:**

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

**c. One Day Entertainment License Applications: Chatham Bars Inn Farm and Arts Empowering Life**

*Please see the memo for Department feedback regarding these applications.*

Chatham Bars Inn Farm has submitted a One Day Entertainment License Application to have a singer and acoustic guitar on Saturday August 26<sup>th</sup> from 11am – 5pm for their “Tomato Fest” open house event at 3034 Main Street. The CBI Farm expects 600 attendees throughout the day and up to 150 guests at any one time. They have already been approved for their One Day Liquor License for this event on July 11, 2023.

Arts Empowering Life Inc., located at 95 Southern Eagle Cartway, has submitted applications for the following events that they will be holding at their soundproof Performing Arts building:

- Saturday August 19, 2023, 7:30pm – 9:00pm- Chara Mallet Percussion Ensemble in Concert. They expect 50-100 attendees for this event.
- Sunday August 27, 2023, 3:30pm – 5:00pm- Gaudete Baroque Ensemble in Concert. They expect 50-100 attendees for this event.

**Administrative Recommendation:**

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

**d. Fee Reduction/Waiver Requests: Friends of Brewster Seniors Crosby Mansion Fee Reduction and Conservation Commission Filing Fee Waiver for the Cape Cod Sea Camps Remediation Project**

The President of Friends of Brewster Elders is requesting a reduction of the fee for the rental of Crosby Manion on Sunday September 2, 2023, to host a social event from 3pm – 5pm. The Crosby Mansion fee schedule for Brewster Community Town groups is a

\$450.00 base rental fee for 5 hours, there is a minimum fee of \$100.00 required. This request is to reduce the Crosby Mansion fee to \$100.00 total, a reduction of \$350.00.

The Department of Public Works Director is requesting a fee waiver in the amount of \$75.00 to cover the costs for a Request for Determination of Applicability (RDA) that is required by the Conservation Commission for the proposed remediation of the former gun range at the Bay Property.

**Administrative Recommendation:**

We recommend that the Board approve the reduction and waiver of fees.

**e. Acceptance of Donation from Willowbend Cape Cod**

Willowbend of Cape Cod has donated 60 chaise lounge chairs to the Town of Brewster for use at the Community Pool. The lounge chairs have an approximate value of \$18,000.

**Administrative Recommendation:**

We recommend that the Board approve this donation.

**f. Facility Use Application Request for Drummer Boy Park 2024 (Castleberry Fairs & Festivals and A Different Drummer Craft Event)**

*Please see the memo for Department feedback regarding these applications.*

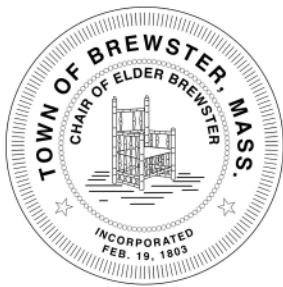
Terry Mullen, Castleberry Fairs and Festivals, has submitted an application to host a seasonal arts and crafts show at Drummer Boy Park for the 2024 season. Ms. Mullen has held these craft shows at Drummer Boy Park for several years and is in good standing. The event will be from 6am – 6pm, this includes set up and break down. The event is expected to attract about 2,500 people throughout the weekend with up to 250 at any one time. The application, certificate of liability, site map and deposit check have all been received. The request is to hold the 12<sup>th</sup> Annual Brewster Sumer Arts & Craft Festival on July 26 (set up day), 27 and 28, 2024.

Patricia Daley, A Different Drummer Craft Event, has submitted applications to host 3 craft fairs at Drummer Boy Park for the 2024 season. This will be the third season that Ms. Daley hosts her events in Brewster and is in good standing. All applications, certificate of liability, site map and deposit checks have been received. These events are scheduled from 7am – 6pm, which includes set up and break down by the fifty vendors. Ms. Daley expects up to 2,000 people over the 2 days of each event and 150-200 at any one time. The event dates are as follows:

- June 21, 22, and 23, 2024
- July 19, 20, and 21, 2024
- August 2, 3, and 4 2024

**Administrative Recommendation:**

We recommend the Board approve the facility use applications for use of Drummer Boy Park 2024 with the conditions outlined by Department Heads.



# Town of Brewster

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

Office of:  
Select Board  
Town Manager

To: The Select Board  
From: Erika Mawn  
Date: August 17, 2023  
RE: Department Head Feedback on Applications

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

## **One Day Liquor Licenses Feedback:**

- Health Department:
  - Have been in communication with all applicants for food safety and food protection for their events.
  
- Fire Department:
  - Requires that all roadways must remain unobstructed for emergency vehicle access.
  - No parking within fire lanes, on interior roads, or around main buildings that will inhibit or delay the response of fire apparatus or EMS vehicles to an emergency incident.
  - If utilized, all tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
  
- Planning Department:
  - Chatham Bars Inn Farm has obtained its annual special event permit from the Zoning Board of Appeals.
  - No concerns with the other permits.
  
- Police Department:
  - Request that a barrier or signage should clearly delineate where people are permitted to consume the alcohol served.
  
- Town Administration:
  - Reminder to Chatham Bars Inn Farm that no more than 30 One Day Liquor Licenses can be issued in a calendar year. Including these 8 applications, they will be at a total of 23 One Day Liquor Licenses issued for 2023.
  
- Building Department:
  - If any temporary signs or structures are proposed, contact the building department to obtain the necessary permits.

### **One Day Entertainment Licenses Feedback:**

- Health Department:
  - If food is offered at any of these events, the applicant will need to follow up with the Health Department for proper permitting.
- Fire Department:
  - Parking in designated spaces only. No parking in fire lanes or parking lot lanes. Fire Lanes and access to buildings shall remain clear of vehicles. Do not block hydrants or fire department sprinkler connections.
  - If utilized, all tents shall have a permanently affixed label indicating appropriate fire-retardant rating.
- Planning Department:
  - The application for Arts Empowering Life seems appropriate given the use of the property as established in the most recent Planning Board decision.
- Police Department:
  - If Chatham Bars Inn Farms is anticipating a large draw for their Tomato Fest, and overflow parking with people walking to the event is needed, or more traffic flow than can be handled by the property, a police detail is required.
- Town Administration:
  - All information/permits for the Chatham Bars Inn Farm Tomato Fest should be submitted at once, with a specific site plan for the event. There is no indication on how many parking spots are on site, the event is open to the public with an expected 600 people throughout the day.
  - Traffic/parking was a challenge at last year's event and the applicant used Cape Cod Sea Camps for overflow parking. If they intend to do this again, approval must be through the Bay Property Planning Committee.
  - A police detail may be required by the Police Department
- Building Department:
  - If any temporary signs or structures are proposed, contact the Building Department to obtain the necessary permits.

### **Facility Use Applications Feedback:**

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

- Parked vehicles or internal combustion engines such as generators shall not be located closer than 20 feet to any tent or membrane structure 400 sq ft or more and/or multiple tents placed side by side with an aggregate area of 700 sq ft. For the purpose of determining required distance, support ropes and guy wires shall be considered as part of the temporary membrane structure or tents.
- Access to field vendors by fire department vehicles shall not be blocked. All lanes in between tents shall be no less than 12' in width.
- No parking on interior roads shall be permitted.
  
- Planning Department:
  - No comments or concerns.
  
- Police Department:
  - All applicants should be advised that if there are impacts to traffic flow on Route 6A, a police detail may be required.
  
- Town Administration:
  - Consult with the police department for determination if a police detail is required.
  - Events that exceed (4) hours or 75 people require their own port-a-johns.
  - They should ask their vendors to be responsible for their own trash removal.
  - Any serving of food/food vendors need to be permitted through the Board of Health.
  - They may also need a Hawker and Peddlers through the Select Board.
  - No vehicles are to transverse across the paved walking paths.
  - They need to work with facilities regarding water and electric usage if needed.
  - The sale of single use plastic bottled water is prohibited on town property.
  
- Building Department:
  - Any single tent exceeding 400 SF requires a tent permit application. This includes smaller tents conjoined to create a larger unit exceeding 400 SF.
  - If any temporary signs or structures are proposed, contact the Building Department to obtain the necessary permits.
  
- Natural Resources Department:
  - No vehicles across the walking path, including during setup and breakdown of the event.



# 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:** July 24, 2023  
**TIME:** 5:45 PM  
**PLACE:** 2198 Main Street

**PARTICIPANTS:** Chair Chatelain, Selectperson Bingham, Selectperson Hoffmann, Selectperson Chaffee, Town Manager Peter Lombardi, Assistant Town Manager Donna Kalinick, Building Commissioner Davis Walters, Attorney Jamie Norcross, Cape Light Compact Executive Director Maggie Downey and Program Manager Briana Kane, Colin Odell, Kim Crocker Pearson

**REMOTE PARTICIPANTS:** Selectperson Whitney, Finance Director Mimi Bernardo

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

Chair Chatelain called the meeting to order at 5:45pm, read the meeting participation and recording statement and declared a quorum.

### Executive Session

To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

Selectperson Hoffmann moved to enter the Executive Session. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

The Select Board returned from Executive Session at 6:00pm.

### Public Announcements and Comment

None

### Select Board Announcements and Liaison Reports

None

### Town Manager's Report

Mr. Lombardi shared information regarding the following topics:

- Mass Department of Environmental Protection (DEP)
  - Issued their tentative determination denying Holtec's proposal to dispose of treated wastewater from the Pilgrim Powerplant into Cape Cod Bay as part of their decommissioning plan.
  - DEP asserts that the proposal conflicts with the Ocean Sanctuaries Act which affords Cape Cod Bay with significant protections.





# Town of Brewster

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

**Office of:**  
Select Board  
Town Manager

- The Select Board submitted a letter consistent with Association to Preserve Cape Cod's assertions, many other Towns and environmental organizations submitted similar comments to DEP.
- Formal public comment on DEP's ruling regarding the denial runs through August 28, 2023.
- Community Pool
  - Temporarily closed this past weekend for unexpected maintenance and sanitation. Reopened this morning as scheduled.
  - Two drop-in days left, Friday July 28<sup>th</sup> and Sunday August 6<sup>th</sup>.
  - Sold almost 700 season passes to residents and over 300 guest passes to date, a little over \$110K in revenues so far.
  - Reminder that Brewster Recreation will be hosting a DJ dance party this Thursday at the Bay property at 6pm.
- Nauset Regional High School
  - Construction continues to proceed, last week Nauset school officials issued \$91M in short-term debt to finance the costs associated with the renovation work, this is consistent with the financing plan.
  - Secured a 5% interest rate, after applying the premium it was a 3.7% total interest cost, slightly lower than the funding assumptions built into the FY24 operating budget.
  - Reminder that this is the first of two-debts coming online for the project, this is included in FY24 and will affect resident tax bills next fall. A second half of similar size will impact residents in FY25.
- Barnstable County Regional Dispatch
  - The program has long provided regional public safety dispatch services on Cape which directly support the Fire Department and answers all cell calls including Police.
  - The new Sheriff has expressed an interest in expanding these services and building a new facility to support the expansion. Mr. Lombardi will be meeting with Town leaders and the Sheriff's office to get their input and feedback.
- Tax Relief
  - The presentation from the Finance Team to the Community Preservation Committee (CPC) on the possibility of bringing the CPA exemption to Town Meeting in the Fall as targeted local tax relief is included in the packet.
  - The CPC unanimously supported the proposal. There will be more to come at the Select Board meeting on September 11, 2023.

Mr. Lombardi shared that the second Community Forum is planned for Saturday August 5. There will be three sessions and the property will be open from 12pm – 5pm. About a dozen buildings will be open so residents can have a better sense of the condition and provide informed feedback at the forum and the follow up survey. Registration is open on the Town's website.



# Town of Brewster

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

**Office of:**  
Select Board  
Town Manager

## **Consent Agenda**

- a. Meeting Minutes: June 26 and July 10, 2023
- b. Appointments: Election Workers; Kimberley Crocker Pearson to Pleasant Bay Alliance Technical Resource Committee and Water Quality Review Committee; Chris Ellis to Pond Property Planning Committee
- c. Fee Waiver Requests: Eddy Elementary School (Transfer Station) and Natural Resources Department (Building Department Fees)
- d. One Day Entertainment License Applications (with Fee Waiver Request): Brewster Recreation Department, Northside United Methodist Church, and Snowy Owl Coffee Roasters
- e. One Day Liquor License Applications: Chatham Bars Inn Farm, Snowy Owl Coffee Roasters, and Susan Connor (Crosby Mansion Event)
- f. Facility Use Application for Drummer Boy Park: Northside United Methodist Church (with Fee Waiver Request), By the Bay Shows for Summer 2024 and Alzheimer's Family Support Center
- g. Grant Application: Water Department Master Plan
- h. Declare Surplus Property: Select Banners in Sea Camps Dining Hall

Selectperson Hoffmann moved to approve the Consent Agenda for July 24, 2023, as recommended including the staff department comments. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

## **Discuss and Vote on Drummer Boy Park Advisory Committee Appointments**

Selectperson Whitney, as liaison to the committee, noted that there were nine qualified applicants for the four at-large positions. The Town Moderator and Selectperson Whitney interviewed all applicants and recommended four applicants to be appointed to this committee. Mr. Lombardi clarified that there are representatives from the Cape Cod Museum of Natural History, Historical Society and Conservation Trust that will also serve on the committee.

Selectperson Whitney moved that the Board approve the following appointments to the Drummer Boy Park Advisory Committee; Jillian Douglass, Allyson Felix, Devin McGuire, Katharine Scott. The appointment from the Natural Resources Committee is Patricia Hughes, the Council on Aging Board is Jay Greene, and Recreation Commission is Chris Ellis. Selectperson Hoffmann second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

## **Discuss and Vote on Proposed Changes to Building Department Fee Schedule**

Building Commissioner Davis Walters introduced the agenda item, noting that the last time the fees were adjusted was in 2018. The reason for the proposed changes is to simplify the existing fee schedule to be integrated into the online permitting system and make the fees more logical to residents. Mr. Lombardi noted the primary goal is not revenue driven, as there are instances where we are trying to right size staff time for fees that are calculated. It was stated that the finance team is supportive of the recommended



# Town of Brewster

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

**Office of:**  
Select Board  
Town Manager

changes. Ms. Kalinick added that there will be a communication plan in place to notify potential users ahead of implementation, if approved the new fee schedule would start in September.

Selectperson Chaffee moved to approve the new Building Department fee schedule as presented in the packet. Selectperson Hoffmann second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

## **6:30pm Public Hearing- Seasonal All Alcohol Liquor License Application: Brewster Pico, LLC- 239 Underpass Road**

Selectperson Hoffmann moved to open the public hearing for the Seasonal All Liquor License application for Brewster Pico LLC, 239 Underpass Road as noticed in the Cape Codder on July 14<sup>th</sup> and 21<sup>st</sup>, 2023.

Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

Attorney Jamie Norcross noted that Brewster Pico LLC has been open for food service for a couple of weeks and the plan is to offer alcoholic beverages to enjoy along with the food. One item to discuss is the seating area as there is a patio area and additional seating on picnic tables on the grass. Attorney Norcross stated that signage will be placed notifying customers that beverages cannot be moved from the premises, they also intend on monitoring the area with employees to keep the beverages on the property. The liquor license and ability to serve beverages will be a nice feature for the Town and the restaurant.

There were no public comments.

Selectperson Hoffmann inquired about indoor seating, Mr. Norcross noted that there is no indoor seating, just the deck area and picnic tables on the lawn. It was noted that rope would be placed to section off the area where beverages can be consumed.

Selectperson Hoffmann moved to approve the application as submitted. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

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

## **Cape Light Compact Update- Maggie Downey, Executive Director**

Maggie Downey reviewed the presentation that is included in the packet, some key highlights included:

- New Power Supply Rates that run from June 2023 to December 2023, the rates are about \$.02 lower than Eversource's basic service rates. Increases are expected this winter.



# Town of Brewster

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

**Office of:**  
Select Board  
Town Manager

- Review of Brewster Energy Efficiency Results for 2022. There were 1,284 participants in the Energy Efficiency program. Customer savings were over \$146K and incentives/rebates totaled \$2,752K to Brewster residents and businesses.
- Reminder about the Energy Efficiency Program, the Cape Light Compact's website has the most up to date programs, as some may have changed and there are new incentives. For 2023, highlights include:
  - No-cost energy assessments for residents and businesses
  - Decarbonizing home heating system offerings
  - Summer sizzler June through August 31<sup>st</sup>
  - Old Freezer/Refrigerator rebate office
  - E-Bike incentive for income eligible customers
  - Energy Star appliance rebates
- Cape & Vineyard Electrification Offering- a coordinated effort by the Cape Light Compact to decarbonize 100 homes on Cape Cod and/or Martha's Vineyard through the installation of:
  - Weatherization, heat pumps, solar PV panels, batteries, and electric stoves

Ms. Downey encouraged residents and businesses to visit the Cape Light Compact to learn more information about programs, incentives, and eligibility. Programs are available for year-round, part-time residents and renters.

Mr. Lombardi noted that on the new Energy and Climate Action Committee their charge includes education and outreach about the opportunities and programs that Cape Light Compact offers. The goal is to hire a part-time Energy Manager position by January 2024.

Ms. Downey and Colin Odell reviewed the advocacy support that Cape Light Compact provides for the Cape and the Vineyard.

## **Update on Approved Eversource 2023-2027 Vegetation Management Plan and Discuss 2023 Yearly Operational Plan**

The Town was notified that the Massachusetts Department of Agriculture Resources (MDAR), has approved Eversource's 2023-2037 Vegetation Management Plan (VMP). The plan as approved expressly allows for application of herbicides for maintenance purposes along the utility right of ways. Brewster has taken an active position in litigating against the application of herbicides over the past 5 years and generally has been successful in curbing the application. The approved VMP includes a Yearly Operational Plan (YOP), in its draft the YOP indicates that Eversource only plans to apply herbicides in one section of the right of way in Bourne for this year.

Mr. Lombardi shared that Kim Crocker Pearson serves on an advisory council that gives us more insight into this work. The council has recommended changes/improvements to the process the State uses to designate sensitive areas under the VMP and YOP. In part of Ms. Crocker-Pearson's work deficiencies in Eversource's mapping of the sensitive areas in Brewster have been identified. The YOP has a comment period through the first week of August, there are concerns with the overall VMP.



# Town of Brewster

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

**Office of:**  
Select Board  
Town Manager

## FYIs

No comments

## Matters Not Reasonably Anticipated by the Chair

None

## Questions from the Media

None

## Next Meetings

August 17 and August 21, 2023

## Adjournment

Selectperson Hoffmann moved to adjourn at 7:08pm. Selectperson Bingham second. A roll call vote was taken. Selectperson Bingham-yes, Selectperson Hoffmann-yes, Selectperson Chaffee-yes, Selectperson Whitney-yes, Chair Chatelain-yes. The Board vote was 5-Yes, 0-No.

Respectfully submitted by Erika Mawn,  
Executive Assistant

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

Accompanying Documents in Packet: Agenda, Town Manager’s Report, Consent Agenda items, Drummer Boy Park Advisory Committee Info, Building Department Proposed Schedule of Fees, Seasonal Liquor License application, Cape Light Compact update, Eversource VMP, FYIs.

## 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:
  - o Email: [EMawn@Brewster-MA.gov](mailto:EMawn@Brewster-MA.gov)
  - o Mail: Erika Mawn, 2198 Main St., Brewster, MA 02631, or
  - o 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.**

See resume

**11. OCCUPATION:**  Active  Retired  Not currently working

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

See resume

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

See resume

**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:

See resume

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

I strongly support the goals of the BCH RAC and will work hard to support.

**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.**

See resume

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

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)**

My husband is on the Finance Committee and would avoid any conflict of interest.

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

a. Name: Erin Miller  
Address: [Redacted] Beverly  
Phone: [Redacted]  
Email: [Redacted]  
Relationship to you: Board member at last employment

b. Name: Sarah Dawle  
Address: [Redacted]  
Phone: [Redacted]  
Email: [Redacted]  
Relationship to you: faculty member at Brookwood School



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

**21. 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: June 29, 2023

# Nancy Yeabsley Evans

Brewster, MA 02631

## Education

---

### ***Drexel University, Philadelphia, PA;***

B.S., Human Behavior and Development - Early Childhood Education (N--2); 1973.

### ***Garland Junior College, Boston, MA;***

A.A., Early Childhood Major; 1970. President of Student Government

### ***Massachusetts Office for Children Certificate of Qualification,***

Lead Teacher/Preschool, 4/29/91, Certificate #7546

## Teaching Qualifications

---

### ***Brookwood School, Manchester by the Sea, MA***

Interim Head of School: 2019-2020

- Led Brookwood through the COVID pandemic keeping school open and continued the academic program to be delivered in person. Re-invented program, re-purposed academic and non-academic spaces to align with federal health guidelines for spacing. Ran weekly Zoom conversations with parents.
- Director of Literacy for grade K-4 and Director of Lower School (prek-4): 2007-2019
- Initiated child study team to support students.
- Worked directly with lead architect to design/build new Lower School building to support program.
- Speaker for all admissions gatherings for Lower School.

### ***Lake Ridge Academy, Avon Lake, OH***

Interim head of Lower School, K-5: 2006-2007

Kindergarten and first grade teacher. Director of the Early Childhood program (K-2): 1996-2007

### ***Winchester Cooperative Nursery School, Winchester. MA: 1988-1995***

Lead teacher (3–5-year-old children).

- Supervised student interns/teachers; worked with occupational therapists to develop programs for children; led parent workshops and training sessions.
- Honored by Winchester Board of Selectmen for contributions as an educational leader in the town of Winchester.

### ***Outdoor Nursery School, Chevy Chase, MD:1983-1984***

Lead teacher (4-year-old children).

***American International School of Kabul, Kabul, Afghanistan: 1975-1977***

Fourth grade teacher. Elementary School coordinator. Acting principal of elementary school in absence of principal.

***The Elwyn Institute, Media, PA: 1973-1974.***

Lead teacher in academic program for special needs children.

***Associated Day Care Services of Boston, Roxbury, MA: 1970-1971.***

Lead teacher. Supervised student teachers.

## **Tutoring Experience**

---

***Jakarta, Indonesia, 1978-1979***

- Private tutor for five-year-old with special needs. Developed daily educational program including coordinating physical therapy sessions.

***Kabul, Afghanistan, 1975***

- Private tutor for seven-year-old Danish student in reading and literacy.

## **Consulting Experience**

---

***Jakarta International Playschool, Jakarta, Indonesia, 1979***

- Conducted teacher training workshops for Indonesian teachers.

***Brookwood School***

- Worked with graduate students from Lesley College who spent a year at Brookwood while pursuing Masters in Education.

## **Writing Experience**

---

***Co-author for MacMillan Publishing Company's School Division***

- Kindergarten level, Series M (Mathematics) pupil and teacher workbook editions and accompanying posters. Published 1981.

***Brookwood School***

- Co-author of Association of Independent School 10 year and 5 year accreditation materials: 2016 and 2020.
- Weekly updates to parents discussing curriculum. Co-authored all COVID planning, scheduling, health updates.

## **Volunteer Activities**

---

### ***Brookwood School***

- Participated in programs at Wellspring House, Gloucester, MA (provides shelter to families who are experiencing homelessness).
- Initiated Diversity and Equity training for Brookwood faculty with focus on LGBTQ and continued work with consultants through 2021 supporting students and families of color.
- In 2010 spearheaded whole school disaster relief effort to raise money for earthquake in Haiti.

### ***Lake Ridge Academy***

- Panel participant for understanding developmentally appropriate practices for young learners ages 4-8: November, 1995

### ***Winchester Foundation for Educational Excellence, Winchester, MA:***

- Member, Board of Directors, 1993-1995. Chair, Program Grants, 1993-1995

### ***Town Meeting member, Winchester, MA***

- Two years.

### ***Ambrose Elementary School Parents Association***

- Room Parent Coordinator (Kindergarten), 1993-1994

### ***McCall Middle School***

- Parent Advisory Group to Administration, 1993-1994

### ***Lincoln Elementary School Parents' Association***

- Room Parent Coordinator (Grades 4-6), 1987-1988
- Enrichment Chairperson, 1986-1987
- School Improvement Council Member, 1987
- Vice President, 1985-1986
- Chairperson, Parent-Teacher Liaison Committee, 1985-1986
- Parent representative to Steering Committee for accreditation of Lincoln School by the New England School Association of Schools and Colleges, 1986-1987

### ***Jenks Senior Center***

- Member of Fundraising Committee for new building, 1984 -1986

## 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](mailto: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:** [REDACTED]

3. **Phone Numbers:** Home: [REDACTED] Cell:

4. **Email:** [REDACTED]

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.

**11. OCCUPATION:**  Active  Retired  Not currently working

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

**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?

**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)

**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.**

**21. 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:

*Scott Weissman*



**Scott R. Weissman, DNP, ACNP-BC, FNP-BC**

---

**Professional Experience**

DynaMed Decisions, Ipswich, MA

*Senior Clinical Editor*

*July 2002 - Present*

- Provide clinical and editorial oversight for development and implementation of evidence-based point-of-care decision-making tools for clinicians and patients

Outer Cape Health Services, Provincetown, MA

*Family Nurse Practitioner*

*April 2019 – July 2022*

*Program Medical Director for Urgent Care Services*

- NP in non-profit, rural, community health center for Urgent Care and Primary Care Departments
- Provide clinical and operational oversight for Urgent Care department
- Member of Clinical Leadership Team
- Team Leader for Harvard Center for Primary Care Advancing Teams in Community Health 2019 Cohort focusing on improving pediatric vaccination rates in the Outer Cape community
- Team Member and Clinical Content Expert for successful 2019 Joint Commission and HRSA accreditation visits
- OCHIN/EPIC EHR Subject Matter Expert

Brewster Medical Associates, Brewster, MA

*Nurse Practitioner*

*September 2017-April 2019*

- NP in full-service family practice

Martha's Vineyard Hospital, Oak Bluffs, MA

*Nurse Practitioner*

*September 2016-September 2017*

- NP in rural, critical access hospital for Family Medicine, Emergency, and Pediatric Departments
- EPIC EHR Implementation Team

Lynn Community Health Center, Lynn, MA

*Nurse Practitioner*

*September 2013-September 2016*

- NP in non-profit, urban, community health center for Urgent Care and Primary Care Departments
- Developed and implemented facility-wide Rapid Response Team
- OCHIN/EPIC EHR Implementation Team

Northeastern University, Boston, MA

*Clinical Preceptor*

*September 2015-April 2019*

- Clinical preceptor Nurse Practitioner programs

Endicott College, Beverly, MA

*Adjunct Faculty*

*January 2014-June 2015*

- Adjunct faculty Endicott College School of Nursing
  - NU 564 Family Nurse Practitioner Adult Medicine (Graduate Level)
  - NU 564 Family Nurse Practitioner clinical preceptor (Graduate Level)
  - NU 489 Thesis I (Undergraduate/Senior)
  - NU 306 Nursing Research (Undergraduate/Junior)

Massachusetts College of Pharmacy and Health Science, Boston, MA

*Adjunct Clinical Faculty*

*July 2014-September 2016*

- Clinical preceptor Physician Assistant programs

North Shore Medical Center-Salem Hospital, Salem, MA

*Registered Nurse-Emergency Services*

*August 2008-August 2013*

- RN in high acuity regional trauma center/emergency department
- Emergency Department Evidence-Based Practice Education Committee Member
- Cardiac Arrest Quality Improvement Representative from Emergency Department
- Clinical preceptor for multiple regional nursing and paramedic programs
- Schwartz Center for Compassionate Care featured speaker for Ethics Rounds
- Recipient 2012 Partners in Excellence Award

Northeast Regional Ambulance Service, Inc., Peabody, MA

*Massachusetts Certified EMT-B*

*September 2006-June 2008*

- Performed EMT duties for 911-emergency contract city
- Performed BLS inter-facility transfers, assisted with ALS inter-facility transfers

### **Education**

Northeastern University (Doctor of Nursing Practice)

Bouve College of Health Sciences

360 Huntington Avenue

Boston, MA 02115

Doctor of Nursing Practice-Graduated May 2017

-Research: *Exploring the Reasons Nurse Practitioners in Massachusetts Choose Whether or Not to Precept Students*

University of Massachusetts Boston (FNP-BC)

College of Nursing and Health Sciences

100 Morrissey Boulevard

Boston, MA 02125

Post-MSN Family Nurse Practitioner Certificate-Graduated August 2014

Northeastern University (ACNP-BC, MSN)

Bouve College of Health Sciences

360 Huntington Avenue

Boston, MA 02115

Adult-Gero Acute Care Nurse Practitioner (ACNP), Master of Science in Nursing (MSN)-Graduated May 2013

Endicott College (RN, BSN)

376 Hale Street

Beverly, MA 01915

Bachelor of Science in Nursing (BSN)-Graduated May 2008

-Senior Thesis: *Improving Nursing Care with Family Presence in the Emergency Department*

-Student Nurses Association: President '07-'08, Secretary '06-'07

### **Professional Certifications/Memberships**

- Member Sigma Theta Tau International Nursing Honors Society
- Member Massachusetts Coalition of Nurse Practitioners
- Certified Nurse Practitioner-Commonwealth of Massachusetts (283179)
- Family Nurse Practitioner-Board Certified
- Adult-Gerontology Acute Care Nurse Practitioner-Board Certified
- Registered Nurse-Commonwealth of Massachusetts
- Advanced Cardiac Life Support (ACLS)
- Basic Life Support (BLS)

## 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](mailto: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.

Bridgewater State - M.Ed 2004, UMASS Amherst - BS - Communication Disorders, 1999

11. OCCUPATION:  Active  Retired  Not currently working

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

Leighton Team - Real Estate Sales Person 8/17 - Present

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:

Cape Cod Village - 2015-present - volunteer. Approved Family Partnerships - Habitat for Humanity prior to Covid

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

As a native Cape Coddier and real estate agent, housing is an area I am passionate about and would like to help create housing solutions.

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

I graduated from the C+I Realtors Academy in 2020. I am a former teacher and enjoy breaking info down and helping make it accessible (in this case, to the public)

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

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)

no

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

a. Name: Michael Leighton  
Address: [redacted] Brewster  
Phone: [redacted]  
Email: [redacted]  
Relationship to you: Broker, team leader

b. Name: Cary Noyes  
Address: [redacted] Brewster  
Phone: [redacted]  
Email: [redacted]  
Relationship to you: attended post-graduate courses together

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

**21. 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: *Adrienne Jones*

Date: 06/28/2023



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gary Thulander</i>
Applicant's Address: <i>297 shore rd Chatham MA 02633</i>
Telephone # and Email Address: <i>508-945-6096 gthulander@chathambarstirn.com</i>

**Section 2: Event Information**

Type of Event: <i>Private Rehearsal Dinner</i>
Location of Event: <i>3 CBI Farm - 3034 main St Brewster MA 02631</i>
Date of Event & Proposed Times: <i>September 1, 2023 3-10pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>50</i>

**Section 3: Server Information:**

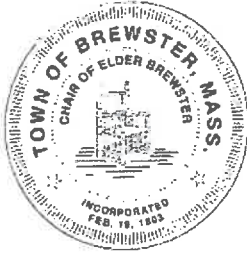
Server name, address, and phone #: <i>Isabelle Scarborough 3034 main St. Brewster MA 02631 630-666-7182</i>
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<small>*If no, please see page 2 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: *[Signature]*

Date: *7/25/23*



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gary Thulander</i>
Applicant's Address: <i>297 Shore Rd Chatham MA 02633</i>
Telephone # and Email Address: <i>508-945-0096 gthulander@chathambarsinn.com</i>

**Section 2: Event Information**

Type of Event: <i>Public farm to table Dinner</i>
Location of Event: <i>C&amp;B Farm - 3034 Main St. Brewster MA 02631</i>
Date of Event & Proposed Times: <i>September 6, 2023 ; 3-9pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>150</i>

**Section 3: Server Information:**

Server name, address, and phone #: <i>Isabelle Scarborough 3034 main st Brewster MA 02631 630-666-7182</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: *[Signature]*

Date: *7/25/23*





**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gary Thulander</i>
Applicant's Address: <i>297 Shore Rd, Chatnam MA 02633</i>
Telephone # and Email Address: <i>508-945-0096 ; gthulander@chatnambarsinn.com</i>

**Section 2: Event Information**

Type of Event: <i>Public farm-to-table dinner</i>
Location of Event: <i>CPA Farm - 3034 main st Brewster MA 02631</i>
Date of Event & Proposed Times: <i>September 13, 2023. 3-9pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>150</i>

**Section 3: Server Information:**

Server name, address, and phone #: <i>Isabelle Scarborough 3034 main st. Brewster MA 02631 630-666-7182</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: *[Signature]*

Date: *7/25/23*



**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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gray Thumander</i>
Applicant's Address: <i>297 Shore Rd, Chatham MA 02633</i>
Telephone # and Email Address: <i>508-945-0096 gthumander@chathambarinn.com</i>

**Section 2: Event Information**

Type of Event: <i>private Rehearsal Dinner</i>
Location of Event: <i>CBI Farm - 3034 main st Brewster MA 02631</i>
Date of Event & Proposed Times: <i>September 15, 2023 ; 4:30-9:30pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>50</i>

**Section 3: Server Information:**

Server name, address, and phone #: <i>Isabelle Scamrovough, 3034 main st Brewster MA 02631 630-666-7182</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: *[Signature]* Date: *7/15/23*



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gary Thulander</i>
Applicant's Address: <i>297 Shore Rd Chatham MA 02633</i>
Telephone # and Email Address: <i>508-945-0096 gthulander@chatnambarsinn.com</i>

**Section 2: Event Information**

Type of Event: <i>Public farm-to-table dinner</i>
Location of Event:
Date of Event & Proposed Times: <i>September 20, 2023, 3-9pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>150</i>

**Section 3: Server Information:**

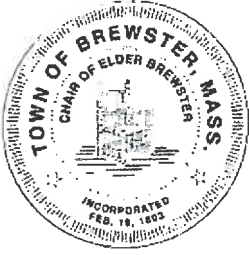
Server name, address, and phone #: <i>Isabelle Scarborough; 3034 main St. Brewster MA 02631 603-666-7182</i>
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<small>*If no, please see page 2 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: *[Signature]*

Date: *7/25/23*



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner:

Gary Thulander

Applicant's Address:

297 Shore Rd. Chatham MA 02633

Telephone # and Email Address:

508-945-0096 gthulander@chathambarsinn.com

**Section 2: Event Information**

Type of Event:

Private Farm Dinner

Location of Event:

CBM Farm - 3034 Main St Brewster MA 02631

Date of Event & Proposed Times:

September 22, 2023 5-9pm

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

Beer, wine, liquor

Number of attendees anticipated:

80

**Section 3: Server Information:**

Server name, address, and phone #:

Isabelle Scarborough, 3034 Main St. Brewster MA  
02631  
630-660-7182

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:

Date:

7/15/23



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gary Thulander</i>
Applicant's Address: <i>297 Shore Rd, Chatham MA 02633</i>
Telephone # and Email Address: <i>508-945-0096 gthulander@chathambarsinn.com</i>

**Section 2: Event Information**

Type of Event: <i>Public Farm-to-table dinner</i>
Location of Event: <i>CDI Farm- 3034 main St. Brewster MA 02631</i>
Date of Event & Proposed Times: <i>September 27, 2023 3-9pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>150</i>

**Section 3: Server Information:**

Server name, address, and phone #: <i>Isabelle Scarborough; 3034 main St. Brewster MA 02631 630-666-7182</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: *[Signature]* Date: *7/25/23*



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Gary Thulander</i>
Applicant's Address: <i>297 Shore Rd. Chatham MA 02633</i>
Telephone # and Email Address: <i>508-945-0096 gthulander@chathambarinn.com</i>

**Section 2: Event Information**

Type of Event: <i>Private Rehearsal Dinner</i>
Location of Event: <i>CPI Farm - 3034 Main St, Brewster MA 02631</i>
Date of Event & Proposed Times: <i>September 29, 2023; 4-8:30pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer, wine, liquor</i>
Number of attendees anticipated: <i>70</i>

**Section 3: Server Information:**

Server name, address, and phone #: <i>Isabelle Scarborough, 3034 main st, Brewster MA 02631 630-666-7182</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: *[Signature]* Date: *7/25/23*

10/12



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner: <i>Cape Cod Museum of Natural History</i>
Applicant's Address: <i>869 Main Street Brewster 02631</i>
Telephone # and Email Address: <i>508 896 3867 bknoos@ccmnh.org</i>

**Section 2: Event Information**

Type of Event: <i>Author lecture / Book signing</i>
Location of Event: <i>869 Main Street</i>
Date of Event & Proposed Times: <i>Thursday October 12, 2023 6-8 pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>wine / beer</i>
Number of attendees anticipated: <i>50-100</i>

**Section 3: Server Information:**

Server name, address, and phone #: <i>Jerry Fitten 869 Main St 508 896 3867</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: *Barbara Knoss* Date: *8/4/2023*

10/15



**Town of Brewster**  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto:licenses@brewster-ma.gov).

**Section 1: Applicant Information**

Applicant/Property Owner:	Cape Cod Museum of Natural History
Applicant's Address:	869 Main Street Brewster 02631
Telephone # and Email Address:	508 896 3867 bkross@ccmnh.org

**Section 2: Event Information**

Type of Event:	Alzheimer's Family Support Center Fundraiser
Location of Event:	869 Main Street Brewster
Date of Event & Proposed Times:	Sunday October 15, 2023 3-6pm
Type of Liquor to be served (beer, wine, both, etc.):	wine / beer
Number of attendees anticipated:	50-100

**Section 3: Server Information:**

Server name, address, and phone #:	Jerry Fitton 869 Main St Brewster 5088963867
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: Barbara Knoss Date: 10/4/2023





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](mailto: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>Janine Perry, 774-994-0354 or Marion Hobbs, 508-896-2709 attorneyhobbs@verizon.net</i>

**Section 2: Event Information**

Type of Event: <i>Fundraiser "All Our Best"</i>
Location of Event: <i>3299 Main St., Brewster, MA</i>
Date of Event & Proposed Times: <i>September 1, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer &amp; wine</i>
Number of attendees anticipated: <i>125</i>

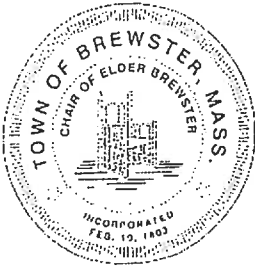
**Section 3: Server Information:**

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., 774-994-0354</i>
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes ___ No ___
<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: *8/6/2023*  
*attorney for Cape Rep*



Town of Brewster  
2198 Main Street  
Brewster, MA 02631  
Phone: (508) 896-3701  
Website: [www.brewster-ma.gov](http://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](mailto: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>Janine Perry, 774-994-0354 or Marion Hobbs, 508-896-2709 attorneyhobbs@verizon.net</i>

#### Section 2: Event Information

Type of Event: <i>Fundraiser "All Our Best"</i>
Location of Event: <i>3299 Main St., Brewster, MA</i>
Date of Event & Proposed Times: <i>September 2, 2023 7-10 p.m.</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer &amp; wine</i>
Number of attendees anticipated: <i>125</i>

#### Section 3: Server Information:

Server name, address, and phone #: <i>Janine Perry, 3299 Main St., 774-994-0354</i>
Has the server provided fingerprints to the Brewster Police Department in the last 3 years? Yes ___ No ___
<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: *8/6/2023*  
*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

#### Section 1: Applicant Information

Applicant/Property Owner: <i>Friends of Brewster Seniors</i>
Applicant's Address: <i>PO Box 2310, Brewster, MA</i>
Telephone # and Email Address: <i>508-385-2881 (Marilyn Dearborn, President) brewsterfriends@gmail.com</i>

#### Section 2: Event Information

Type of Event: <i>Social</i>
Location of Event: <i>Crosby Mansion, 163 Crosby Lane, Brewster, MA 02631</i>
Date of Event & Proposed Times: <i>Sun. Sept. 24 3-5 pm</i>
Type of Liquor to be served (beer, wine, both, etc.): <i>Beer &amp; Wine</i>
Number of attendees anticipated: <i>125</i>

#### Section 3: Server Information:

Server name, address, and phone #: <i>Eric Pauc d/b/a Chatham Bartending 314 Orleans Rd Nr. Chatham, MA 02658 508-945-2866</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"/>
<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: *Marilyn Dearborn, President* Date: *7/11/23*  
*Friends of Brewster Seniors*

# FRIENDS OF BREWSTER SENIORS

July 10, 2023


To Whom It May Concern,

As President of Friends of Brewster Elders, I am writing to request a waiver of the One Day Liquor License Fee of \$35.

The Friends of Brewster Seniors (formerly the Friends of Brewster Elders) is hosting our 2<sup>nd</sup> "Taste of Crosby Mansion" social event on Sunday, September 24<sup>th</sup> from 3:00PM to 5:00PM.

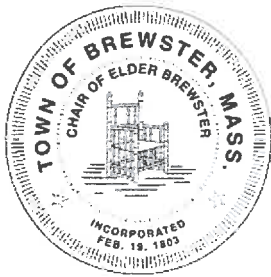
Your consideration of this request is appreciated.

Sincerely,



Marilyn Dearborn

President



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

Office of:  
Select Board  
Town Manager

Application Fee: \$35.00

**APPLICATION FOR  
ONE-DAY ENTERTAINMENT LICENSE**

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

**Section 1: Applicant Information**

Applicant's Name: <i>Isabelle Scarborough</i>
Applicant's Address: <i>3034 Main St., Brewster MA 02631</i>
Telephone # and Email Address: <i>508-241-9115 farmstand@chathambarsinn.com</i>

**Section 2: Event Information**

Type of Event: <i>Open House "Tomato Fest"</i>
Location of Event: <i>CBI Farm - 3034 Main St. Brewster MA 02631</i>
Date of Event & Proposed Times: <i>August 26, 2023 11-5pm</i>
Description of entertainment proposed (include name of band or DJ, and if entertainment will be live, acoustic or amplified, etc.): <i>Tim Perry - Singer + acoustic guitar</i>
Will entertainment be performed indoors or outdoors: <i>outdoors</i>

**Section 3: Additional Information:**

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

Number of anticipated attendees over the course of the event: 600 Maximum # at any one time: 150

Applicant Signature: *Isabelle Jenn* Date: *7/25/23*



Christopher W. Kanaga\*  
John C. Kanaga\*\*

Attorneys at Law  
46 South Orleans Road, PO Box 236  
Orleans, MA 02653

Of Counsel  
Courtney Kanaga Fogarty\*\*\*

August 14, 2023

**HAND DELIVERED**

Town of Brewster  
Office of the Select Board  
2198 Main Street  
Brewster, MA 02631

Dear Licensing Agent:

Re: License for Arts Empowering Life, Inc.  
36 Southern Eagle Cartway, Brewster

I have included two license applications, and the application fees (\$35 each). I request expedited treatment. The licenses are for performances in an educational facility, furthering their educational, tax-exempt mission.

We did not know that licenses were required. Many Towns do not require licenses for educational facilities, like schools, conservatories, and higher education, because the recitals and performances are an integral part of the tax-exempt educational function, and are not strictly commercial entertainment.

If Brewster does require licenses for schools and educational charities, I would appreciate a meeting to discuss that. Thank you.

Sincerely,

Christopher W. Kanaga

CWK/lgi  
Enclosures



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

Office of:  
Select Board  
Town Manager

Application Fee: \$35.00

**APPLICATION FOR  
ONE-DAY ENTERTAINMENT LICENSE**

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

**Section 1: Applicant Information**

Applicant's Name: <i>ARTS EMPOWERING LIFE INC</i>
Applicant's Address: <i>36 SOUTHERN EAGLE CARTWAY</i>
Telephone # and Email Address: <i>Gail Gibson: gail6436@gmail.com; (774)722 0651</i>

**Section 2: Event Information**

Type of Event: <i>BAROQUE ENSEMBLE</i>
Location of Event: <i>SOUND PROOF PERFORMING ARTS BUILDING AT ADDRESS ABOVE</i>
Date of Event & Proposed Times: <i>AUGUST 19, 2023, 7:30 PM - 9 PM</i>
Description of entertainment proposed (include name of band or DJ, and if entertainment will be live, acoustic or amplified, etc.): <i>ACOUSTIC, INTERIOR, SOUND PROOF BUILDING CHARA ENSEMBLE</i>
Will entertainment be performed indoors or outdoors: <i>INDOORS</i>

**Section 3: Additional Information:**

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

Number of anticipated attendees over the course of the event: 50 Maximum # at any one time: 100

Applicant Signature: *Cliff* Date: 8/13/2023



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

Office of:  
Select Board  
Town Manager

**Application Fee: \$35.00**

**APPLICATION FOR  
ONE-DAY ENTERTAINMENT LICENSE**

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

**Section 1: Applicant Information**

Applicant's Name: <i>ARTS EMPOWERING LIFE INC</i>
Applicant's Address: <i>36 SOUTHERN EAGLE CARTWAY</i>
Telephone # and Email Address: <i>Gail Gibson: gail6436@gmail.com; (774) 722 0657</i>

**Section 2: Event Information**

Type of Event: <i>BAROQUE ENSEMBLE</i>
Location of Event: <i>SOUND PROOF, PERFORMING ARTS BUILDING, AT ADDRESS ABOVE</i>
Date of Event & Proposed Times: <i>AUGUST 27, 2023; 3:30 PM - 5 PM</i>
Description of entertainment proposed (include name of band or DJ, and if entertainment will be live, acoustic or amplified, etc.): <i>GAUDETE ENSEMBLE BAROQUE LIVE MUSIC ENSEMBLE INDOORS, SOUND PROOF ROOM</i>
Will entertainment be performed indoors or outdoors: <i>INDOORS</i>

**Section 3: Additional Information:**

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

Number of anticipated attendees over the course of the event: ~~50~~ *50* Maximum # at any one time: *100*

Applicant Signature: *Cecilia* Date: *10/13/2023*



# FRIENDS OF BREWSTER SENIORS

July 11, 2023

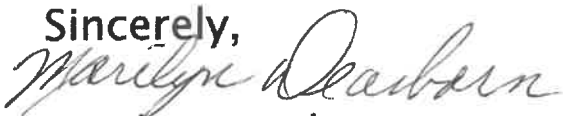
To Whom It May Concern,

As President of Friends of Brewster Elders, I am writing to request a reduction of the fee for rental of Crosby Mansion from \$450 to \$100.

The Friends of Brewster Seniors (formerly the Friends of Brewster Elders) is hosting our 2<sup>nd</sup> "Taste of Crosby Mansion" social event on Sunday, September 24<sup>th</sup> from 3:00PM to 5:00PM.

Your consideration of this request is appreciated.

Sincerely,



Marilyn Dearborn  
President



## Crosby Mansion

P.O. Box 1888  
163 Crosby Lane  
Brewster, MA 02631  
508-896-1744  
rarcher@brewster-ma.gov  
www.CrosbyMansion.com  
Richard Archer – Events Manager

### **Rental Fee Schedule 2023**

#### **\*WEDDINGS:**

1. \$2600 Base Rental - 7 hours
2. Suggested time: 2 hour set up. 4-hour Ceremony and/or Reception. 1 hour clean up
3. Add \$300 for the day prior to the event set up (tent, table, décor) – 3 hours
4. Each additional hour is \$200 beyond the above specified occupancy times.

#### **Amenities include:**

- Reception Hall: Attached to the Bay side of the Mansion. Large Capacity 48x32' (1,440 square feet). Seats 120 comfortably.
- Basic Sound system: Plug in your personal device. DJ's or Bands provide their own system.
- First floor: Access to entire floor for pre-dinner social, drinks, appetizers, personal displays.
- Second floor: Bride and Bridesmaid preparations anti-room, private bathroom access.
- Third floor Balcony: Wedding couple, and photographer **only**. Cape Cod Bay background.
- Basic Wi-Fi
- Kitchen Space: Large, spacious, for staging flowers, food etc. equipped with Refrigerator and sink, large counters. Caterers supply their own stove, warmers.
- Modern, large restrooms: Conveniently located to the Reception Hall.
- Grounds: Full access to front lawn for tent, porch cocktails, side yard for lawn games etc.
- Beach access: Crosby path to the famous Brewster flats and sunset views.
- Crosby Mansion Properties and Events Manager: Staffing and assistance in coordination of your vendors on the day of your Wedding. Consult on ideas you may have.
- Other...

#### **\*GENERAL FUNCTIONS:**

1. \$550 Base rental - 5 hours.
2. Suggested time: 2 hour set up. 2-hour event. 1 hour breakdown and clean up.
3. Each additional hour is \$100 beyond the above specified occupancy times.
4. Type of events include Work parties, Business meetings, Family reunions, Adult Birthdays, Holidays events, Recitals, and more!

#### **Amenities include:**

- Reception Hall, large capacity. (48'x 32')
- First floor, and grounds.

- Kitchen Space: Refrigerator, sink, large counter space. Caterers bring warmers/ovens
- Tables: Four – 3x6 folding tables and 30 chairs. Other small tables available.
- Wi-Fi
- Sound System to plug in your personal device. DJ's and Bands provide their own system.
- Crosby Events Manager: Consult plus on-site staffing during your event.

**\*BREWSTER COMMUNITY TOWN GROUPS:**

1. \$450 Base rental - 5 hours
2. Suggested time: 2 hour set up. 2-hour event. 1 hours break down and clean up.
3. Each additional hour is \$100 beyond the above specified occupancy times.
4. **FEE Waiver:** Some Brewster groups may qualify for a waiver pending Select board approval. Forms can be obtained at Town Hall or from the Crosby Events Manager. A MINIMUM FEE of \$100 is required to accommodate staffing, utilities, and trash removal.

**Amenities** are as listed above under “General Functions”.

**\*CHILDREN'S BIRTHDAY PARTIES**

1. \$250.00 base rental – 4 hours
2. Suggested time: 1.5 hour set up. 2-hour party. 30 minutes break down and clean up.
3. Each additional hour is \$100 beyond the above specified times.
4. Up to 30 partygoers plus parents.

**Amenities include:**

- Access to Party Reception Hall, kitchen, and outdoor grounds.
- No main mansion accesses
- Please contact the Events Manager for full details.

**\*HISTORICAL TOURS: Private, Live docent lead by the Friends of Crosby Mansion:**

1. \$20 per person. 10 persons minimum OR \$200.
2. Tours generally last 1 hour
3. Option: 1 hour use of Reception Hall for your boxed lunch before or after your tour.
4. Crosby Events Manager and Friends of Crosby docent on site.
5. We accommodate Bus tours up to 40 people. Please contact the Events Manager for full details.
6. NOTE: Open House Tours are open to the Public during summer. No reservations.

**\*PHOTO SHOTS INTERIOR AND EXTERIOR:**

1. **\$200 Base rental – 1-hour scout and set up time. 2-hour Photo shoot time.** Up to 24 people. This includes Wedding Couples, Wedding Party, Photographers, and Videographers.
2. **\$100 Base rental – 30-minute scout and set up time. 1-hour Photo shoot time.** Up to 6 people. Includes Wedding couple, attendants, and photographers.

**\*CROSBY BEACH COTTAGES:**

1. **Rental period: 7 days - Sat. 3pm-Sat. 9am**
2. **Located behind Crosby Mansion on Cape Cod Bay.**

**Ranch Cottage:**

- Shoulder season: \$2,100 wk. – Summer Season: \$3,300 wk.
- Set back from water with Beach path, 30 second walk.
- Three Bedroom: Sleeps 6 - Queen bed, Double bed, 2 Twin Beds.
- Full Bath Shower/Tub, and Outdoor Shower.
- 1,440' - square feet.

**Bungalow Cottage:**

- Shoulder season: \$2,450 wk. – Summer Season \$3,950 wk.
- On the water – Deck overlooking dunes.
- Three Bedroom: Sleeps 6 – King bed, Double bed, 2 Twin beds.
- Full Bath, Half Bath, and Sink/Toilet in Main bedroom.
- 1,930' – square feet.

Please visit [www.CrosbyMansion.com](http://www.CrosbyMansion.com) for full amenities and photographs.

*-----Make the Mansion yours-----*



## Department of Public Works

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

Griffin Ryder, Director

James Jones, Foreman

### MEMORANDUM

**TO:** Select Board, Town Administration  
**FROM:** Griffin Ryder, Department of Public Works Director  
**RE:** Fee Waiver Request – Conservation Commission RDA filing fee for Bay Parcel Gun Range Remediation Project  
**DATE:** August 17, 2023

---

The Town of Brewster Department of Public Works (DPW) is working in conjunction with the Town Manager's Office, the Bay Parcel Facilities Manager and the environmental consultant, River Hawk Environmental LLC, (Project Team) on the remediation of the former gun range at the former Cape Cod Seacamps Bay Parcel (Project). Due to the proximity of the proposed remediation work to nearby wetland resource areas, environmental permitting with the Conservation Commission is required for the Project. In reviewing the project with the Conservation Administrator, it was determined that a Request for Determination of Applicability (RDA) is the appropriate filing for the Project.

The DPW, on behalf of the Project Team, is hereby requesting a Conservation Commission Request for Determination filing fee waiver for this project. The RDA filing fee is \$75.

Thank you for your consideration.

Griffin Ryder  
DPW Director  
508-896-3212



# Willowbend

July 25, 2023

Dear Erika,

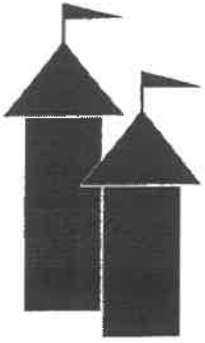
This letter evidences Willowbend Country Club's donation of 60 pool chaises with cushions at an approximate value of **\$18,000** to the Town of Brewster. No goods or services were received in return for this donation.

Sincerely,

George Bigley

General Manager

Willowbend Country Club



# CASTLEBERRY FAIRS & FESTIVALS

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

August 1, 2023

Re: Events July & August 2024

Hello Erika,

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

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

12<sup>th</sup> Annual Brewster Summer Arts & Craft Festival

July 26, 27 & 28, 2024 (set up date of July 26)

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

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

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

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

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

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

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

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

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

Thank you again for your help.

Terry Mullen

**APPLICATION FOR FACILITY USE**

BREWSTER BOARD OF SELECTMEN  
2198 MAIN STREET, BREWSTER, MA 02631

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

ORGANIZATION OR GROUP: Castleberry Fairs & Festivals

LOCAL SPONSORING ORGANIZATION: N/A

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

DATE OR DATES REQUESTED: July 26, 27 & 28, 2024 (Set Up Day 7/26/2024)

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

PURPOSE OF FACILITY USE: Host the 12<sup>th</sup> Brewster Summer Arts & Craft Festival

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

WILL ADMISSION FEE BE CHARGED? YES \_\_\_\_\_ NO X AMOUNT \_\_\_\_\_

NON-PROFIT ORGANIZATION: YES \_\_\_\_\_ NO X

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

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 250

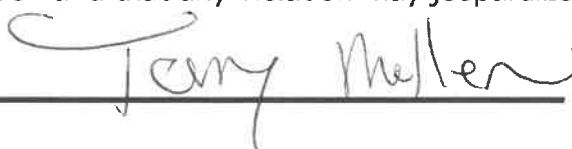
ANY SPECIAL EQUIPMENT NEEDED: Electrical access and Grass cut 2 or 3 days prior and sprinkler system (if applicable) turned off and we need access to water.

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

MAILING ADDRESS: 110 North Pembroke Road, Pembroke NH 03275

TELEPHONE NUMBER: Office: 603-332-2616 Cell 603-817-8943

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

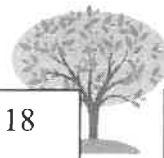
Signature: 

Telephone: Office: 603-332-2616 Cell 603-817-8943





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



27	26	25	24	23	<b>B</b>	22	21	20	19	18		17	16
----	----	----	----	----	----------	----	----	----	----	----	--	----	----

12

45	46	47	48	49
----	----	----	----	----

76	77
----	----

28
29
30
31
32
33

12

44
----

**B**

43
----

42
----

41
----

40
----

**B**

39
----

38
----

37
----



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

50
----

**B**

51
----

52
----

53
----

54
----

55
----

56
----

**B**

57
----

58
----

59
----

12

75
----

74
----

73
----

**B**

72
----

71
----

70
----

69
----

68
----

**B**

67
----

66
----

65
----

78
----

**B**

79
----

80
----

81
----

82
----

**B**

83
----

84
----

85
----

86
----

87
----

**B**

12



64
----

**B**

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

67
----

66
----

65
----

89
----

88
----

15
----

14
----

13
----

12
----

**B**

11
----

10
----

9
---

8
---

7
---

6
---



5
---

4
---

3
---

2
---

1
---

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

98
----

97
----

96
----

95
----

94
----

**B**

93
----

92
----

91
----

90
----

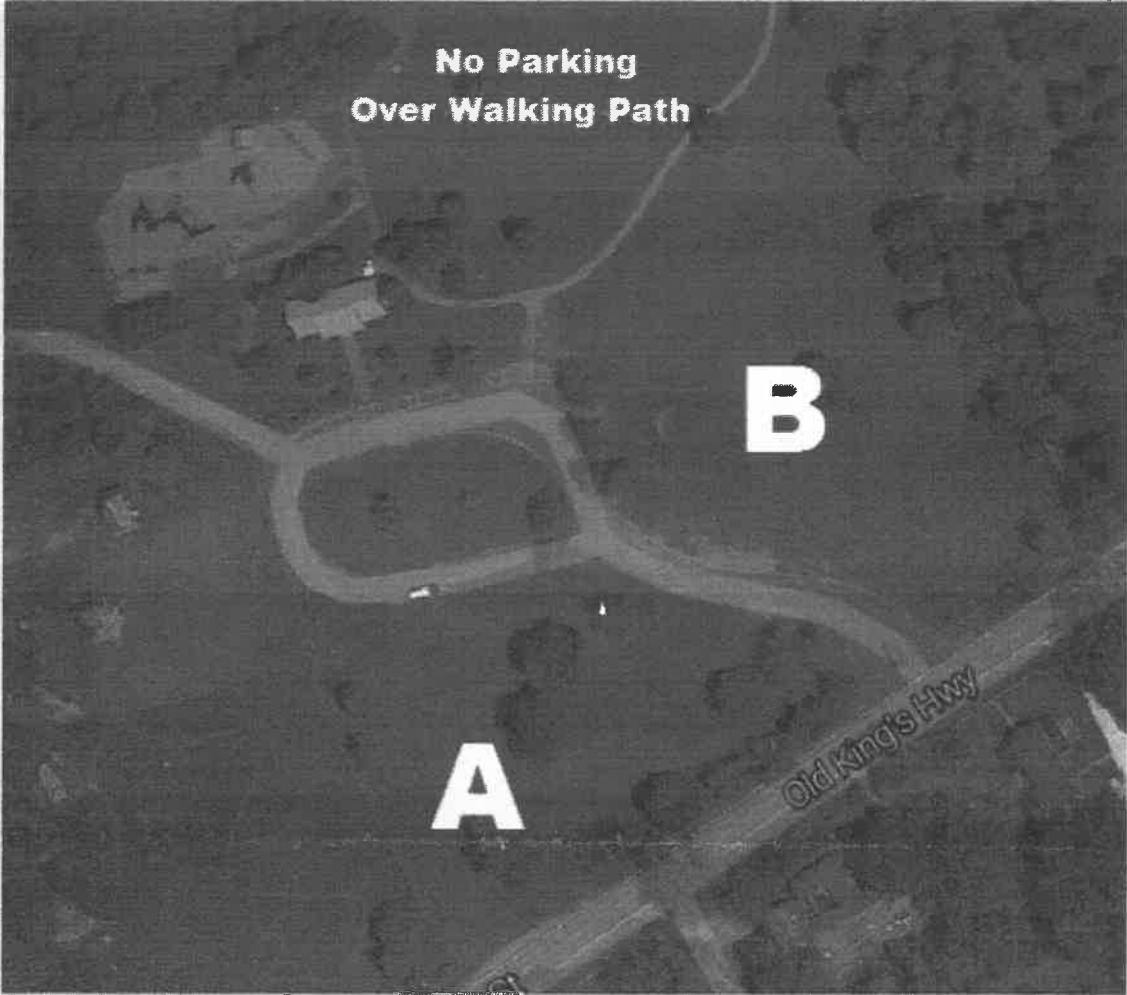


No Parking  
Over Walking Path

**B**

**A**

Old King's Hwy



1

**APPLICATION FOR FACILITY USE**

**BREWSTER BOARD OF SELECTMEN  
2198 MAIN STREET, BREWSTER, MA 02631**

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

ORGANIZATION OR GROUP: A Different Drummer Craft Event

LOCAL SPONSORING ORGANIZATION: —

AREA OR FACILITIES NEEDED: Drummer Boy Park  
area to right of entrance

DATE OR DATES REQUESTED: June 21, 22 + 23, 2024

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

PURPOSE OF FACILITY USE: craft fair

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

WILL ADMISSION FEE BE CHARGED? YES  NO  AMOUNT —

NON-PROFIT ORGANIZATION: YES  NO

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

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 150-200

ANY SPECIAL EQUIPMENT NEEDED?: -no-

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

MAILING ADDRESS: 120 Pine St Yarmouth Port, MA 02675

TELEPHONE NUMBER: 508-364-5551

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

Signature: Patricia A Daley

Telephone: 508-364-5551

2

**APPLICATION FOR FACILITY USE**

**BREWSTER BOARD OF SELECTMEN  
2198 MAIN STREET, BREWSTER, MA 02631**

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

ORGANIZATION OR GROUP: A Different Drummer Craft Event

LOCAL SPONSORING ORGANIZATION: —

AREA OR FACILITIES NEEDED: Drummer Bay Park

area to right of entrance

DATE OR DATES REQUESTED: July 19, 20 + 21, 2024

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

PURPOSE OF FACILITY USE: craft fair

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

WILL ADMISSION FEE BE CHARGED? YES — NO  AMOUNT —

NON-PROFIT ORGANIZATION: YES — NO

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

MAXIMUM PEOPLE EXPECTED AT ONE TIME: 150-200

ANY SPECIAL EQUIPMENT NEEDED?: - no -

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

Patricia A Daley

MAILING ADDRESS: 120 Pine St Yarmouth Port MA 02675

TELEPHONE NUMBER: 508-364-5551

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

Signature: Patricia A Daley

Telephone: 508-364-5551



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

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

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

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

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

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

Route 6A

Sign

\*align to tree to start rows.

box

132' to tree

Vendor parking

20ft parking

6ft walk way

10pm - 11pm - parking

customer parking

20ft parking

164' tree to walk

6ft walk way

3ft between tents

14"

Nauset

A Different Drummer Craft Fair

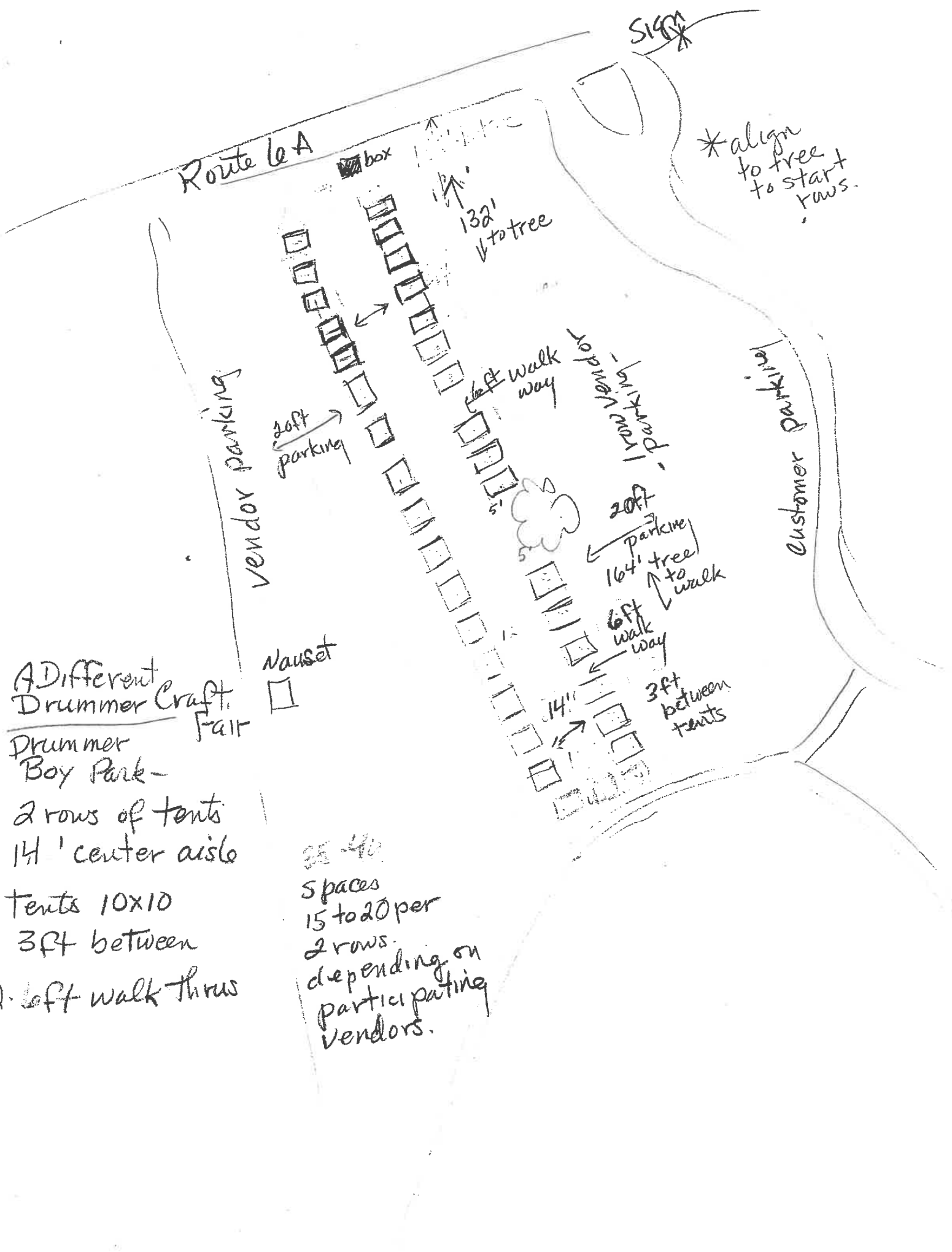
Drummer Boy Park -

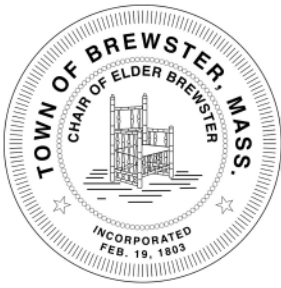
2 rows of tents  
14' center aisle

Tents 10x10  
3ft between

2 left walk thrus

25-40  
spaces  
15 to 20 per  
2 rows.  
depending on  
participating  
vendors.





# Town of Brewster

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

Office of:  
Select Board  
Town Manager

To: The Select Board  
From: Erika Mawn  
Date: August 17, 2023  
RE: Annual Common Victualler License Application – The Peacemaker Inc.

The Peacemaker Inc., located at 2149 Main Street is applying for a new Annual Common Victualler License. A completed application for a Common Victualler license has been submitted with all required documentation.

The following departments have also reviewed the application and have provided the following feedback, which will be shared with the applicant.

- Building Department- No questions or concerns with the application.
- Health Department- a Food Establishment Permit Application will need to be submitted and an inspection conducted prior to issuing a permit. No paperwork has been received to date.
  - Please note that the applicant is aware of this requirement and is prepared to work with the Health Department in the coming weeks.
- Fire Department- Requests inspection of facility prior to opening, the owner will need to contact the Fire Department to schedule the inspection.
- Police Department- If the business model is not changing significantly, there are no concerns with the application.
- Town Managers Office-No concerns with the application.
- Planning Department – The restaurant use is a pre-existing nonconforming use. The historic restaurant use has been similar to a ‘full service’ restaurant with waited table service (and with accessory take-out service). Given the counter service (where one can assumedly order food, have it served and eat it on premises), the proposed use seems to be consistent with its historic use. It doesn’t appear that further zoning permits or site plan review is required for the proposed use.





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

Office of:  
Select Board  
Town Manager

**Application Fees: \$50**

**APPLICATION FOR  
COMMON VICTUALLER 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](mailto:licenses@brewster-ma.gov)

**Section 1: Applicant Information**

Applicant's Name: <i>The Peacemaker Inc.</i>
Applicant's Address: <i>P.O. Box 773 East Dennis, MA 02641</i>
Telephone # and Email Address: <i>(508) 221-0929 lostdogpub91@gmail.com</i>

**Section 2: Business Information**

Name of Establishment: <i>The Peacemaker</i>	
Address of Business: <i>2149 Main Street Brewster MA 02631</i>	
Name of Business Manager and Phone #: <i>Andrew Murphy (508) 221-0929</i>	
Hours of Operation <i>7am - 2pm</i>	Seating Capacity:
Description of Business and Purpose: <i>Coffee, breakfast and lunch sandwiches, to order, counter service</i>	

Please note that the premises must be inspected by the Building Department, Health Department and Fire Department before the Select Board will review the application. All municipal taxes must be paid prior to the license approval.

Please submit the following with your application:

- Copy of lease or deed
- Copy of floor plan
- Copy of Menu
- Copy of Business Structure Documents (Articles of Organization, LLC Agreement, Partnership Agreement, Business Certificate)

Applicant Signature: *Andrew Murphy* Date: *8/16/23*

MASSACHUSETTS STATE EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-16-2023 @ 03:24pm  
Ct1#: 575 Doc#: 24274  
Fee: \$3,334.50 Cons: \$975,000.00

BARNSTABLE COUNTY EXCISE TAX  
BARNSTABLE COUNTY REGISTRY OF DEEDS  
Date: 06-16-2023 @ 03:24pm  
Ct1#: 575 Doc#: 24274  
Fee: \$2,983.50 Cons: \$975,000.00

### QUITCLAIM DEED

**Eggs Are Us, LLC**, a Massachusetts limited liability company, with a mailing address of 1792 Main Street, Brewster, MA 02631,

for consideration paid in the amount of **NINE HUNDRED SEVENTY-FIVE THOUSAND and 00/100 (\$975,000.00) DOLLARS**,

grant to **ANDREW K. MURPHY**, Trustee of the Main Street Brewster Trust under a declaration of trust dated September 17, 1993 and recorded with the Barnstable County Registry of Deeds at Book 8871, Page 246, of P.O. Box 773, East Dennis, MA 02641

**WITH QUITCLAIM COVENANTS**, the land, together with the buildings thereon, situated in Brewster, Barnstable County, Massachusetts, as shown on the hereinafter mentioned plan bounded and described as follows:

Parcel I

- |                        |  |
|------------------------|--|
| SOUTH 72° 42' 45" EAST | 42 feet to land now or formerly of Elsie M. Ellis;<br>Thence running   |
| NORTHEASTERLY          | by land now or formerly of said Willis 37.5 feet to a point 15 feet<br>Easterly from the northeast corner of the store building as now<br>located on the premises and shown on the hereinafter mentioned<br>plan; thence running |
| NORTHWESTERLY          | by land now or formerly of said Ellis 43 feet to a corner; thence<br>running   |
| WESTERLY               | by land now or formerly of said Ellis 28 feet to Old North Road;<br>thence running   |
| SOUTH 4°27' 20" WEST   | by said Old North Road 69 feet to the point of beginning.  |

Property Address: 2149-2155 Main Street, Brewster, Massachusetts 02631

## Parcel II

The land situated in Brewster, bounded and described as follows:

SOUTHERLY by Route 6A, 4 feet, 2 inches;  
 WESTERLY by the first parcel above described 37 feet, 6 inches;  
 NORTHERLY by land now or formerly Earl K. Eldridge, 1 foot;  
 EASTERLY by other land now or formerly of Earl K. Eldridge.

The above-described Parcels I and II and building being the southwesterly corner of land shown on a plan entitled "Plan of Land in Brewster, Mass., Property of Elsie M. Ellis, Scale 1 in. = 40 ft., Aug. 1948, Nickerson and Berger Civil Engineers, Eastham, Mass., filed with Barnstable County Registry of Deeds in Plan Book 83, Page 151.

## Parcel III

Beginning at the Southwesterly corner of the granted premises at land of the heir of Irving E. Olmstead and the Northerly side of the State Highway, formerly County Road;  
 Thence

NORTH 72° 42' 45" WEST by said State Highway, one hundred twenty-seven and 80/100 (127.80) feet to land of Andrew A. and Mary M. Somes, formerly of Elise M. Ellis; thence  
 NORTHEASTERLY by land of said Somes, thirty-seven and 05/100 (37.05) feet to a point of fifteen (15) feet Easterly from the Northeast corner of the store building as now located on land of Somes; thence  
 NORTHWESTERLY by land of said Somes, forty-three (43) feet to a corner; thence  
 WESTERLY by land of said Somes, twenty-eight (28) feet to Old North Road (Being a town road leading to the seashore); thence  
 NORTH 4° 27' 22" EAST by Old North Road, seventy-one (71) feet to remaining land of Irving Ellis and Elsie M. Ellis; thence  
 EASTERLY by said remaining land of Ellis, about one hundred eighty-two (182) feet to land of said heirs of Irving E. Olmstead; and thence  
 SOUTH 9° 43' 40" WEST by land of said Olmstead, one hundred seventy-one (171) feet to the State Highway and point of beginning.

Being that portion of land with the dwelling house thereon shown on a plan entitled: "Plan of Land in Brewster, Mass., Property of Elsie M. Ellis, Aug. 1948, Nickerson and Berger, Civil Engineers, Eastham, Mass." Which said plan is filed with the Barnstable County Registry of Deeds in Plan Book 83, Page 151.

There is excepted and excluded from the above-described premises so much thereof as was conveyed by Earl K. Eldridge et ux to Andrew A. Somes et ux, by deed dated October 17, 1952, duly recorded in said Registry of Deeds in Book 824, Page 558.

Said premises are also conveyed together with the benefit of and subject to all other rights, easements, privileges, restrictions and reservations of record, insofar as the same may now be in force and applicable.

The Grantor certifies that the sale of the premises does not constitute the sale of substantially all of the assets of the Eggs Are Us, LLC

Meaning and intending to convey the same premises conveyed to Grantor by Deed recorded with Barnstable County Registry of Deeds in Book 29250, Page 101.

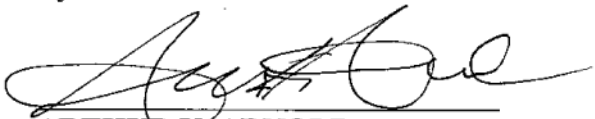
Grantor releases any and all homestead rights to the within premises, whether created by declaration or operation of law, and further states under the pains and penalties of perjury that there are no other individuals entitled to homestead rights to the property being conveyed herein.

**[SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, the said Eggs Are Us, LLC has caused these presents to be signed in its name and behalf by **ARTHUR K. ARNOLD**, as **Manager and Real Property Signatory** of Eggs Are Us, LLC this 14<sup>th</sup> day of June, 2023.

Eggs Are Us, LLC

By:



**ARTHUR K. ARNOLD,**  
**Manager and Real Property Signatory**

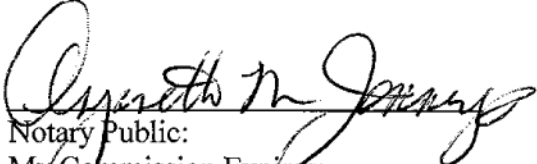
**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.  
(County)

June 14, 2023

On the above date, before me, the undersigned Notary Public, personally appeared **ARTHUR K. ARNOLD** **Manager and Real Property Signatory as aforesaid**, who proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it freely and voluntarily for its stated purpose, on behalf of **Eggs Are Us, LLC** and who swore or affirmed to me that the contents of the attached document are truthful and accurate to the best of his knowledge and belief.



  
Notary Public:  
My Commission Expires:

IN WITNESS WHEREOF, the said Eggs Are Us, LLC has caused these presents to be signed in its name and behalf by **JUDY K. ARNOLD, Manager and Real Property Signatory of Eggs Are Us, LLC** this 15 day of June, 2023.

Eggs Are Us, LLC  
By:

Judy K. Arnold  
**JUDY K. ARNOLD,**  
**Manager and Real Property Signatory**

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.  
(County)

June 15, 2023

On the above date, before me, the undersigned Notary Public, personally appeared **JUDY K. ARNOLD, Managers and Real Property Signatory as aforesaid**, who proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it freely and voluntarily for its stated purpose, on behalf of **Eggs Are Us, LLC** and who swore or affirmed to me that the contents of the attached document are truthful and accurate to the best of her knowledge and belief.



Anjanette M. Jennings  
Notary Public:  
My Commission Expires:



*The Commonwealth of Massachusetts*  
*Secretary of the Commonwealth*  
*State House, Boston, Massachusetts 02133*

**William Francis Galvin**  
Secretary of the  
Commonwealth

**June 5, 2023**

TO WHOM IT MAY CONCERN:

I hereby certify that a certificate of organization of a Limited Liability Company was filed in this office by

**EGGS ARE US LLC**

in accordance with the provisions of Massachusetts General Laws Chapter 156C on **April 4, 2014.**

I further certify that said Limited Liability Company has filed all annual reports due and paid all fees with respect to such reports; that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that said Limited Liability Company is in good standing with this office.

I also certify that the names of all managers listed in the most recent filing are:  
**ARTHUR K ARNOLD, JUDY K ARNOLD**

I further certify, the names of all persons authorized to execute documents filed with this office and listed in the most recent filing are: **ARTHUR K ARNOLD, JUDY K ARNOLD**

The names of all persons authorized to act with respect to real property listed in the most recent filing are: **ARTHUR K ARNOLD, JUDY K ARNOLD**



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

*William Francis Galvin*

Secretary of the Commonwealth

Processed By:HN

**BARNSTABLE REGISTRY OF DEEDS**  
John F. Meade, Register



# THE PEACEMAKER

BREWSTER, MA

## BREAKFAST

### THE GRACE

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

### TORPEDO

10

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

### WESTERN

10

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

### CALLIE

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

### PETE'S EGG SANDWICH

15

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

### AVACADO TOAST

10

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

### THE CHRIS

25

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

## MAKE YOUR OWN

### MEAT

sausage	linguiça
bacon	pastrami
ham	
shaved ribeye	

### CHEESE

american	feta
cheddar	
swiss	
provolone	

### VEGGIES

peppers	peppers
onions	onions
avacado	avocado
tomato	tomato
mushrooms	

### GREENS

spinach  
arugula  
iceberg

### EXTRAS

honey habanero  
sriracha  
fried hash brown

### BREAD

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

\*SERVING SNOWY OWL  
COFFEE AND COLD BREW\*





# THE PEACEMAKER

BREWSTER, MA

## LUNCH

### TURKEY CLUB 12

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

### ITALIAN PEACEMAKER 10

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

### MANDELA 15

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

### GRILLED CHICKEN WRAP 15

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

### ELLIE 10

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

### BUFFALO CHICKEN WRAP 25

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

### MOTHER THERESA 25

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

### DEPTH CHARGER 25

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

### CALLIE'S CAPRESE 25

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

### LA SPADA 25

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

## MAKE YOUR OWN

### MEAT

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

### CHEESE

american	feta
cheddar	parmesan
swiss	motzeralla
provolone	

### VEGGIES

peppers	pickles
onions	jalapeños
avocado	carrots
tomato	cucumber
mushrooms	olive

### GREENS

lettuce  
arugala

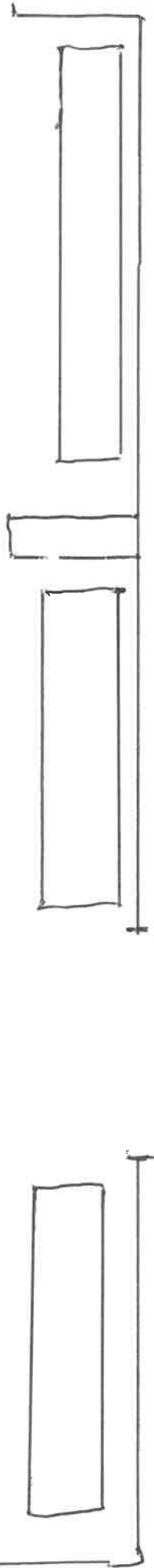
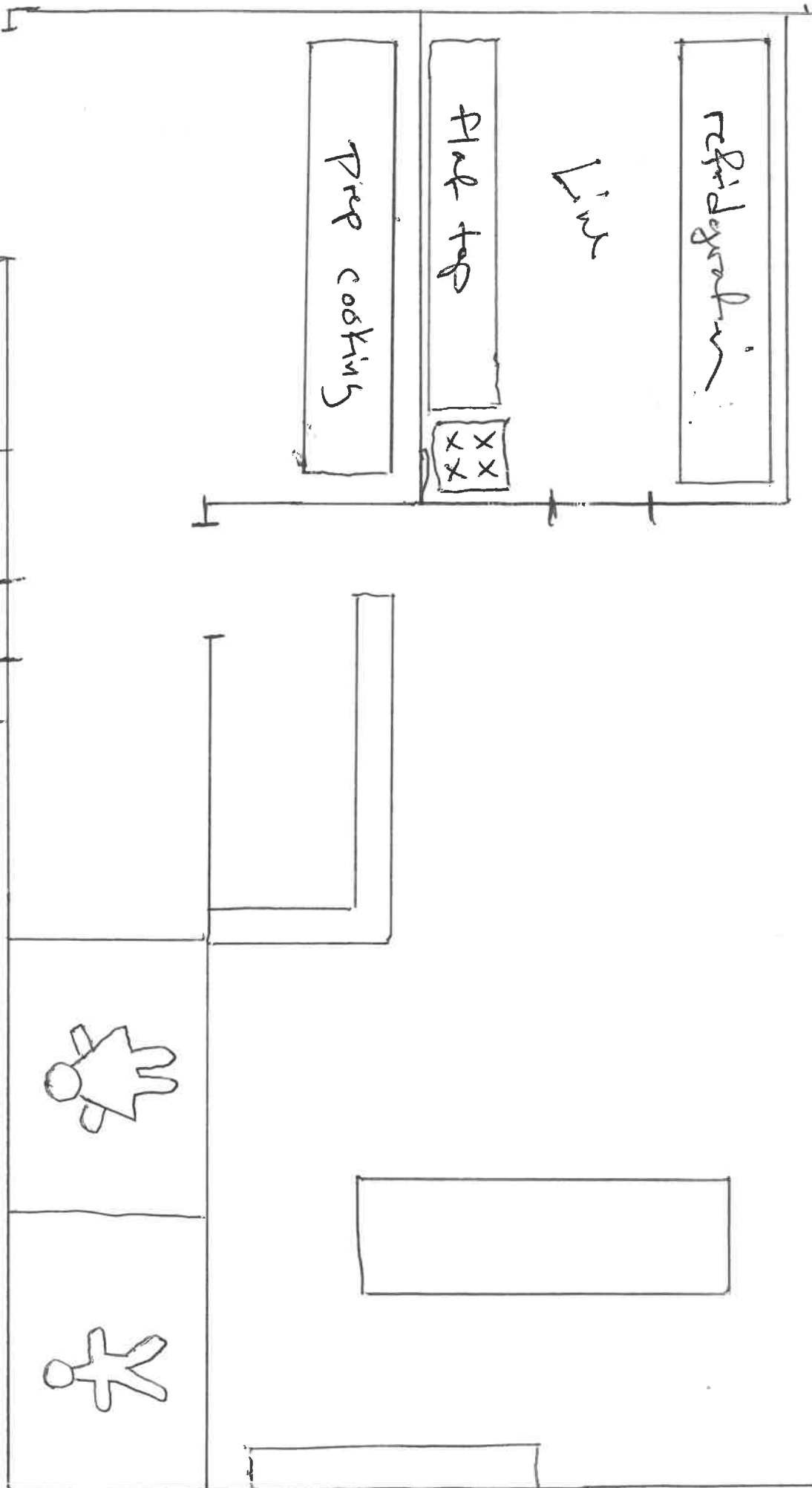
### EXTRAS

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

### BREAD

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

work-in





**The Commonwealth of Massachusetts  
William Francis Galvin**

Minimum Fee: \$250.00

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

**Articles of Organization**

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

**Identification Number:** 001665188

**ARTICLE I**

The exact name of the corporation is:

THE PEACEMAKER, INC.

**ARTICLE II**

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

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

**ARTICLE III**

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

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

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

**ARTICLE IV**

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

NONE.

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

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

#### ARTICLE VI

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

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

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

#### ARTICLE VII

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

**Later Effective Date: Time:**



© 2001 - 2023 Commonwealth of Massachusetts  
All Rights Reserved

THE COMMONWEALTH OF MASSACHUSETTS

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

June 16, 2023 07:03 PM

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

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

# Brewster Local Comprehensive Plan



# FAQs

Frequently Asked Questions

<b>What is a Local Comprehensive Plan (LCP)?</b>	The Local Comprehensive Plan (LCP) is an important planning tool used to guide a community by addressing and balancing a diversity of needs including economic growth, protection of environmental resources, quality of life, and community character.
<b>How Does an LCP Work?</b>	The LCP is a vehicle for each town to define its vision for planning for future change and protecting shared resources on Cape Cod. The LCP offers direction to help guide a town's land-use decisions, housing, and other policies for the next five to ten years. In addition to articulating a vision statement and establishing goals across many sectors, the LCP is a source of information about existing and expected conditions within the town that will change over time as the values and expectations of the community evolve.
<b>How Does the LCP Relate to Brewster's Vision Plan?</b>	Brewster's LCP is the next step in the town's Vision Planning process. Comprised of local citizen volunteers, Brewster's Vision Planning Committee (VPC) drafted the LCP utilizing the Brewster Vision Plan's "Vision Statement" and "Building Blocks" as its foundation. It does not replace the Vision Plan; rather it develops that plan in greater detail.
<b>How Was Brewster's LCP Created?</b>	<p>The VPC utilized the town's 2018 Vision Plan, Vision Statement, and Building Blocks as its cornerstones. As with the Vision Plan, the Draft LCP was developed over two+ years and solicited extensive input and communication with Brewster citizens, town committees, staff, and a broad range of organizations representing environmental interests, housing, local businesses, etc.</p> <p>In early 2022, the VPC prepared a "Next Steps" survey which solicited community input on the Draft LCP's Action Plan and the full LCP. Over 2300 citizens participated in this survey! Survey results and community input were announced and posted on the town's website during Summer and Fall 2022.</p>
<b>Why is the LCP Important to Brewster Citizens?</b>	<p>Preparing and updating an LCP helps ensure that Brewster and all Cape communities respond to changing needs in a sustainable manner. It can also serve as a guide and resource for elected officials, board members, and community residents for future decision-making.</p> <p>For example, the LCP "Action Plan" describes a range of issues cited as important to Brewster residents such as expanding housing opportunities for young families, workers, and seniors; protecting our water supply; preserving the water quality of our ponds; preserving community character; fostering local small businesses; and mitigating and adapting to climate change.</p>
<b>Where Can I Learn More and How Can I Help?</b>	All Brewster citizens are encouraged to learn more about the LCP. You can attend a Brewster Vision Planning Committee meeting or visit the town website at <a href="http://brewster-ma.gov/local-comprehensive-plan">brewster-ma.gov/local-comprehensive-plan</a> . And most important, attend Town Meeting this November and support Brewster's Local Comprehensive Plan!
<b>What Happens After Town Meeting Adopts the LCP?</b>	<p>Once adopted, the LCP will be implemented through the Town's standard capital budgeting and Select Board's annual strategic planning processes. Residents will have ongoing opportunities for input and feedback on specific projects and initiatives.</p> <p>The Select Board will report annually through various channels on LCP implementation progress.</p>



SCAN ME

For more info, visit:

[www.brewster-ma.gov/local-comprehensive-plan](http://www.brewster-ma.gov/local-comprehensive-plan)

Prepared by the Brewster Vision Planning Committee | Summer 2023



# BUILDING BLOCKS OF BREWSTER'S LOCAL COMPREHENSIVE PLAN

## CA - CLIMATE MITIGATION & ADAPTATION

**Goal:** Promote sustainable, renewable energy use & measures to adapt to climate change

## SW - SOLID WASTE MANAGEMENT

**Goal:** Manage town solid waste system

## CI - COMMUNITY INFRASTRUCTURE

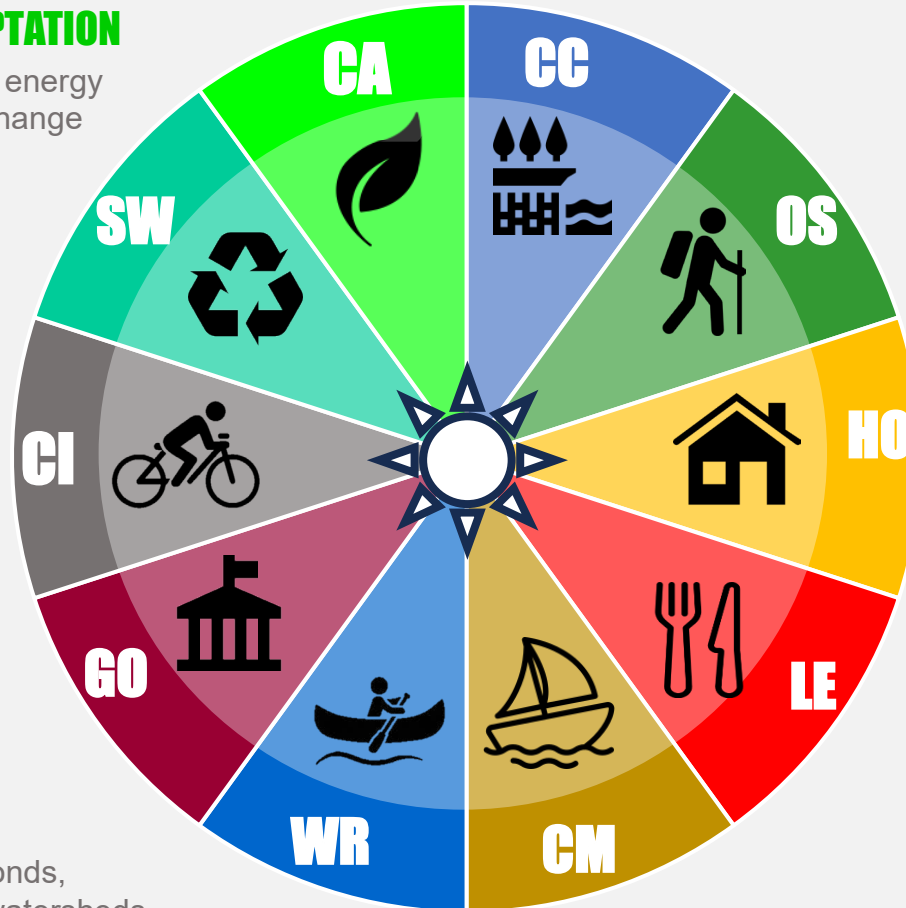
**Goal:** Maintain & enhance town infrastructure

## GO - GOVERNANCE

**Goal:** Promote an inclusive municipal government

## WR - WATER RESOURCES

**Goal:** Protect groundwater, ponds, wetlands, buffers & marine watersheds



## CC - COMMUNITY CHARACTER

**Goal:** Sustain physical & social character of community

## OS - OPEN SPACE

**Goal:** Maintain & expand open space

## HO - HOUSING

**Goal:** Sustain & expand attainable housing options

## LE - LOCAL ECONOMY

**Goal:** Promote a sustainable economy

## CM - COASTAL MANAGEMENT

**Goal:** Preserve & protect coastal resources

FOR MORE INFORMATION

[www.brewster-ma.gov/local-comprehensive-plan](http://www.brewster-ma.gov/local-comprehensive-plan)

Prepared by the Brewster Vision Planning Committee



SCAN ME

## SUMMARY OF June 2023 VPC REVISIONS TO DRAFT LCP

This memorandum summarizes and describes substantive revisions by the Vision Planning Committee to the accompanying draft LCP (dated June 2023) since the September 2022 draft; various technical, formatting, punctuation and grammatical issues were identified and edited as well, including revisions for clarity.

### OVERALL

- Simplified, clarified, and streamlined language for improved readability and comprehension
- Added text to underscore the importance of two-way communication between government and residents, businesses, organizations and other stakeholders
- Updated to reflect events and timeline since September 2022
- Changed the term “Town Center” to “town centers” for clarity, including for consistency with the intent of the concept from the 2018 Vision Plan
- Updated language about the Wing Island Boardwalk and Drummer Boy Park that were previously under consideration, in light of the results and actions taken after and in accordance with Fall 2022 Town Meeting and spring 2023 Special Town Meeting
- NOTE: The VPC will update demographic data and community engagement information throughout the draft in late August to ensure that most recent/ accurate data are included.

### EXECUTIVE SUMMARY

- Revised language about potential Cape Cod Commission certification and the CCC’s role with LCPs
- Revised language to more fully describe stakeholders and stakeholder process
- Updated language about Fall 2022 Town Meeting and related adoption process and timeline

### Section 2: COMMUNITY ENGAGEMENT

- Clarification of “town centers” planning concept

### Section 3: BUILDING BLOCKS

“Recent Actions by the Town” were generally updated throughout the section to reflect changes since September 2023.

- Community Character
  - will update the “Recent Actions” text in August 2023 about the COA Needs Assessment with some overall findings from the 2023 survey
- Open Space
  - added text regarding current status of Wing Island and Drummer Boy Park initiatives
- Local Economy
  - Under “Key Issues Moving Forward:”
    - revised language about the zoning approach to support local businesses
    - clarified that Brewster’s housing needs include both year-round and seasonal workforce housing
- Coastal Management
  - updated data on coastal beaches/landings and parking spaces
  - added text about the 2022 Coastal Resilience Grant under “Recent Actions by the Town”
- Water Resources
  - Under “Recent Actions by the Town:”
    - clarified text about the local stormwater bylaw and regulations

- added description of the Water Resources Task Force
- Governance
  - updated “Recent Actions...” to describe changes since September 2022
- Community Infrastructure
  - updated “Recent Actions...” and “Key Issues...” to describe changes since September 2022, including about current status of Wing Island and Drummer Boy Park initiatives
- Solid Waste
  - “Recent Actions:” added text about ban on nips adopted at spring 2023 TM
  - “Key Issues:” added text about MA recent waste ban on textiles
  - “Key Issues:” added text about the need for better education for landlords and seasonal renters on waste and recycling
- Climate Mitigation and Adaptation
  - Under “Recent Actions by the Town:”
    - added text about the recently established Town Energy and Climate Action Committee
    - added text about the new “low lying” roads planning/ grant initiative with the County

#### **Section 4: ACTION PLAN**

Various provisions of this section, associated with the Building Blocks below, have been edited for clarity, to better articulate or emphasize desired intent, or to establish the appropriate level of specificity for the respective goals, purposes and actions. In some cases, edits involved consolidating actions, splitting an action into multiple new actions, or reorganization:

#### **Community Character**

- Revised Actions CC9 and CC10

#### **Water Resources**

- Reorganized subsection and better separated actions
- Deleted ‘Overarching Goal’ and integrated concepts into the purposes and actions of the section

#### **Open Space**

- Reorganized subsection
- Revised “Purpose 3” to align with the proposed actions

#### **Housing**

- Extended the time period set out in “Purpose 1” to align with anticipated LCP adoption date

#### **Coastal Management**

- Consolidated various actions into a single action- CM11

#### **Local Economy**

- Revised Action LE6
- Revised references from ‘small business’ to ‘local business’ for breadth of application

#### **Governance**

- Revised language to emphasize community engagement and participation

#### **Community Infrastructure**

- Relocated the ‘Overarching Purpose’ to the LCP’s ‘Implementation’/ Section 7 where its inclusion is more appropriate and more in keeping with the overall format and structure of the draft LCP.
- Revised Action C13 re: Drummer Boy Park to reflect current status

# **Brewster Local Comprehensive Plan (LCP)**

**VPC Revisions to Draft  
version 4.0: July 2023**

# Table of Contents

## *Executive Summary*

*Section 1 Brewster's Vision*

*Section 2 Community Engagement*

*Section 3 Building Blocks - Existing Conditions and Issues*

- Brewster Today
- Building Block Summaries
  - Community Character
  - Open Space
  - Housing
  - Local Economy
  - Coastal Management
  - Water Resources
  - Governance
  - Community Infrastructure
  - Solid Waste Management
  - Climate Mitigation and Adaptation

*Section 4 The Action Plan- Building Block Goals, Purposes, and Actions*

- Community Character
- Open Space
- Housing
- Local Economy
- Coastal Management
- Water Resources
- Governance
- Community Infrastructure
- Solid Waste Management
- Climate Mitigation and Adaptation

*Section 5*      *Capital Facilities Plan*  
*Section 6*      *Housing Production Plan Summary*  
*Section 7*      *Implementation and Performance Monitoring*  
*Section 8*      *Supporting Regulation, Plans and Policies*

DRAFT

## ACKNOWLEDGMENTS

The development of Brewster's Local Comprehensive Plan was the result of the active participation, thinking and hard work of many people who value our community's future. We would like to thank them for their time and efforts.

Thanks to:

- The thousands of people who took part in the community survey (*Brewster's Next Steps*), contributed comments on the drafts of this Plan, and who participated in the earlier Vision Planning process.
- The Town Department heads and staff who contributed their deep knowledge of Town services and the community's service needs.
- Members of community organizations who contributed their ideas on the community's needs and who are partners in implementing Brewster's plans.
- The Brewster Planning Department which provided guidance and support throughout the process, especially Ellen Murphy, whose diligence, dedication, attention to detail, and ability to see the big picture kept us well-informed and on track through the many years of work.
- Tighe & Bond, who provided consulting services to the Town

The Brewster Vision Planning Committee

Sharon Tennstedt, Chair

Amanda Bebrin, Vice Chair

Andi Genser

Patricia Hess

Suzanne Kenney

Fran Schofield

Alex Wentworth

Kari Hoffmann, Select Board Liaison

Honey Pivrotto, Finance Committee Liaison

Prior Brewster Vision Planning Committee members

Hal Minis, Chair Emeritus

Sue Searles

Garran Peterson

Kari Hoffmann

Paul Wallace

Ned Chatelain, Select Board Liaison

Draft July 17, 2023

Page 4

## ***EXECUTIVE SUMMARY***

### **Introduction: What is an LCP? Why have one?**

Brewster's Local Comprehensive Plan (LCP) describes how Brewster looks today and where it wants to go in the future. The LCP is not law or regulation and does not itself create regulatory mandates or restrictions. It creates policy direction to help guide land use decisions and policies in the Town for the next 10+ year planning period. It has been developed with general guidance from the Cape Cod Commission according to its regulations, adapted to Brewster's specific needs and circumstances.

After its local adoption, a Town can choose to submit the LCP to the Cape Cod Commission for certification of the LCP's consistency with the Regional Policy Plan. Potential benefits of Cape Cod Commission LCP certification include: the ability for the Town to enter into Development Agreements as a type of land use permitting; prioritization for planning technical assistance; and the establishment of the LCP as review criteria for Districts of Critical Planning Concern and Developments of Regional Impact. Certification would require that the Town regularly communicate progress on the LCP to the Cape Cod Commission, that the LCP be updated to remain consistent with updates to the Regional Policy Plan, and that the Town's land use by-laws and regulations be consistent with the LCP. Brewster's LCP has also been prepared and is intended to serve as a comprehensive land use plan under state planning law (MGL Chapter 41, Section 81D): similarly, after adoption, the Town can choose to file a copy of the LCP to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) (formerly the Department of Housing and Community Development- DHCD).

Brewster first adopted a comprehensive land use plan in 1970. A prior draft LCP was completed in 1997 but was never brought to Town Meeting. The development of this LCP started in earnest with the 2018 Brewster Vision Plan. The Vision Plan process commenced in 2017, serves as a foundation for the LCP, and includes goals and actions for eight key issue areas (called 'Building Blocks').

The LCP is structured along the same lines as the Vision Plan. It includes a Vision Statement and the eight Building Blocks: Community Character, Water Resources, Open Space, Housing, Coastal Management, Local Economy, Governance, and Community Infrastructure. The goals for each of these Building Blocks remain similar to those stated in the Vision Plan, with some modifications made to recognize changing circumstances and conditions in Brewster and beyond, and the goal statements and policies in the Cape Cod Regional Policy Plan.

In addition, two new Building Blocks have been included in the LCP since the adoption of the Vision Plan: Solid Waste Management and Climate Mitigation and Adaptation. The Solid Waste Building Block recognizes both the Town's efforts to decrease and manage the community's waste stream and regional guidance from the Cape Cod Commission. The Climate Mitigation and Adaptation Building Block recognizes the major threat to the community posed by climate change and the efforts by the Town to mitigate or adapt to its effects.



The heart of the LCP is the Action Plan, which includes an ambitious list of strategies, policies, and actions associated with the Building Blocks. The Action Plan sets out these proposed strategies, policies, and actions to advance the vision, goals, and purposes of the LCP. The Action Plan calls for Town government, in partnership with its residents, businesses, organizations, to pursue a variety of initiatives over the next 10+ years. More broadly than Town government, the Action Plan is also intended to guide future decision-making and actions by community organizations, businesses, and residents.

### **Brewster's Vision**

The LCP is informed, but not limited, by the 2018 Vision Plan. In many ways, both Plans exist along the same planning continuum, although the LCP has been updated to reflect changed conditions (including an unprecedented world-wide pandemic and its associated social and economic effects on society) and input received through the entire planning process.

The LCP includes a vision statement, similar to that of the 2018 Vision Plan, articulating at a high level a vision for Brewster's future and the values held by the community. The Action Plan strives to achieve the vision. It is important to note that these values are not intended to conflict, especially in terms of implementing the related Action Plan, but should be viewed as complementary, mutually supportive and on equal footing with one another. The Vision Statement has also been prepared for consistency with the Cape Cod Regional Policy Plan.

### **Community Engagement**

Processes for developing both the Vision Plan and the Local Comprehensive Plan were highly participatory. The Vision Planning process included three series of public workshops and a public survey. These events were accompanied by broad public outreach, including newspaper coverage and opinion pieces, postings on the Town website and through the Town email-list, distribution of announcements through the e-mail lists of approximately 10 local not-for-profit organizations and religious groups, local public television interviews and announcements, and document distribution at Town Hall, the Brewster Ladies Library, and the Council on Aging. A postcard to all property owners was also sent out for the public survey.

The LCP process and its preparation has been shepherded by the Vision Planning Committee (VPC). The LCP planning effort began during the COVID pandemic, and thus was constrained by restrictions on public meetings. Nevertheless, the VPC took a very similar approach to outreach for the LCP as they did for the Vision Plan, actively informing the Brewster public about the planning effort and soliciting their ideas and feedback. Most notable was the *Brewster's Next Steps* survey to gauge support for over 65 proposed actions, to which over 2,300 people, broadly representing the community's age and residential status profile, responded. The Committee used print and electronic media announcements, email lists, postcards to property owners, and pop-up events at Town locations to publicize the survey. A summary of results is available on the Town website.

In addition, the Committee partnered with Town Management to organize workshops of Town staff, officials and key local organizations to review and comment on a draft Action Plan. The Committee announced a public comment period on the LCP that included the draft Action Plan in July 2022. The Committee reviewed the comments received during the comment period and revised the Action Plan to reflect many of the public comments. A final draft LCP was recommended by the Vision Planning Committee and endorsed by the Select Board and Planning Board following a public hearing in October 2022. In November 2022, the LCP was presented to Town Meeting. Primarily because of concerns about a potential Wing Island Boardwalk project and related references in the LCP, Town Meeting voted to remand the draft back to the VPC for further study and re-drafting. With an eye towards completion and adoption of the LCP, the Select Board revised the VPC's charge and the VPC re-commenced its work on the LCP in March 2023. **The VPC anticipates completing a final, recommended draft LCP for Town Meeting to consider in Fall 2023 (revise as process unfolds in Summer/ Fall 2023).**

### **Building Blocks - Existing Conditions and Issues**

This section contains an overview of existing conditions in Brewster organized by Building Block and based on summary papers that have been prepared for all Building Blocks. Each overview includes background information, recent actions by the Town, and key issues moving forward. These existing conditions summaries detail circumstances in the town and identify town assets, strengths, concerns and related challenges and opportunities. The summary papers prepared in 2017 for the original eight Building Blocks of the Vision Plan have been updated to reflect changing conditions, evolving issues, and implementation of actions to date. In addition, summary papers have been added for the new Building Blocks, Solid Waste and Climate Change. The section begins with a description of 'Brewster Today' focusing on demographic and land use issues and drawing on the Land Use summary paper. Interpretive maps are also contained throughout the LCP to depict certain concepts or conditions.

### **The Action Plan – Building Block Goals, Purposes, and Actions**

The goals and purposes for the LCP are organized by Building Blocks, a concept originated in the 2018 Vision Plan. They have been slightly modified in the LCP to reflect changing conditions in Brewster and to align them with the goals of the Cape Cod Regional Policy Plan.

The Action Plan is proposed to advance the LCP vision, goals, and purposes over the next 10+ years. The list of actions is not intended to be a complete list of all that the Town could do but does include the most important actions essential to advancing the identified goals. While a large and ambitious number of actions are presented, priorities for implementation will be identified during the Select Board's annual strategic planning exercise, which is a process that involves soliciting public input. Each action serves as a jumping-off point that will trigger its own process of consideration, discussion, and refinement by the appropriate Town Departments, Board/Committee, community groups, and the general public. Any program, project, or activity decision must be representative of the will of Brewster residents and the circumstances then present. In this way, the Action Plan is neither binding nor definitive.

The list of actions has been drawn from numerous sources including the following:

- Actions from the Vision Plan that have not yet been implemented;
- Recommendations from stakeholders about current needs;
- Recommendations from the Vision Plan Summary Papers about trends and needs; and
- Results of the *Brewster's Next Steps* survey gauging public support for individual actions.

Among other input, the Action Plan was reviewed by Town staff and local organizations to assess the accuracy, relevancy, and feasibility in implementing each action, and the VPC revised the Plan based on input received. As part of this process, the VPC held an interactive workshop with Town staff, Board and Committee chairs and representatives of local organizations in Summer 2022 on the first draft of the Action Plan. This vital part of the process helped ensure the ability, capacity, and commitment to implement the Action Plan and is subject to future adjustments that will make the LCP a “living” plan.

### **Capital Facilities Planning**

In this section, the LCP aligns and cross-references capital investments contemplated in the Action Plan with the Town’s on-going capital facilities planning. This analysis ensures that the capital requirements necessary to implement the LCP are planned for and met. The Town annually revisits and updates the 5-year Capital Improvement Plan to align with community priorities based on available financial resources. Per Code/ Charter, the Town also publishes annually in the May Town Meeting Warrant Booklet a summary of the capital improvement plan, identifying all proposed capital expenditures for the next 5 years estimated to cost \$100,000 or more.

### **Housing Production Plan Summary**

The Town has recently completed, and the State has approved, the 2022-2027 Housing Production Plan (HPP), which principally deals with provisions for affordable housing in Brewster. This section includes a summary of the Town’s 2022 plan. The full HPP can be accessed on the Town website.

### **Implementation and Performance Monitoring**

The prioritization of undertaking LCP actions will be set primarily through the Select Board’s annual strategic planning. Monitoring and reporting to the community are crucial to the successful implementation of the LCP and are described in this section. A copy of the Select Board’s current Strategic Plan for FY24-25 is included in the LCP Appendices. Inclusion of any LCP action in the Select Board’s strategic planning begins the community conversation with applicable stakeholders, including year-round and seasonal residents, businesses, community organizations and relevant Town Boards, Committees, and Departments, to discuss what, if any, program, project, or action the community wants to pursue. Similar to the Capital Improvement Plan, the Select Board Strategic Plan is updated on an annual basis to reflect current needs and priorities.

### **Supporting Regulation, Plans and Policies**

The LCP references other existing Town land use plans, policies, bylaws and regulations that both inform, and will be informed by, the LCP. Many of the LCP's actions deal with potentially updating and amending these documents to advance the goals and vision of the LCP. Any new bylaws or amendments to existing bylaws require a public hearing and Town Meeting approval. It is important to note that, under the current zoning bylaw, consistency with the comprehensive plan is a criterion of approval for certain permits and proposed developments.

DRAFT

## SECTION 1: BREWSTER'S VISION

The LCP's vision for Brewster's future, as articulated below, is grounded in the Town's Vision Planning process, which began in 2017. The Vision Plan, completed and approved in 2018, serves as a foundation for the LCP. The LCP's vision statement is also informed by the shared experiences of the community since that time including, among other things, an unprecedented world-wide pandemic and its associated social, political and economic effects, and the Town's acquisition of the former Cape Cod Sea Camps properties.

This vision statement is a product of significant community input. It reflects the shared values of the Brewster community related to, among other things, future growth and development and resource protection in the town. The vision also harmonizes with the regional vision articulated in the Cape Cod Regional Policy Plan. In particular, the Town's visioning process involved discussion of "town centers": identifying existing centers of concentrated activity, development and infrastructure in the town that might accommodate expanded future housing and economic opportunities.

This vision serves as the backdrop and reference point for the 'Building Blocks' and their associated goals, purposes and actions set out in the LCP. The multiple values and interests articulated in the vision statement are mutually dependent, complementary and on equal footing with one another. In practical application, the vision requires that these values and interests be reconciled or compromised with one another. In order to fulfill and realize the vision, it is necessary to advance all of these constituent values and interests.

*Brewster is a welcoming community that celebrates our special character and strives for greater social diversity and inclusiveness.*

*We preserve our historical setting and seek to protect its contribution to our town's character. We work to preserve the rural, small town feel of Brewster while recognizing opportunities for growth, which adds to our shared quality of life.*

*Brewster has been, and will continue to be, a leader in open space planning and protection, which contributes to protecting water resources and sensitive natural habitats and provides scenic areas for recreation and contemplation.*

*In the context of coastal change, we protect our natural bayside coastline, which defines our sense of place and provides special recreational and economic opportunities.*

*We are committed to address climate change locally, one of the great global challenges of our day, by reducing our contributions to carbon emissions and continuing to support practices that take up and store carbon through natural processes.*

*We honor our history as a working community and partner with Brewster businesses and other organizations that support residents and visitors by providing high-quality products, services, and experiences built on our character and environment, and that offer local social, economic, and employment opportunities that help sustain the community.*

*We support growth that is appropriately scaled and sited within the context that it is proposed.*

*As a commitment to the social diversity we value, we seek to support housing production tailored to the changing needs of the community, including housing that is affordable to current and future residents of all ages and economic standing.*

*Within our fiscal capabilities, we strive to provide the infrastructure necessary to ensure public health and safety and to support the ability of our entire community, from older people to families with children, to live, work, learn, recreate, and gather in the town.*

*The communication methods and practices that we set in place encourage and promote public discourse and collaboration. We look to successful models in other communities and organizations as examples to manage and guide our approach to sharing information and shaping change in our town.*

*We are committed as we move forward, through careful planning and coordination, to improve our community and honor what we value about Brewster, and ensure the town's continued social, economic, financial, and environmental sustainability for present and future generations.*

## **SECTION 2: COMMUNITY ENGAGEMENT (NOTE: To be updated in Fall 2023 to reflect outreach activities)**

Processes for developing both the Vision Plan and the LCP were highly participatory. The Vision Planning process included three series of public workshops and surveys. These events were accompanied by broad public outreach, including newspaper coverage and opinion pieces, postings on the Town website and through the Town email-list, distribution of announcements through the e-mail lists of approximately 10 local not-for-profit organizations and religious groups, local public television interviews and announcements, and document distribution at Town Hall, the Brewster Ladies Library, and the Council on Aging. A postcard to all property owners was also sent out for the public survey.

The LCP planning effort began during the COVID pandemic, thus was constrained by restrictions on public meetings. Nevertheless, the Planning Committee took a very similar approach to outreach for the LCP as they did for the Vision Plan, used many of the same outreach efforts to actively inform the Brewster public about the planning effort and to solicit their ideas and feedback. Most notable was the 2022 *Brewster's Next Steps* survey to gauge support for over 65 proposed actions, to which over 2,300 people, broadly representing the community's age and residential status profile, responded. The Committee used broad print and electronic media announcements, email lists, postcards to property owners, and pop-up events at town locations to publicize the survey. A summary of results is available on the Town website.

The survey results were fundamental to drafting the Action Plan. A draft of the Action Plan and an Overview of the LCP were made available to the public during a 21-day public comment period from July 25 to August 12, 2022. Comments and feedback were reviewed carefully by the VPC and revisions were made as appropriate. Brewster's Select Board, Planning Board and Vision Planning Committee held a joint public hearing on the draft LCP in October 2022 prior to advancing a recommended draft to Town Meeting in November 2022.

The LCP vision statement is a product of significant community input: it reflects the shared values of the Brewster community related to, among other things, future growth and development and resource protection in the town. The Town's vision statement also harmonizes with the regional vision articulated in the Cape Cod Regional Policy Plan. In particular, the Town's visioning process involved "town center" discussions: identifying existing or potential centers of concentrated activity, development and infrastructure in the town, outside of large, unfragmented, natural resource corridors, that might accommodate expanded future housing and economic opportunities.

The *Brewster's Next Steps* survey queried residents about the possibility of designating or recognizing "town centers". While 20% of survey respondents preferred no designated "town center", the area around Foster Square was identified most frequently (44%) as a potential "town center" (see Figure 1 below). Other frequently mentioned areas were along Rte. 6A/Main Street from Rte. 124 near the Brewster General Store to Ellis Landing Road (25%) and Rte. 6A/Main Street from Underpass Road to Ocean Edge Resort (23%). Respondents would prefer sidewalks, bike lanes/paths, small parks, and small-scale commercial development in these areas. There was strong support for regulations such as architectural design controls, height limitations and landscaping improvements, consistent with maintaining Brewster's small town and historic character. Support for housing, including mixed-use residential use, was moderate. Overall, there was widespread concern about increasing traffic on Rte. 6A/Main Street, including impeding access from residential side streets. Preference for locating commercial and industrial development on Underpass Road or Freemans Way was frequently mentioned in respondent comments.

Discussions around the concept of a “town center” have since revealed confusion as to the meaning or intent of this term, for example, that a center does not necessarily connote the geographic center of town or a ‘downtown’; that there can be more than a single “town center”; or that areas deemed “centers” are more significant or important than other areas not deemed centers. Therefore, going forward, the Plan refers to such areas as “town centers”. For purposes of the Plan, “town centers” is defined as “a distinct geographic area - sized to be walkable but which could range from a single parcel to a neighborhood or district - that attracts people for its concentration of economic, social, civic, recreational and/ or cultural vitality that owes to the mix of uses, development, amenities, infrastructure, activities and services present.

*Pie chart here based on the above percentages.*

DRAFT



*[Brewster LCP Potential Town Centers – Panel 1]*

*[Brewster LCP Potential Town Centers – Panel 2]*

*[insert photo of flyer prepared for 2021 survey]*

In addition, the Committee partnered with Town Management to organize workshops of Town staff, officials, and key local organizations to review and comment on the draft Action Plan.

In anticipation of the possibility of Cape Cod Commission (CCC) LCP certification, the Town communicated and worked with CCC staff iteratively and collaboratively throughout the development of the LCP, providing draft sections of the LCP for review and comment at various stages:

- CCC staff completed a review of the LCP's goals for consistency with RPP goals and provided feedback to the Vision Planning Committee on ways to align the LCP's goals with RPP goals. A comparison table of RPP goals and LCP goals was prepared to assist in this review.
- CCC staff provided general input and guidance during preparation of the draft LCP on compliance with the CCC's LCP Regulations.
- CCC staff gave a presentation on the Cape Cod Climate Action Plan at a meeting of the Vision Planning Committee in August 2021.
- CCC staff completed reviews of the Building Block summaries and draft Action Plan, and provided recommendations on additional or revised content. These recommendations were reviewed by the Vision Planning Committee and incorporated into the LCP as appropriate.

## **SECTION 3: BUILDING BLOCKS - EXISTING CONDITIONS AND ISSUES (Note: update data/statistics in Fall 2023)**

This section contains an overview of existing conditions in Brewster organized by Building Block and based on summary papers that have been prepared for all Building Blocks. Each overview includes background information, recent actions by the Town, and key issues moving forward. The summary papers prepared in 2017 for the original eight Building Blocks of the Vision Plan have been updated to reflect changing conditions and actions that have been recently implemented. In addition, summary papers have been for the new Building Blocks, Solid Waste and Climate Mitigation and Adaptation. The section begins with a description of Brewster today focusing on demographic and land use issues and drawing on the Land Use summary paper.

“Existing conditions” include physical and socioeconomic conditions; existing assets and resources; and the identification of associated concerns, challenges, strengths, and opportunities. Taking stock of these existing conditions assisted the Town in establishing its planning vision, goals, and actions.

### **Brewster Today**

The Town of Brewster is characterized by its small town, rural and historic qualities, with an abundance of natural resources, protected open space and miles of both coastal and freshwater shoreline. About 80 freshwater ponds cover some 1,700 acres.

The majority of developed land within the Town consists of single-family, residential development and small-scale commercial development concentrated along Rte. 6A/Main Street, a nationally designated scenic byway and the largest historic district in the U.S. Additional small-scale commercial areas are located on Underpass Road, and at the Route 137/Millstone Road intersection. The Town also includes an approximately 245-acre industrial district in the southeastern section of Town.

The Town has been committed to the protection of its valuable natural resources for decades. The Town has largely retained its small-town character through its efforts to protect open space and historic resources. According to the Brewster Open Space and Recreation Plan, updated in 2021, the town includes within its boundaries over 2,200 acres of State and non-profit open space and recreational holdings, such as Nickerson State Park, State-acquired Camp Monomoy land, Brewster Conservation Trust lands, Orenda Wildlife Trust lands, and the Cape Cod Rail Trail (CCRT).

Brewster itself has made major open space investments. The Town, through the Conservation Commission, owns approximately 882 acres of permanently conserved land, and about another 1,000 acres of open space held by other entities like the Select Board. The Town has an ongoing program where it formally transfers tax title and other Town-owned land appropriate for open space use to the care and custody of the Brewster Conservation Commission for permanent conservation. Since 2012 alone Brewster has acquired or transferred approximately 200 acres of open space for permanent conservation purposes and has acquired conservation restrictions or easements on another approximately 121 acres.

### ***Historic Development Patterns***

Since 1633, Brewster has been home for small business entrepreneurs since the opening of the first grist mill on what is now Stony Brook. Relying on the land and sea, business has always supported the natural setting and rural nature of the town. Perhaps the most notable of Brewster’s entrepreneurs were the sea captains. From the 18th to 19th centuries, as many as fifty sea captains lived in Brewster, building stately homes along Rte. 6A/Main Street, adding a sense of elegance to the community. Today, many of these sea captains’ homes are still occupied by entrepreneurs. Business continues to support the small-town setting of Brewster by creating services for residents and visitors and at the same time maintaining many important historic buildings and the natural surroundings.

### ***Current Land Use Patterns***

The most recent version of the Mass Audubon study, “Losing Ground”, Sixth Edition 2020, calculates that 34% of Brewster is permanently conserved, 26% is developed, and 40% remains undeveloped as natural or open land but is not permanently conserved.

**\*\*INSERT ZONING FIGURE – ADD KEY TO THE FIGURE**

As stated in the 2022 Brewster Housing Production Plan, nearly 75% of the housing stock in Brewster is in the form of detached single-family homes. Mixed-use development is not currently allowed under the Brewster zoning bylaw, although development in commercial districts is allowed to have an accessory residential unit by special permit.

Cluster residential development and planned residential development (PRD) are only allowed by special permit, and both have significant minimum land area requirements.

There are also 145 properties along Rte. 6A/Main Street where business activity is taking place. Most of these businesses are in the Residential (R-M) zoning district.

**[Figure # - Land Use]**

### ***Recent Trends***

A December 2021 Elementary Schools Master Plan completed for the Town of Brewster indicates that the seasonal population in Brewster, when averaged over a full year, is nearly double the number of full-time residents. The increase in seasonal population places stress, not only on the town's natural resources and recreation facilities, but also on its infrastructure.

Based on 2019 American Community Survey (ACS) data of housing market trends compiled by the Cape Cod Commission, the median value for a single-family home in Brewster in 2019 was \$442,000 while the median sales price in July 2022 was \$711,000 for single-family homes and \$455,500 for condominiums (Cape Cod and Islands Association of Realtors- CCIOAR). Under the 2022 HUD-defined Barnstable County Area Median Family Income (\$115,600), a family could affordably purchase a home at a maximum of \$420,579, significantly less than the median single-family home sales price. As of July 2022, there is an inventory of only 15 single-family homes and 2 condominiums for sale in town (CCIOAR). The Census Bureau classifies nearly 44% of all housing units in Brewster as vacant most of the year and held for seasonal or recreational use (ACS data).

Today, there are 15 lodging businesses and one resort on Rt. 6A/Main Street, with all but one in residential zones. In addition, there are 18 eating establishments on Rte. 6A/Main Street, with 75% in residential zones. Numerous other existing businesses are located on Rte. 6A/Main Street. Expansion or change to these businesses require a special permit from the Zoning Board of Appeals.

### ***Recent Actions by the Town***

The Town has adopted strict regulations to protect public drinking water supplies, manage land use and preserve open space within the town by managing land use within Brewster's Zone IIs (drinking water supply areas in East and West Brewster) and Pleasant Bay and Herring River watersheds.

In 2021, the Town purchased a total of 121 acres of Cape Cod Sea Camps property, including the 66-acre Long Pond Property and 55-acre Bay Property that stretches from Rte. 6A/Main Street north to Cape Cod Bay. Acquisition for public use is aligned with community priorities identified in this LCP and resident feedback from other recent strategic planning initiatives. Detailed comprehensive plans for each property will be developed and brought to a future Town Meeting for subsequent voter adoption.

*[insert photo of Sea Camps property]*

### ***Key Issues Moving Forward***

The Town has implemented specific land use controls and protected open space to minimize the impacts of future development on natural resources and protect the character of the community. The LCP also recognizes the need to evaluate policies and zoning bylaws that would support more housing choice. The 2022 *Brewster's Next Steps* survey included questions on potential locations for identification or designation of "town centers" in Brewster. Consideration of appropriate locations for mixed-use and/or additional residential density will be needed in order to meet the town's future housing needs while continuing to meet other community goals of protecting water quality, natural resources, and community character.

The Brewster Chamber of Commerce has cited the need for the Town to support and design vibrant and diverse business and cultural centers that offer more walkable, mixed-use options with affordable living units. However, a change in zoning or an overlay district would be required for mixed-use or to streamline local permitting for expansion or substantial change to businesses along Rte. 6A/Main Street.

DRAFT

## **Building Block Summaries**

### **Community Character**

#### ***Background and Current Status***

The Community Character Building Block encompasses both Brewster's physical and social character. Community Character is closely inter-related to several other Vision Building Blocks including Open Space, Local Economy, Housing, and Community Infrastructure. Positive actions on those Building Blocks will also have a positive impact on Community Character.

**Physical Character** - Brewster has a large collection of significant historic properties, with the great majority located along Rte. 6A/Main Street and Stony Brook Road. The town has two large National Register Historic Districts: one includes historic buildings along Route 6A/Main Street and Lower Road, roughly from Paine's Creek to Sea Pines Drive; the other includes structures along Stony Brook Road in the vicinity of the Grist Mill. Most of Brewster's historic resources are within the Old Kings Highway Historic District, which also includes properties along the town's old roadways including Rte. 6A/Main Street, Lower Road, Stony Brook Road, as well as Satucket Road, Route 137/Long Pond Road, Tubman Road, and several smaller connecting roads. The Old Kings Highway Historic District Committee has authority to review and approve all exterior alterations and demolition proposals. In the early 1900s, as automobile ownership grew, summer tourism became a major economic force and residential construction consisted mostly of summer cottages and summer cottage communities such as Brewster Park, Pineland Park, and Ellis Landing Colony. These cottages are now 75-100 years old, and some are considered of historic value.

The Brewster Historical Commission continues to work with a preservation consultant to document the architecture and history of significant houses built prior to 1925. The four small Village Business zones are located along Rte. 6A/Main Street near Betty's Curve, Underpass Road, Villages Drive, and at the Orleans town line. The larger Commercial zone is centered along Underpass Road. Many of the town's distinctive antique shops, inns, galleries, and other small businesses along Rte. 6A/Main Street are outside of the commercial zones and operate as home occupations within residentially zoned areas.

*[Figure 4 – Historic Resources]*

All construction along Rte. 6A/Main Street requires review by the Old Kings Highway Historic District Committee. Much of the Commercial (CH) district on Underpass Road is outside the historic district and is primarily governed by Planning Board Site Plan Review and, as applicable, Special Permit review. Certain uses such as multi-family residential, outdoor commercial, and accommodations uses are allowed only in the Commercial district by special permit, which requires specific criteria to be met. Restaurants and drive-through banks are allowed by Special Permit in both the Village Business and the Commercial districts.

The Town has well-developed Site Plan Review standards dealing with, among other things, site design, transportation and access issues for commercial, multi-family and industrial uses. While the Town's current dimensional regulations practically limit building size and scale on most small to medium size lots, they still allow larger buildings on larger lots.

The Town has walkable clusters of commercial development in each of the Village Business zones, but no focused "town center" or downtown. The Town's institutions are located along Rte. 6A/Main Street—the Brewster Ladies Library, Senior Center, Town Hall, and the Eddy Elementary School.

Formula retail businesses are expanding in many communities on the Cape, submitting proposals to expand existing structures or rebuild. In Brewster, Cumberland Farms applied to significantly increase building size and expand the range of products they offer. After considerable public debate, the expansion was approved in 2017, but with fewer gas pumps than originally proposed.

The 2017 Brewster Vision Planning workshops identified the preservation of community character as an important issue, with responses like 'small town feel,' 'historic charm,' 'scenic Rte. 6A,' and the landmark 'Grist Mill Herring Run' appearing in 36% of comments about town "Treasures." Community Character also played a major role in comments relating to the vision for Brewster's future. While community character was primarily interpreted to mean the physical fabric of the community—its buildings, landscapes, and neighborhoods—workshop participants also acknowledged the town's diverse residents, social challenges, and a desire to be more connected with each other as part of the social character.

**Social Character** - Brewster's population is changing in ways that are similar to the Cape in general. The 2020 US Census showed that Brewster's population has increased by 5% over the past 10 years. The population of residents over 65 was projected to grow from 42% of the population in 2020 to 53% in 2030. By 2022, the 65+ Brewster population has increased to 43% of the population (2022 Town Census). Brewster's high-quality schools are an important factor in attracting young families with diverse backgrounds. This younger population (i.e., age 25-49), many with school age children, currently accounts for 22% of the Town's population (2022 Town Census), already lower than the US Census (2020) projected decrease to 38% in 2030. The US Census also projected that the number of school age children 5-19 would fall from 11% in 2020 to 9% of the population in 2030 but has already decreased to 8% in 2022 (2022 Town Census). Recent Census data also shows while Brewster is predominantly white (91.4%), the Town has seen a significant increase in racial diversity over the past decade with the minority population increasing from 3.3% in 2010 to 8.6% in 2020. (US Census 2010 & 2020)

Housing is critical to support a diverse population, and the Town has been proactive in pursuing affordable housing to address both the needs of older residents as well as focusing on attracting young families, including amendments to the accessory dwelling by-laws to allow greater opportunities for year-round rental options and home ownership. Brewster is also pursuing several projects to expand affordable single-family homes, rental units, and housing for older adults.

Seasonal workers come from a variety of countries and add to the vibrancy of the town. The Town continues to work to find housing for the seasonal workforce, with consideration being given to structures on the Bay Property for this purpose. Brewster also provides a variety of social services to families and individuals in distress. Most of these services are provided through not-for-profit service organizations. The Town has a Human Services Committee which annually funds approximately 15 to 20 local non-profit organizations that assist Brewster residents. The Town also has a good neighbor fund available to residents who income-qualify. The Town offers both a rental assistance program through the Brewster Affordable Housing Trust and Housing Rehabilitation and Child Care Vouchers through a Community Development Block Grant for income eligible residents.

### ***Recent Actions by the Town***

As noted in the Open Space and Water Resources summaries, the Town has had a long-standing commitment to purchase open space for its inherent value as well as to protect the town's drinking water and surface water quality. In 2021 the citizens of Brewster overwhelmingly voted to purchase the Cape Cod Sea Camps properties of over 100 acres. The Town is now working with citizens to determine how best to use both parcels.

A 2016 Brewster Council on Aging needs assessment found that the typical older adult wants to stay in Brewster and is aging with sufficient resources and social support. However, there are segments of this population that struggle to age in place. Transportation, caregiving services, and health and wellness programs were seen as priorities. Most older adults think that the current COA building/senior center is inadequate for community needs and supported the creation of a multi-generational community center. This finding mirrors many statements in the 2017 Brewster Vision Planning workshops about the value of a multi-generational community center to meet the needs of Brewster's diverse population and a place that would bring all age groups together.

The Select Board adopted a Diversity, Equity and Inclusion (DEI) pledge in 2021. The Town has undertaken a DEI report and has received a State Grant to perform a DEI audit and training for municipal staff and officials. The Town will look to engage stakeholders in this important community conversation.

### ***Key Issues Moving Forward***

As noted in the summaries for Community Infrastructure and Local Economy, there are several areas in town where maintaining community character is a key issue, including potential "town centers" along Rte. 6A/Main Street, the Bay Property and Long Pond Property, and a potential multigenerational community center. Important to these and all planning considerations, including to changes in zoning bylaws and regulations, is maintaining Brewster's historic and small-town, rural character. To help accomplish this, zoning Site Plan Review and Special Permit criteria could be evaluated and amended to provide enhanced landscape, architecture and building design standards.



*[Figure # - Priority Natural Resource Areas]*

DRAFT

## Open Space

### *Background and Current Status*

Open Space figured prominently in the 2017 Vision Planning workshops. As a treasure, participants valued protected open space because of its contribution to Brewster's rural character, low density, tranquility, protection for the town's drinking water supply, recreation, and preservation of natural habitat. The single highest scoring action in the 2018 Vision Plan survey was "Identify and protect priority parcels in sensitive natural resources areas, particularly in designated drinking water supply areas". Similarly in the 2022 *Brewster's Next Steps* survey, acquiring land to protect drinking water supply and critical habitat rated among the top scoring actions. Land protection in drinking water supply areas (Zone IIs) has become a major criterion for land acquisition for both the Town of Brewster and Brewster Conservation Trust land acquisition projects.

In addition to the contributions to Brewster's character and recreational opportunities, open space contributes in many ways economically and financially to the town. Forested open space also acts as a carbon sink by capturing and sequestering carbon emissions. In contrast to other Cape towns, Brewster's past open space investments have, in part, allowed the Town to avoid the high cost of sewerage large areas of town in sensitive watersheds.

While Brewster residents and visitors appreciate the rural feel and low-density development, it is important to recognize what is "open space". Many people may perceive much of the undeveloped land in Brewster as permanent open space, but in fact much of it is not formally restricted for such purpose. A study by Mass Audubon in 2020 characterized Brewster as 34% protected open space, 26% developed, and 40% vacant or undeveloped. In comparison to Brewster, 40% of Barnstable County is protected open space according to the Regional Policy Plan. A recent analysis of the conversion of "vacant land" in Brewster from 2013 to 2020 indicated that an equal amount of land has gone from vacant to developed as from vacant to conservation – 158 acres.

The Town's Open Space and Recreation Plan 2021 Update provides a detailed summary of currently protected lands, but a partial list includes: 2,200 acres of state and non-profit protected lands, 1,000 acres of Town owned lands, and another 822 Town-owned acres controlled by the Conservation Commission. The not-for-profit Brewster Conservation Trust owns 636 acres of permanently protected land and an additional 246 acres through conservation restrictions on private land. Orenda Wildlife Land Trust owns another 27 acres, and the Brewster Conservation Commission also has conservation restrictions on a limited number of privately held properties.

The Town's commitment to open space started many years ago with the purchase of over 800 acres in the Punkhorn Parkland in the late 1980s and early 1990s to protect the wellfields in West Brewster. During the same period, the Town also purchased several hundred acres in south-east Brewster to protect wellfields in that part of town. Even though water supply protection has been an important criterion for land acquisition in recent years, only approximately 40% of the "Zone II" (area of draw-down around Town wells) is currently protected.

As a heavily used public park and scenic vista, Drummer Boy Park represents a unique asset in Brewster. In spring 2023, the Town established the Drummer Boy Park Advisory Committee to re-assess the master planning conducted and adopted to date for Drummer Boy Park .

Wing Island is another open space asset cherished by those in town and beyond. The Town has decided not to pursue an elevated boardwalk system to Wing Island as had previously been discussed but instead will pursue more formal recognition of Wing Island as protected for conservation and open space purposes.

### ***Recent Actions by the Town***

Brewster's Open Space Committee completed an update of the Town's Open Space and Recreation Plan (OSRP) in 2021. The Plan identifies the following overarching goals:

1. Protect the town's drinking water supply to meet the needs of residents today and in the future.
2. Provide open space and recreation opportunities that maintain Brewster's rural character and small coastal community identity and support a sustainable local economy as a center for eco-tourism
3. Preserve and enhance habitat diversity and protect marine and fresh surface water resources to maintain their ecological functions and values to the community.
4. Provide a variety of recreation and open space opportunities to promote active and healthy lifestyles for Brewster residents, ensuring equitable access for all users and abilities.
5. Support coordination and communication of regional open space and recreation needs.

Between 2018 and 2020, 13 parcels totaling 133 acres in the drinking water supply areas have been protected, often through a partnership of Town and Brewster Conservation Trust. The Brewster Water Commissioners have also recognized this priority and have created funding within their tariff structure for land protection.

Much has also been accomplished to improve access to open space and recreation resources. The Town expanded the satellite parking lot at Crosby Landing, and a new access linking the Cape Cod Rail Trail at Nickerson State Park to the bayside at Linnell Landing has been designed and permitted. This multi-use trail will provide walking and bike access to a large stretch of state-owned beach. In addition, the Town and the Brewster Conservation Trust have opened up new public trails and published an updated guide to Brewster's walking trails.

### ***Key Issues Moving Forward***

Acquiring and managing open space to protect water resources and provide outdoor recreation will continue to be an important goal for the Town and other organizations, such as the Brewster Conservation Trust. Another important consideration is enhancing accessibility to public trails for people with mobility, vision and other challenges or impairments.

The acquisition of the former Cape Cod Sea Camps properties presents enormous possibilities for the expansion of open space and passive and active recreation. The Town has established planning committees for both the Bay and Long Pond Properties, each charged with the development of a comprehensive plan for the respective properties. The planning committees for the properties will consider all potential uses for the properties to develop a comprehensive plan consistent with community needs and interests.

## Housing

### *Background and Current Status*

The cost and availability of housing in Brewster was identified as the largest single challenge at the June 2017 Vision Planning Workshops, with an emphasis on how the lack of affordable housing impacts young families. Workshop participants saw housing as key to allowing young families to stay in Brewster, maintaining the diverse community that residents value, and providing the workforce that the local economy needs.

“Affordable Housing” is a term defined under state and federal law and policy meaning housing affordable to low- and moderate-income households, i.e., households earning no more than 80% of the area median income (AMI) for the county. In contrast, “attainable” or “workforce” housing is not a formally defined term. It refers to housing affordable for households whose incomes are too high for “affordable housing” but are priced out of the market i.e., households earning between 80-120% AMI. In either case, households should not be required to spend more than 30% of their income on housing costs.

Affordable housing was identified by workshop participants as the biggest challenge facing the Town. While those with the lowest incomes face the greatest housing need and challenges, the cost and availability of housing, both for year-round rentals and ownership opportunities, is an issue as well for many households who do not qualify for affordable housing, making it challenging for both younger families and older residents to remain in town.

Brewster, like the rest of the Cape, is facing housing issues that are common to a number of resort, tourist-based areas throughout the country that have a significant percentage of seasonally-used housing stock (44% in Brewster). These areas all have high housing costs, in part because the average income of second homeowners is greater than that of year-round residents, which can drive up the cost of housing. Brewster’s housing stock primarily consists of detached single-family homes (75%). Brewster has twice the percentage of residential condominium units (11%) than in Barnstable County towns on average (ACS 5-Year Estimates, 2016-2020). Environmental and infrastructure factors also contribute to the higher cost of housing in Brewster. According to the Cape Cod Commission, one of the affordable housing challenges is the gap between the Cape’s comparatively low wages and high housing costs. While wages have remained relatively stagnant, housing costs have risen dramatically. Brewster’s housing problem is also exacerbated by its aging population, with few young people and limited local workers.

As for affordable housing, the town has 327 units or 6.8% counted as affordable and needs to add 153 affordable units to meet the 10% goal. The 10% metric, however, understates the range of housing needs that exists in town. Currently, 260 of the affordable units are rental units. In 2021, 31% of all rental units in Brewster were deed restricted affordable housing units. This is reflected in the median Brewster rent of \$1,097, which was artificially depressed by the percentage of subsidized housing. The median rent in 2021 was \$1,340, a 22% increase in 2 years.

A challenging housing situation has worsened dramatically since 2017. Intensified with changes associated by the COVID pandemic, the cost of housing has increased along with a sharp decrease in the number of properties for sale. Additionally, there has been a reduction in the number of homes used for year-round rentals. In 2022, the median sales price of a single-family home in Brewster was \$775,000, an increase of 44% over \$540,000 in 2020, and an 99 % increase from the original Housing Summary statistic of \$389,750 in 2015. The affordability gap has also grown tremendously. The 2022 HUD-defined Barnstable County Area Median Family Income (\$115,600) could affordably purchase a home, with current tax and mortgage rates, at a maximum of \$420,579. In terms of ownership, 85% of Brewster year-round households own their own homes,

31% of which are housing-cost burdened (paying over 30% of their income on housing), while 64% of Brewster year-round rental households are housing cost burdened.

### ***Recent Actions by the Town***

Over the past six years, a clear pattern has emerged in Brewster's housing response. Town support has resulted in a number of housing initiatives and their corresponding Community Preservation Act (CPA), Town budget, and free cash funding. Creative collaboration, supportive teamwork, and resident involvement have exponentially increased the Town's efforts. Many of the strategies identified in the Town's 2017 Housing Production Plan (HPP) have been implemented. In 2017, the Town hired a part-time housing coordinator with CPA funds to coordinate the remaining strategies identified in that Plan. The Town then created a Municipal Affordable Housing Trust, supported with CPA funds and free cash allocations. In 2021, the Select Board adopted a policy to allocate 50% of the forecasted new short-term rental revenue to the Housing Trust. In 2017, Ocean Edge Resort received a special permit to create seasonal workforce housing on their property. The Housing Coordinator role has since been expanded to support all housing initiatives in the Town, including providing day-to-day resident support with housing questions. In recognition of the growing housing challenges and needs in the community, a part-time housing assistant position has been created and funded beginning FY24.

In 2018, Town Meeting amended the zoning bylaw with new Accessory Dwelling Unit (ADU) provisions. ADUs are a way to utilize current infrastructure, assist homeowners, and create environmentally friendly housing. Approximately 16 accessory residential units, which includes ADUs, have been permitted since 2018.

The Town has initiatives to both preserve housing and support housing without new construction. In 2021, along with Dennis and Wellfleet, Brewster was part of a \$1.3-million-dollar regional Housing Rehabilitation and Childcare Community Development Block Grant (CDBG). As the lead community, Brewster was awarded another \$1.3-million-dollar regional CDBG grant to continue the program in 2022. In response to the high price of rental housing and impact of COVID pandemic on workers, the Housing Trust created a rental assistance program funded with a CPA grant and managed by Housing Assistance Corporation. The Town also continues to operate an affordable home ownership buydown program funded through the CPA.

Partnerships with non-profit organizations and effectively using Chapter 40B Comprehensive Permits were additional strategies in the HPP. In 2018, the Town used CPA funds to purchase an access parcel and officially designated the 16 acres of Town-owned land off Millstone Road for community housing. Upon the recommendation of the Brewster Housing Trust, the Select Board accepted a proposal to build a compact grouping of 45 energy efficient affordable rental apartments which leaves most of the property untouched. Partnerships with non-profits and effectively using Chapter 40B Comprehensive Permits were additional strategies in the Housing Production Plan (HPP) that have been pursued. Brewster Woods, comprised of thirty affordable rental apartments for those in the low to moderate income bracket on Housing Authority land off Brewster Road, opened in February 2023. Elevation Financial, working in partnership with the Town, redeveloped the former vacant Wingate Rehabilitation Center into Serenity at Brewster with 132 apartments for people aged 55 and over. Construction was completed in July 2022. At Serenity, 20% of the units are deed restricted affordable for households up to 80% of the Area Median Income (AMI).

In 2022 Brewster completed an update to its 2017 Housing Production Plan (HPP). This plan assesses the community's housing needs, sets goals, and guides the implementation of Brewster's Housing Program over the next five years. The HPP aims to produce 24 units of affordable housing a year as Brewster works towards the state mandated 10% affordable year-round housing stock. Brewster's 2017 HPP met this production goal twice

and was so certified by the Commonwealth. Funded with a Community Preservation Act grant, the 2022 HPP was prepared by Barrett Planning Group with a robust outreach process led by the Housing Partnership. The Select and Planning Boards approved the HPP update in July 2022; state approval followed in August 2022

***Key Issues Moving Forward***

In the current housing market, finding year-round attainable and seasonal workforce housing has become more challenging. There is no single solution that will provide all the needed housing options for our residents and workforce. While the unanticipated pandemic has shown how housing intertwines with physical, economic, and community health, the 2021 Cape Cod Sea Camps purchase demonstrates the Town's ability to mobilize around a common goal. The updated HPP will help the Town better understand the impacts of the pandemic, reassess the housing needs, and retool strategies for the next five years. A summary of the 2022 HPP is provided in Section 7. The lack of a centralized or smaller scale wastewater treatment infrastructure limits the development potential of available land. Rehabilitation and support programs continue to be needed to both create and preserve housing.

Education is a key part of both understanding and addressing housing challenges. Opportunities ahead for increasing housing options include expanded collaboration with Town and community entities, as well as an ongoing commitment to funding. Additional possibilities exist for joint work with conservation and environmental groups as well as businesses and the Chamber of Commerce. Finally, zoning remains an area of potential housing opportunity, including reassessing the current ADU bylaw provisions.

## Local Economy

### *Background and Current Status*

The 2017 Vision Planning workshops defined a sustainable local economy as one that builds on Brewster's natural and human assets, addresses the needs of small businesses, and provides year-round employment for Brewster's young families. Specifically, the workshop participants wanted to see:

- A greater focus on building a “green economy” based on the town's natural beauty and resources
- An economy that fosters the growth of small business that are compatible with the town's character; and
- Growth of a more sustainable year-round economy that encourages small businesses and better supports Brewster's workforce.

**Regional Economy** - According to the 2019 Cape Cod Comprehensive Economic Development Strategy (CEDS), the dominant industries in the region are related to Cape Cod's seasonal economy and retiree population: 17% in healthcare, 16% in accommodations and food services, and 16% in retail trade (US Bureau of Labor Statistics, 2017 ES-202 data via the Massachusetts Executive Office of Labor and Workforce Development. [http://lmi2.detma.org/lmi/lmi\\_es\\_a.asp](http://lmi2.detma.org/lmi/lmi_es_a.asp)). Just under a quarter of jobs on Cape Cod are in emerging industry sectors including creative economy sectors, financial and information sectors, and professional services and technical services sectors, with wages around or above the average for the region (Cape Cod Housing Market Analysis. 2017. [www.capecodcommission.org/housing](http://www.capecodcommission.org/housing)).

Based on the 2017 Cape Cod Housing Market Analysis, average wages in all of the top seven Cape Cod sectors—accommodation and food services, retail trade, healthcare, professional and technical services, construction, local government, and administrative/waste services are below the amount of household income per year required to afford a median priced house in the region. Only the highest paid employees within the county's major employment categories were able to afford owning a house in 2015 (Cape Cod Housing Market Analysis. 2017.

[www.capecodcommission.org/housing](http://www.capecodcommission.org/housing)). Household income has not kept up with rising costs of homeownership or rental housing on Cape Cod, an issue that will be greatly exacerbated given the forecasted trends in population and employment,

**Local Economy** - According to the 2019 CEDS, Brewster's top three employment sectors are in education and health services (39%), leisure and hospitality (22%), and construction (9%). Based on the Cape Cod Commission's Data Cape Cod portal, Brewster's 2019 median household income was \$75,321. The unemployment rate in 2019 was 2.9% with average wages at \$44,979. Forty-six percent of Brewster's workforce was employed in management, professional, and related industries, in comparison with the County at 36.7%. Brewster had a total of 314 business establishments with average wages of \$44,998. The majority (68.5%) of these establishments employed 1–4 employees.

**Local Demographics** - Brewster, like much of Cape Cod, is populated by a mixture of working families, retirees, summer residents, and visitors. Brewster's median age is 54.3 years, compared to 53.3 for Barnstable County as a whole. In 2022, Brewster's population is 9,716 (2022 Town Census, Town Clerk, 8/15/2022) with a total of 8,243 housing units. As noted in the Land Use section, Brewster has one of the highest percentages of total units that remain vacant for seasonal or recreational use at 46% in 2022, compared to 42% for Barnstable County as a whole. Forty-three percent of the year-round residents in Brewster are over 65 years old. With many adults now working up to age 70, the working age population (between 25-70 years old) accounts for 55% of the total population.

Brewster has many defining elements that make it an attractive place for retirees, seasonal residents, and visitors as well as the working residents that support them. Like the rest of Cape Cod, the business and job mix in town is heavily influenced by the non-working populations. Economic growth and new opportunities depend in-part on bringing resources/money from outside the area into the area, which is what retirees, second-home owners, and tourists do for the region. Defining Brewster as a place, and investing in the elements that define that place, is essential to building a strong local economy.

Recognizing that much of Brewster’s economy is based on its natural assets, the Chamber of Commerce’s Sustainability Strategy promotes Brewster as an eco-tourism center and builds on “green” opportunities such as recycling and biking. As noted in the Climate Mitigation and Adaptation section, the Town has taken important steps in creating many elements of a green economy through its policies and initiatives.

***Recent Actions by the Town***

Brewster Select Board Strategic Planning has included actions under the Local Economy Building Block to complete and launch an electronic permitting platform and guide to doing business in Brewster to assist residents, contractors, and businesses in navigating local permitting processes. In 2022, the Town commenced electronic permitting through the OpenGov platform. In addition, the Town acquisition of the Cape Cod Sea Camps properties gives the Town control over future land uses for these key assets and associated economic development opportunities.

***Key Issues Moving Forward***

Brewster has an opportunity to review and revise local bylaws and investment strategies to meet its economic and community goals. With a clear vision for a sustainable economy, the Town can align its public policies, public investments, and private efforts to build on and protect its assets. One of the approaches the Town could take to support its economy and local businesses, while also supporting Community Character, is considering, in appropriate areas, zoning that focuses more on the physical form rather than on specific uses.

Further evolution of “town centers,” with the necessary infrastructure, services, and mix of uses, can help to maintain Brewster’s community character, protect natural resources, and open space, and provide opportunities for local businesses that provide for residents and visitors. Planned or proposed public facilities, including a multigenerational community center, will also play a key role in supporting “town center” planning.

Brewster’s economic challenges include the high cost of housing, low wages, and funding for appropriate infrastructure, including green infrastructure investments to protect natural resources. Addressing Brewster’s housing needs, including year-round and seasonal workforce housing, will require multiple strategies including implementation of the updated 2022 HPP. The lack of existing centralized or smaller scale wastewater treatment limits the development potential of available land and will require creative solutions by the Town to focus physical infrastructure in locations where it can be supported without compromising natural resources or community character.

***[Economy Graphic?]***

***[Figure # - Coastal Resources]***



## Coastal Management

### *Background and Current Status*

Brewster's residents recognize the importance of the town's coastal resources to both residents and visitors. They provide access to a range of summer and year-round activities, including swimming, boating, commercial and recreational shell fishing, walking on the flats, watching sunsets, and other recreational activities. In the 2017 Vision Planning workshops, the town's beaches were identified as the second most important treasure, and directly linked to the highest ranked treasure, the overall character of the town. Town residents want to preserve and expand access to the shoreline while also preserving and protecting the natural resources that make the coast so special.

The Town's public access points are threatened by storms, which can damage both the beaches and their access points, and by the increasing impacts of climate change. Nor'easters have damaged parking areas and eroded the coastal dunes and beaches in some of these locations, prompting improvements to Paine's Creek, Ellis Landing, and Breakwater Landing facilities over the last decade. Concerns over repetitive storm damage and planning for these improvements led to the creation of the Brewster Coastal Advisory Group and the development of the September 2016 Coastal Adaptation Strategy to address future management of Brewster's shoreline. The Strategy presumes a sea level rise of one foot in 20 years.

Building on the Coastal Adaptation Strategy, the Brewster Coastal Committee completed the Brewster Coastal Resource Management Plan (CRMP). Phase I has specific recommendations on improving and protecting coastal access, incorporating the guiding principles, and employing a robust public involvement process to help refine specific plans. The Brewster Natural Resources Advisory Commission, established in 2021, is charged with overseeing the implementation of the CRMP.

The Town owns 11 coastal beaches or landings on Cape Cod Bay, all with public parking areas, including the resident-only First Light Beach. Figure 1 shows the 7 miles of Brewster shoreline.

*[insert graphic of beaches]*

From an access standpoint, the Town maintains approximately 349 parking spots across all coastal beaches and landings and 50 interim spaces at First Light Beach, including dedicated handicap parking spaces and bike racks and other facilities during the summer months. Unfortunately, during summer peak season, demand can be greater than the available access, and additional parking opportunities are limited. The beaches and their access points are vulnerable to erosion from coastal storms and require frequent maintenance and investment by the Town. Impacts to the landings are expected to increase over time due to rising sea levels and the potential for stronger, more frequent storms. In response, the Town is adapting to recurring and increasing erosion and storm damage through retreat, such as at the Paine's Creek, Ellis, and Breakwater Landings where pavement was moved further from the ocean edge.

In February 2022, the National Oceanic and Atmospheric Administration (NOAA) released its Sea Level Rise Technical Report. Based on NOAA's analysis, the Town's planning scenario of 1 foot rise in sea level in 20 years for Brewster's coastline is quite possible. Extensive sections of Brewster's seven miles of coast have historically and recently been exposed to storm surge impacts, including dune wash over, flooding, and significant erosion. Based on the Center for Coastal Studies' 2015 Century Scale Sediment Budget, it is not clear if the tidal flats will remain exposed at low tide under future sea level rise scenarios. Lacking the buffering capacity of the tidal flats, Brewster's beaches and dunes would likely experience significant erosion and storm surge during serious weather events.

#### ***Recent Actions by the Town***

As noted in the Background section, the Town developed a consensus-based coastal adaptation strategy to identify priorities and principles for future action. Survey results from the 2016 Coastal Adaptation Strategy confirmed broad support for the Brewster's coastal resources among all age groups and resident status.

The Town has added 80 parking spaces (for total of 138 spaces) for access to Crosby Landing Beach. The Town replaced an unsafe footbridge over the Freeman's Pond creek to facilitate access to the large Town-owned beach located between Mant's Landing and Paines Creek. In 2021, the Town replaced the culvert under Crosby Lane, accompanied by Low Impact Design-type stormwater management improvements, with the goals of increasing tidal flow to salt marsh, improving water quality, and making the road infrastructure more resilient to the effects of climate change, while preserving a corridor for wildlife passage. Also in 2021, the Town purchased the former Cape Cod Sea Camps bayside property, with 800 feet of shoreline that extends to the Spruce Hill beach. Public access to this beach for residents was established in 2022 along with an interim parking area.

The Town also completed a Hazard Mitigation Plan Update in 2021 that was approved by the Federal Emergency Management Agency (FEMA). As a result, the Town is eligible for funding under FEMA guidelines for mitigation measures that reduce disaster losses.

In November 2021, Brewster Town Meeting approved a new stormwater bylaw to better manage parcel-specific stormwater changes associated with development and to meet the Town's "MS4" permit requirements under state and federal law. At this same Town Meeting, voters approved changes to the town's floodplain district incorporating state planning guidance.

The Town, jointly with Dennis and Orleans, is also the beneficiary of Coastal Resilience grant in 2022 from the Massachusetts Coastal Zone Management office to develop a comprehensive shoreline management plan and database for the 14.5-mile shoreline between Bass Hole and Rock Harbor for the purpose of addressing the impacts of climate change. A potential follow-up grant could fund a public data portal and mapping for the data collected.

***Key Issues Moving Forward***

Existing and future coastal and climate processes indicate that Brewster’s coastal resources are under threat. The Town is faced with the challenge of accommodating access to its coastal resources that has been impacted and could potentially be reduced by coastal and climate processes. Ongoing development and redevelopment of existing properties along the shoreline is also a concern.

With the projected significant acceleration of sea level rise in the next 30 years, it is not clear if Brewster’s tidal flats will remain exposed at low tide under future sea level rise scenarios. Lacking the buffering capacity of the tidal flats, Brewster’s beaches and dunes would likely experience significant erosion and storm surge during serious weather events. The Town could consider updating the 2015 Century Scale Sediment Budget (prepared by the Provincetown center for Coastal Studies) in collaboration with Dennis, Orleans, and Eastham. Brewster also participated in a 2021 effort by the Cape Cod Commission to review current land use regulations and to develop a model coastal resiliency by-law.

The Town is heavily involved in maintaining and increasing access to existing beach facilities. Impacts to the landings are expected to increase over time due to rising sea levels and the potential for stronger, more frequent storms. A number of these landings are important for access to private beaches and the Town’s aquaculture sites as well as for emergency vehicles.

[Figure # - Water Resources]

DRAFT

## **Water Resources**

### ***Background and Current Status***

Brewster residents value the town's water resources and recognize that they are an integral part of the community's character. In the 2017 Brewster Vision Planning workshops, residents especially identified Brewster's freshwater ponds as important assets to the town for their aesthetic and recreational values. Residents also recognized the importance of clean drinking water and the relationships between protecting open space and preserving water quality throughout the town.

Over the last 40 years, the Town has made a concerted effort to protect groundwater quality. The Town has purchased significant areas of open space to protect the Town's ponds and drinking water, particularly in the zones of contribution to its six municipal wells. The Town has also developed land use management policies and regulations to prevent development activities from harming water resources, including new water quality performance standards in the Town's Water Quality Review Bylaw.

In 2015, the Town completed an Integrated Water Resource Management Plan (IWRMP). A 2022 IWRMP update indicates that Brewster's drinking water is consistently excellent and has won two awards from the New England Water Works Association as the best tasting water in New England. More than forty percent of the land area that contributes water to the Town's drinking water wells is protected open space. Nitrogen concentrations in the Town's water supplies are consistently below 1.0 mg/L, well below the federal standard of 10 mg/L. This is a direct result of the limited development in the vicinity of the wells. However, developed land uses (housing, industrial uses) without proper management may threaten the quality of drinking water.

There are about 80 freshwater ponds in Brewster. Based on the last summary of pond water data from 2009 developed by the University of Massachusetts-Dartmouth School for Marine Science and Technology along with the Cape Cod Commission (SMASST and CCC, September 2009), five of these ponds have excellent water quality while approximately 15 are classified as impaired due to nutrient inputs, predominantly phosphorus, which contribute to excess algae growth in the ponds. Phosphorus enters the ponds from septic systems, stormwater runoff, and fertilizers applied to lawns and gardens.

Portions of Brewster lie within the watersheds to Pleasant Bay and Herring River. Nitrogen inputs from septic systems, stormwater, and fertilizers within Brewster have contributed to water quality impairments in these estuaries. While Brewster only has limited access to these coastal resources, the Town has an obligation to reduce nitrogen inputs to support the restoration of the estuaries.

### ***Recent Actions by the Town***

The Town continues to actively manage its water resources. Collaboration with the Brewster Conservation Trust and the Brewster Ponds Coalition expands the Town's ability to manage and protect its water resources. Specific actions over the last five years related to the implementation of the IWRMP and other Town initiatives are summarized below:

The Town, in collaboration with the Brewster Conservation Trust, continues to actively pursue open space preservation in the wellhead protection areas that contribute water to the Town's wells. Between 2018 and 2020, an additional 113 acres of land was preserved to further protect drinking water quality. In addition, the Town is monitoring drinking water quality for per and polyfluoroalkyl substances (PFAS) that have been found

in other drinking water systems on Cape Cod and are associated with a variety of sources, including firefighting foams, food packaging, skin care and clothing products. To date, none of the PFAS compounds have been detected in water pumped from the Town's water supply wells.

In 2016, the Town developed a Water Resource Atlas for 43 of the freshwater ponds in Brewster. The atlas highlights the sensitive areas around each pond, including the surface watershed, the groundwater recharge area to each pond, and the septic buffer around each pond. The atlas allows residents to understand the land use around each pond that affects water quality.

The Mill Ponds Management Plan developed by SMAST (November 2014) provided an overall strategy for the restoration of Walker's Pond, Upper Mill Pond, and Lower Mill Pond, including recommendations for weed harvesting in Walker's Pond and an alum treatment in Upper Mill Pond to trap phosphorus in the sediments on the pond bottom, that were implemented by the Town. These measures are helping to restore water quality in both Upper and Lower Mill Ponds.

Brewster continues to work with Orleans, Chatham, and Harwich to implement the Pleasant Bay Watershed Permit and reduce its proportionate share of nitrogen to Pleasant Bay, which was the first permit of its type in the Commonwealth. A study, begun in August 2021, is evaluating fertilizer application leaching rates at the Captains Golf Course to inform nitrogen management decisions.

In November 2021, the Town adopted a stormwater bylaw that will improve how stormwater is managed across Brewster. The bylaw will help ensure that stormwater is treated prior to discharge, using best management practices to treat for nutrients and other pollutants that could drain into nearby surface waters or groundwater. It also assists the Town in maintaining compliance with MS4 permit requirements under the Federal Clean Water Act. Regulations and guidance documents that explain how the bylaw will be implemented have been adopted and promulgated by the Town.

In 2023, consistent with the Select Board's strategic plan, the Town established a Water Resources Task Force, a technical working group made up of Town staff and certain other ex officio members, which aims to coordinate the multi-pronged, water resources work in the town.

### ***Key Issues Moving Forward***

Effective July 7, 2023, the Massachusetts Department of Environmental Regulations has promulgated new regulations for Watershed Permits and amended "Title 5" wastewater regulations to address nitrogen-impaired estuaries and embayments on Cape Cod. For Brewster, these watersheds are Pleasant Bay, Herring River, Bass River and Swan Pond River. Brewster already shares a Watershed Permit from DEP with Harwich, Chatham and Orleans for the Pleasant Bay watershed (a first-of-its-kind permit in the Commonwealth, which is referenced in and serves as a model for other Cape Communities under the new Watershed Permit regulations). The Town is actively considering long-term funding strategies, including through participation in the Cape Cod Water Protection Collaborative.

In addition to the low-cost nitrogen management practices being adopted at the Captain's Golf Course to lower the nitrogen loads, the Pleasant Bay Watershed Permit requires that any remaining reductions required for existing loads could be met through combined solutions such as neighborhood-scaled wastewater treatment facilities, the use of individual nitrogen reducing onsite system treatment systems, or nitrogen trading with other watershed towns. Planning for future load management could involve other initiatives like regulatory changes or open space acquisition. Cost could be reduced based on the results of the golf course fertilizer leaching rate study which will be completed in 2023. The Pleasant Bay Watershed Permit also requires that the Town address nitrogen inputs from future development in the watershed. Options to manage

future nitrogen inputs include amendments to Town bylaws or regulations. For the Herring River watershed, there is no need to reduce the current nitrogen inputs to meet the total maximum daily loads (TMDLs) established in the watershed under state and federal law, but future inputs from increased development will need to be managed.

The Town continues to monitor drinking water quality for per and polyfluoroalkyl substances (PFAS) that have been found in other drinking water systems on Cape Cod and could begin development of a response and remediation plan for any future detections.

The Town is currently working to develop an updated summary of water quality in the major ponds in Brewster, utilizing the annual monitoring data that has been collected since the last summary report in 2009. In 2016, the Town, through Board of Health Regulations, established a minimum 300' septic leaching system setback from ponds. The Town could consider further policies and regulations related to pond setbacks in the future. The Town could also consider pilot programs for innovative alternative septic system technologies that treat for phosphorus in contributing areas around ponds.

DRAFT

## Governance

### *Background and Current Status*

In 2016, the Government Study Committee completed its 2-year review of the Town's organizational structure, duties and responsibilities of various Boards and Departments, and overall methods of communication. The Committee's final report identified recommendations for the Town to consider, ranging from the form of governance to the number of boards and committees with overlapping charges.

Primary themes that emerged from the 2017 Vision Planning workshops relative to Governance included:

- A desire for government to be more transparent and customer-service oriented, and to further embrace technology to better communicate and engage citizens in town-wide decision-making processes.
- A highly valued school system that is treasured by existing residents and one that attracts people to Brewster; and
- An opportunity to more proactively engage both Brewster's skilled retiree population and general citizens of every age in Town affairs.

### *Recent Actions by the Town*

The Town established a Charter Committee in 2019 to address the structure and powers of Brewster town government. The Charter was approved by the Select Board, then by Town Meeting vote in Spring 2021 followed by state approval in January 2023.

The Select Board develops an annual Strategic Plan with goals linked to the Vision Plan Building Blocks/Goals to keep work aligned with the Vision Plan. The Plan's goals inform the Town's ongoing and upcoming policy and operational initiatives. A monitoring matrix with general timeline, priorities, responsible parties, and key stakeholders for each goal facilitates accountability and tracking of progress. Significant progress has been made on many priorities identified in the Vision Plan as a result of this coordinated effort. The Strategic Plan will similarly continue to incorporate and implement the LCP Action Plan.

Several initiatives have been undertaken to expand and improve communication with residents about Town initiatives, plans and progress.

**Town Website** - The Town has long maintained a website where current information is posted by Department, as well as developed bulletin boards, informational brochures, and an email list with more than 1000 current subscribers. The Town has also created dedicated webpages such as for the Bay and Pond Planning Committees established for the former Cape Cod Sea Camp properties where interested persons can learn about meetings, specific projects, or planning status. In response to public input, a more user-friendly website was designed and developed, with launch in March 2023.

**Expanded Use of Media and Social Media** - The Town requires all Board and Committee meetings to be presented live and/or recorded for viewing on Government Channel 18 and online in an effort to increase transparency and better inform the public of governance processes and decisions. The Town made the BGTv media resources available by downloading the "Cablecast" app. Town livestream and media are now available on various platforms. Announcements are frequently posted on the Town's home page with links to recorded board and committee meetings and posted on social media platforms including Facebook and Twitter. Beginning with the start of the COVID pandemic in 2020, the online meeting platform ZOOM was used initially for purposes of remote, and now hybrid, board and committee meeting participation that is open



to the public for viewing and participation as appropriate. Viewing is either live or by recording. The option of in-person attendance at these meetings was reinstated in March 2023. In order to reach a wider group of older residents, the Council on Aging and Brewster Ladies Library expanded its online offerings through taped presentations on BGTV and LCTV, continuing after in-person participation was resumed.

**Other Online Communication Tools** - Starting with FY23, the Town began publishing the annual budget in a user-friendly online format. The OpenGov platform provides a dynamic, visual representation of Town finances for citizens to better understand where Town funds are being spent. Residents can view budget details by department as well as current year accomplishments and goals for the coming year. The capital planning process transitioned to this platform in FY2023. Use of this platform is intended to enhance transparency and public engagement.

**Citizens Forums** - The opportunity for residents to raise issues and make announcements at many Town Committee meetings was introduced through inclusion of a “Citizens Forum” item on many standing meeting agendas. While the Committees are unable to respond to public comment, issues raised can be placed on future agendas for further discussion with the public. Most Town Committees now have an associated email address so that residents can provide comments and questions directly to a Committee.

**Use of Public Forums** - To improve communication and community engagement around important issues and projects, Town Management regularly hosts public forums. The purpose of these sessions is two-fold: first, to present information and/or progress reports, for example, providing overviews of warrant articles prior to Town Meeting or project updates on public works efforts. The second purpose is to provide an avenue for the public to give their input and insight on those same matters for consideration and incorporation moving forward. Similar informational sessions are provided through other community groups like the Brewster Chamber of Commerce and League of Women Voters.

**Other Efforts** - The vast majority of Town Committees and Boards are staffed by volunteers. Volunteers also help make Town Department programs very successful. The Select Board has implemented procedures for Standing Committee appointments to increase volunteerism. A future “Citizens Leadership Academy” is planned to support volunteer recruitment and enhance volunteer contributions. Managing volunteer programs requires staff resources. A “Serve Your Community” form to recruit new volunteers is available on the Town website and maintained by individual Town Departments and Committees, but there is no central database of volunteers. A central database of volunteers would offer many advantages.

The Town has launched several initiatives to strengthen the customer service approach to Town services, including staff training in customer service, the 2021 adoption of a pledge and training for Town officials to enhance diversity, equity, and inclusion for all. This is reinforced through Town Manager quarterly meetings with staff and monthly meetings with Department heads. Town Management and the Brewster Chamber of Commerce cohost biannual meetings with local business owners. Town Management and the Select Board also started holding public office hours in 2023.

The Town launched an electronic permitting platform to replace its paper-based applications for Building, Health, and Planning Departments. Online applications for beach, recycling, and shellfish permits have been implemented along with the FY23 use of license plate reader technology. To facilitate resident or business owner communication with the appropriate Department, a seasonal, volunteer Town Hall “Greeter” position was instituted in 2019. After being discontinued due to the pandemic, the volunteer position was reinstated in 2022. The Town runs a robust Senior and Veteran’s Volunteer work-off program which both assists residents with their tax bill and provides volunteers throughout Town departments.

***Key Issues Moving Forward***

While the Town has made substantial progress since adoption of the 2018 Vision Plan, the Town is committed to further enhance communication, transparency, and customer service, and continue to identify and pursue the most effective methods for engaging residents of all ages. The Town is preparing to embark on the development of a “Communication Plan,” aimed at dealing with how Town Government can best communicate and share information with residents.

DRAFT

## Community Infrastructure

### *Background and Current Status*

The term “community infrastructure” is meant to encompass the variety of physical infrastructure and facilities that the Town and other community organizations provide for public purposes. Comments received in the June 2017 Vision Planning workshops demonstrated the considerable value of community infrastructure for recreation, public gatherings, and alternative transportation. The most frequently mentioned infrastructure need was for a multigenerational community center combined with a new location for the Council on Aging. Bike trails and sidewalks for recreation and as a means of alternative transportation around town were the second most frequently mentioned infrastructure need. A survey of Eddy School students also identified the need for active recreation sites such as skateboard parks and swimming pools.

Community Infrastructure supports many of the other Building Blocks, particularly Community Character, Local Economy, and Coastal Management. This section will focus on the issues of a potential multigenerational community center, bike and pedestrian ways, and active recreation as high priorities.

A variety of facilities are currently used for public meetings and gatherings, including the Ladies Library, Brewster Baptist Church, Council on Aging, and Eddy and Stony Brook Elementary Schools. Town Hall is used primarily for official board and committee meetings. There is no multi-purpose facility which allows a variety of uses and interactions for all generations.

The Cape Cod Rail Trail (CCRT) stretches 7 miles from south central Brewster to the northeast line with Orleans, connecting to the entire 25 miles of paved bike/pedestrian trail. Maintained by the Commonwealth’s Department of Conservation and Recreation (DCR), the CCRT is one of the most actively used recreational facilities in Brewster and serves as a centerpiece of Brewster’s “green economy.” In the summer, it also serves as a way for visitors and summer workers to get around the town. A new access linking the CCRT at Nickerson State Park to the bayside at Linnell Landing has been designed and permitted, but funding sources are yet to be determined. DCR also maintains the numerous bike and hiking trails in Nickerson State Park. There are 7 miles of sidewalks along Rt. 6A/Main Street from Nickerson State Park to Stony Brook Road.

Among other projects, re-paving of Underpass and Snow Roads also extended sidewalks and created narrow bike lanes. Millstone Road design work also includes pedestrian and bike improvements. The Town has designed proposed improvements from Rte.137 at Rte. 6A/Main Street to the intersection of Rte. 124, including re-surfacing, drainage improvements and accommodations for bike and pedestrian traffic. The main challenge to expanding bike and pedestrian ways is the narrow width of Brewster’s roads and the extent of wetlands. Speed limits also dictate design standards on major roads and require separation of vehicles and pedestrians or bicyclists. Creating public access on Brewster’s private roads or pursuing local transportation projects within State road layouts can also be a challenge. The majority of roads in Brewster are private.

*[Figure #- Transportation Resources]*

Town facilities for active recreation are spread out throughout the town, including baseball and athletic fields, community tennis and pickleball courts, and playgrounds are located at Drummer Boy Park, the Eddy Elementary School, and Stony Brook Elementary School. Captain's Golf Course is a significant Town-owned community recreational facility and a visitor attraction with public meeting space.

### ***Recent Actions by the Town***

A 2021 School Consolidation Study proposed three options for consolidation of the Eddy and Stony Brook Elementary Schools and housed at an expanded Stony Brook School. This would make the Eddy School available for repurposing. Further action will be determined by the School Committee. As of 2023, in light of continued stable enrollment, the School Committee voted to table the discussion of consolidation until enrollment levels necessitate a change. The recent purchase of the former Cape Cod Sea Camps properties, particularly the Bay Property on Rte. 6A/ Main Street, offers significant potential as a location for a multigenerational community center, as well as beach access and a variety of recreation activities. The Town established Planning Committees for both the Bay and Long Pond Properties at the end of 2021 to develop comprehensive plans. A consultant team was hired in 2022 and the public engagement process to inform long-term planning began in the Spring of 2023. In the interim, the Recreation Department has been using the Bay Property for a number of programs, First Light Beach opened to residents in 2022, and the Brewster Community Pool opened in June 2023.

The Town updates and implements a Pavement Management Plan (PMP) on a regular basis to prioritize funding for improvements to Town roadways including bicycle and pedestrian facilities. As supported by the PMP, in Spring 2023, the Town received \$186,000 in Winter Recovery Assistance Program (WRAP) funds to resurface Foster and Breakwater Roads to ensure safe usage by vehicle, cycle, and foot travelers, which was completed in April 2023. Additionally, the Town coordinated with the Cape Cod Regional Transit Authority (CCRTA) to add a bus stop at the newly-constructed Brewster Woods housing complex on Brewster Road in FY23.

A 2016 report prepared by the Brewster Bikeways Committee identifies alternative biking routes for transportation and recreation, proposes safety improvements, and recommends public education measures. In 2017, Town Meeting approved \$100,000 in CPA funds for the installation of warning lights at the four Cape Cod Rail Trail (CCRT) crossings in town to enhance safety at the crossings. The Town also completed a Beach Access strategy, which includes expanding bike and pedestrian access to Town landings as a way to reduce the need for more beachfront parking. A CCRT spur from Nickerson State Park to Cape Cod Bay is also planned to expand bike and pedestrian access to the beach.

In January 2020, the Select Board approved a Complete Streets Policy to accommodate all users by creating a context-sensitive roadway network that meets the needs of individuals utilizing a variety of transportation modes. The Policy directs decision-makers to consistently plan, design, construct, and maintain roadways to accommodate all anticipated users. Private ways may be exempted from this requirement upon approval by the Select Board with consultation from appropriate Town Departments.

An updated Master Plan for Drummer Boy Park was approved by Town Meeting in Fall 2021. In Fall 2022, Town Meeting voted to remand the Plan back to committee for further study rather than move forward with its implementation, due in large part to concerns over a potential elevated boardwalk to Wing Island referred to in that plan's appendix. The Select Board approved the charge for the new Drummer Boy Park Advisory Committee in March 2023. Member selection for that Committee is expected to conclude in June 2023. It's anticipated that this newly reconstituted committee will report to Town Meeting in Spring 2024. Town Meeting also approved funds to improve accessibility at the Freemans Way fields. As noted elsewhere in the LCP, the Bay and Pond Properties represent a significant opportunity for active recreation facilities, and the Recreation Department is making use of existing fields and facilities for interim programming.

***Key Issues Moving Forward***

Priority community facilities and infrastructure needs for the coming years include reevaluation of the Master Plan for Drummer Boy Park; future consideration of consolidation of the Eddy and Stony Brook Elementary Schools; and identification of a location for a multi-generational community center. The Bay and Pond Properties offers a unique opportunity for the Town to consider a variety of potential uses for the property to meet multiple Town needs.

Continued expansion of bike and pedestrian trails and paths to provide alternatives to automobile travel as well as recreational opportunities for residents and visitors is a key component of Brewster’s vision and goals. The Town will continue to consider the Complete Streets design as appropriate in future repaving projects.

DRAFT

## **Solid Waste Management**

### ***Background and Current Status***

Solid waste management is a critical activity designed to protect human health and the environment while providing a service at a reasonable cost and supporting the economy. Many municipalities, including Brewster, have assumed this important management role by providing either a transfer station or curbside collection. New regulations adopted at the state level resulted in the Town initiating the lengthy process of closing its landfill. The current transfer station building was built in 1988 and designed for trash hauling.

The SEMASS Partnership Agreement signed in 1985 by the Town of Brewster with other Cape Towns reduced the amount of greenhouse gas emissions attributable to trash disposal while generating electricity. The initial 30-year contracts required that all waste be delivered to SEMASS either via the “trash train” or by direct haul. The SEMASS Partnership Agreement was originally due to expire in 2015. The SEMASS facility was constructed, owned, and operated by Energy Answers Corporation until it was acquired by Covanta in 2008.

In 1990, the MassDEP introduced waste bans on many recyclable items as well as those containing toxic materials. Once introduced, the Town began its recycling program in earnest, while continuing to send its residual, non-recyclable waste, to SEMASS for energy production. In parallel with negotiations with SEMASS for a new agreement in 2010, the Recycling Commission began discussing ways to reduce how much of Brewster’s waste was sent to SEMASS. The new contract negotiated by the Town and effective January 01, 2011, allowed for any legitimate waste reduction, reuse, or recycling program to be implemented with no penalty. The Town chose to renegotiate 5 years early to keep future tip fees in check by providing stable, below market rates until 2030. In addition, commercial waste haulers were prohibited from using the transfer station effective January 1, 2011.

### ***Recent Actions by the Town***

The Town implemented Pay-As-You-Throw (PAYT) in 2013 as a means of increasing recycling and decreasing the volume of trash for disposal and re-branded the transfer station to the Brewster Recycling Center. During the first full year, the PAYT program resulted in a 47% reduction in waste for transport to SEMASS for energy recovery and an increase of 26% recycling. Since the introduction of PAYT, the Town has continued to derive benefit from the program, despite COVID and the increase in the Town’s population.

The Town has added organics recycling, to help decrease the amount of material that is sent off-site for combustion, and separation of newsprint, cardboard and glass to save money and better manage these materials. Collections for e-waste, hazardous waste, mattresses, and yard waste continue to be successful and desired by permit users. The Swap Shop rules were re-drafted, resulting in more materials being diverted from Brewster’s waste stream. Waste practices at all Town offices and facilities were evaluated, and a recycling program was established at all beaches and recreational areas.

Barnstable County Extension offers a household hazardous waste collection program, funded in part by the Town. Collection events occur regularly throughout the year, are hosted at the Harwich Transfer Station, and are advertised on the Town website and at the Brewster Transfer Station.

Several Town bylaws have been passed including a ban on single-use plastic bags and the sale of single-use plastic bottled water by Brewster businesses, and a ban on single-use bottled water by Town Departments. The 2023 Spring Town Meeting approved a ban on the sale of miniature

single use containers, i.e., “nips”, effective on January 1, 2024. Prior to the pandemic, the Brewster Recycling Commission was continually active in community outreach to promote better management of household waste.

### ***Key Issues Moving Forward***

There are two major challenges facing good solid waste management in Brewster:

1. Changes in the recycling industry as to what and how to recycle; and
2. Re-education of patrons regarding the importance of these changes.

The recycling industry must continually adapt to new materials and new ways to manage those materials. To process materials effectively at MRFs (Material Recovery Facilities), a combination of mechanical and human separation is necessary. For the system to work effectively, residents must follow the Recycling Guide to maximize what can and should be recycled.

As an alternative to providing solid waste management through the Recycling Center, the Town could choose to use total curbside collection for trash and recyclables, and compliance could be better. However, there is a significant cost to town-wide collection and a feeling of loss of control by homeowners.

To maximize recycling, reuse activities, and reduction of the amount of waste generated by Brewster’s homeowners, the following can be considered:

1. Recycling Center user-wide survey (based on permits) to determine the most effective method of communication so that changes in procedures can take quickly place when most economically advantageous to the Town; and
2. A local on-going multi-media campaign covering what, why and how to recycle typical household materials.

In November 2022, Massachusetts extended its waste ban to include textiles. This provides the Town and private markets opportunities to address textiles in reuse or recycling.

It has been recognized that better education is needed for landlords and seasonal renters regarding waste and recycling, including available facilities and services.

## **Climate Mitigation and Adaptation**

### ***Background and Current Status***

According to the July 2021 Cape Cod Climate Action Plan, climate change is an unprecedented challenge that is transforming Cape Cod. Rising seas and changes to the coastline are the most dramatic evidence of climate change, but a changing climate is also impacting every facet of Cape Cod's natural, built, and community systems. Our land use patterns and way of living dictate our greenhouse gas (GHG) emissions, the leading cause of the climate crisis. Dedicated and immediate actions at the state, regional and local level are necessary to slow the effects of climate change and improve the region's resiliency to its impacts. By the end of the century, damage to Cape Cod's buildings and land lost to inundation from sea level rise alone could total over \$30 billion.

In response, the Massachusetts Clean Energy and Climate Plan and climate policy call for dramatic reductions in GHG emissions including a 50% reduction in carbon emissions by 2030 and a net zero carbon emission target for 2050. The Cape Cod Climate Action Plan and 2018 Cape Cod Regional Policy Plan identify goals and policies as well as strategies and actions to reduce GHG emissions for Cape communities and enhance local and regional resiliency to present and future climate threats.

The Town of Brewster has taken important steps in adopting local policies designed to support attainment of statewide GHG targets and regional goals for climate mitigation, specifically addressing the municipal stationary and transportation energy sources. The Town adopted a Climate Change and Net Zero Emissions Resolution in October 2020, to reduce net greenhouse gas and the Town's vulnerability to climate change.

Brewster's 2019 Municipal Vulnerability Preparedness Summary of Findings report documents climate and weather-related challenges in recent years. Intense rainstorms in 2017 and 2018 caused street flooding, coastal flooding, coastal erosion, storm surge, power outages and major travel disruptions. Low lying roadways and access points to Town beaches often flood during king tides (e.g., especially high spring tide). Brewster can expect to experience more severe events in the years to come in addition to rising sea levels due to climate change.

### ***Recent Actions by the Town***

The following are specific actions the Town has taken to support the newly adopted Brewster Climate Change and Net Zero Emissions Resolution and Town policy objectives on reduction of GHG emissions and to address the town's vulnerability to climate change.

#### *Energy Reduction Measures*

- Board of Building Regulations and Standards Stretch Energy Code (2019) minimizes the life-cycle cost of new construction by utilizing energy efficiency, water conservation and other renewable/alternative energy technologies. The Stretch Energy Code applies to all new residential and commercial construction in the town.
- The Town-Wide Energy Reduction Plan includes a summary of municipal energy uses and short- and long-term plans for municipal energy reduction. The majority of energy consumed is by municipal buildings (60%). The remaining usage includes vehicles (30%) and utility pumping (10%). The goal is to reduce baseline energy consumption by twenty (20) percent by FY2023.
- The Town established the Energy and Climate Action Committee in 2023 to evaluate the economic and practical feasibility of all energy-related projects and climate change-related activities on Town municipal property, including energy efficiency, energy



conservation, and greenhouse gas reduction. Committee work includes review of Town bylaws, regulations and policies as well as educational outreach to residents and businesses on climate change mitigation and adaptive strategies. The Committee is also charged to lead Town efforts to address climate mitigation and adaptation goals, as identified in the Town's Municipal Vulnerability Preparedness Hazard Mitigation Plan, Climate Emergency and Net Zero Declaration, Local Comprehensive Plan and Select Board Strategic Plan.

- Three of the buildings at the Bay Property (former CCSC) have roof-mounted solar panels which provides 'clean' on-site power to the property and lowers operational costs.

#### *Green Communities Designation*

- Brewster was designated as a Massachusetts Green Community in 2020 under the Massachusetts Department of Energy Resources (DOER) Green Communities Act of 2008. Grant funds through the Green Communities program were awarded for energy conservation measures such as programmable thermostats, an energy management system, heat pump water heater, and demand control ventilation in Municipal Buildings.
- The Town has completed several solar projects with funding from the Cape and Vineyard Electric Cooperative, including 3.18628 total MW of solar generating facilities located on four municipal properties: the transfer station, the Stony Brook and Eddy Schools; and the Captains Golf Course and driving range. The Town has also entered into a new 'off-taking' agreement with Truro which will significantly reduce the Town's net utility expenses in the coming years. The total revenues and savings to the Town through leases and off-taking arrangements with other municipal facilities is approximately \$273,772.06 (FY22). The total energy savings to the town from the rooftop solar installations on Stony Brook and Eddy Elementary Schools is 256,345.61 kWh (FY22). Carport solar canopies over the golf course parking lots produce an estimated 740,291 kWh annually, saving approximately 523 metric tons of carbon dioxide equivalent and providing the Town with more than \$40,000 annually in revenue.
- The Town's long-standing commitment to open space protection has helped sequester carbon by protecting forested lands as a natural carbon sink.

#### *Complete Streets*

- Brewster adopted a Complete Streets Policy in 2020 to encourage safe and accessible options for all modes of travel including less personal vehicle travel, a significant source of GHG emissions, and more opportunity for walking, biking, and transit.

#### *Low Lying Roads*

- In partnership with the Cape Cod Commission, the Town has participated in a regional initiative supported with state Municipal Vulnerability Preparedness grant funds to consider traditional, green, and hybrid solutions and associated cost estimates for three low-lying road segments (Betty's Curve at Route 6A/Lower Road, Lower Road at Freemans Pond, and Route 6A at the Dennis town line).

### ***Key Issues Moving Forward***

The Town is in the process of converting municipal vehicle fleets to electric vehicles, hybrid vehicles or vehicles using cleaner fuels. For municipal vehicles that will not be converted to electric in the near-term, the Town could also consider the use of hybrid vehicles or cleaner fuels, as available. The Town is also reviewing methods to convert the conventional heating system in the Stony Brook School to cold weather heat pumps.

There are three private electric vehicle charging stations in Brewster. The Town is interested in pursuing resources and programs to support additional electric vehicle charging stations in appropriate locations to help reduce the local GHG emissions in support of State goals.

One of the ways the Town can consider mitigating climate change while simultaneously addressing other Building Blocks is by focusing future development in previously developed areas of the town with infrastructure capacity, served by transportation routes conducive to walking, biking, transit or the like.

The Town employs a part-time energy manager to analyze the energy uses of the Town and find ways to save money and reduce dependency on fossil fuels. The Town could consider updating energy assessments on its buildings as part of its Green Communities designation, including working with available programs offered by the Cape Light Compact..

The Town could also consider pursuing adoption of small-scale community solar at appropriate locations. The CCC created an online screening tool to identify areas in Barnstable County that may be appropriate for large-scale solar photovoltaic (PV) projects and those areas that may be less appropriate due to potential impacts to natural resources. This tool could be used as a starting point to help inform the siting of potential solar PV projects. More information on the solar screening tool can be found here: <https://www.capecodcommission.org/our-work/solar-screening-tool/>. The Commission has also prepared a model bylaw for large-scale, ground mounted solar arrays: <https://www.capecodcommission.org/our-work/model-solar-bylaw/>.

Brewster is also working with the Cape Cod Commission on 1) updating and strengthening local bylaws to better address coastal development and redevelopment with the goal of building coastal resiliency, and 2) participating in the regional Low Lying Roads project to examine vulnerabilities in the roadway network and identify adaptation alternatives, with funding support provided by the U.S. Economic Development Administration (EDA) and the Massachusetts Municipal Vulnerability Preparedness (MVP) program.

## SECTION 4: THE ACTION PLAN - BUILDING BLOCK GOALS, PURPOSES, AND ACTIONS

The Action Plan is intended to advance Building Block goals over the next 10+ years. The constituent actions, strategies and policies represent a menu of possible options that have been identified as important or essential to contributing to these goals but are not a complete or exclusive list of all that the Town could do. While a large and ambitious number of actions are presented, priorities for implementation will be identified during the Select Board's annual strategic planning exercise. The identification of these planning actions represents the very early, beginning of the process, not the end. Decisions about whether and how to pursue any one of these actions will be made through a participative, public process.

The list of actions has been drawn from numerous sources including the following:

- Actions from the Vision Plan that have not yet been implemented.
- Recommendations from implementing stakeholders and public comments about current needs.
- Recommendations from the summary papers about trends and needs; and
- Results of the *Brewster's Next Steps* survey gauging public support for individual actions.

Actions were also established and included in consideration of:

- Presenting a level of specificity appropriate for a high-level land use plan, i.e., enough specificity to provide policy direction for future implementation, but with sufficient flexibility not to impede or foreclose successful future implementation.
- The feasibility of implementation.
- A fair representation of the full spectrum of comments and opinions received throughout the entire comprehensive planning process; and
- The opportunity to provide benefits across multiple Building Blocks.

As the final phase of Action Plan development, the draft list of actions was reviewed and refined by workshops of key Town Departments and local organizations to assess the accuracy, relevancy, and ability to implement each action. This vital part of the process helped ensure that the capacity and commitment to implement the Action Plan will make the LCP a living plan.

The Action Plan is presented by Building Block, a concept established by the 2018 Vision Plan, with corresponding Community goals, purposes, and a broad array of proposed actions to achieve those the Community's vision, goals and purposes. While the Building Blocks are presented separately, the Town recognizes that they are, in fact, highly interrelated and should not be treated in a stove-pipe manner. Action in one Building Block should help advance the goals of the others.

At the same time, given the breadth of Brewster's goals and the large number of actions to achieve them, there will be inevitable tensions or conflicts between actions. It will be the responsibility of the Select Board and other commissions and committees to strike the necessary balance to resolve those tensions and achieve the community's vision for the future. Further, the actions presented in this plan will require discussion among Town decision-makers, residents, and other stakeholders as to how and when specific actions are implemented. These discussions will take into

account changing circumstances, available Town resources, the regulatory framework, and other conditions and challenges. The implementation of many or most actions will require Town Meeting approval.

DRAFT

## **COMMUNITY CHARACTER (CC)**

**GOAL:** Sustain and foster Brewster's historic and archeological values, rural nature, small town feel, and socially inclusive spirit and vitality

### **PURPOSE 1: Provide social opportunities and services for all**

**Actions:**

CC1. Expand, enhance, and support social opportunities, recreational activities and services for all at the Bay and Long Pond Properties, Brewster Ladies Library and a potential multi-generational community center.

CC2. Identify, develop, and support new services as needed to strengthen diversity, equity, and inclusion.

CC3. Ensure that school facilities and activities meet the needs of young families.

CC4. Increase accessibility to all Town activities and facilities.

CC5. Evaluate provision of financial support for Pre-K programs to attract and retain young families.

### **PURPOSE 2: Maintain Brewster's historic heritage and style**

**Actions:**

CC6. Support existing regulations and educate the public on building and site design along Rte. 6A/Main Street and in the historic district to preserve historic character.

CC7. Incorporate sensitivity for historic resources into the design of Town projects.

CC8. Investigate the need for a Demolition Delay Bylaw and implement if supported and feasible.

### **PURPOSE 3: Maintain Brewster's small-town feel and scale through appropriate planning and design**

**Actions:**

CC9. Explore and support the designation of "town centers", including identifying what uses might best support such areas.

CC10. Explore and establish, as desired and appropriate, building design standards and enhanced site design standards in the zoning bylaw for commercial areas.

## **WATER RESOURCES (WR)**

**GOAL:** Protect Brewster's groundwater, ponds, wetlands and their buffers, and marine watersheds

### **PURPOSE 1: Preserve an adequate quantity and the high quality of our drinking water**

**Actions:**

**WR1.** Continue land purchases to protect drinking water.

**WR2.** Consider further strengthening drinking water supply protection in industrial zones.

**WR3.** Evaluate actions to limit further development in drinking water supply areas.

**WR4.** Evaluate the feasibility of testing for PFAS and other contaminants of emerging concern.

**WR5.** Continue to educate and communicate with the public about water conservation practices and programs.

**WR6.** Continue to update and implement the Integrated Water Resources Management Plan.

**WR7.** Coordinate aquifer protection with neighboring towns.

### **PURPOSE 2: Maintain and improve pond water quality**

**Actions:**

**WR8.** Promote, research, and pilot innovative alternative septic systems and other non-traditional wastewater solutions.

**WR9.** Explore the feasibility of cluster sewage treatment systems for multifamily housing areas and neighborhoods that will impact pond water quality, where supported by sufficient density.

**WR10.** Fully implement the stormwater bylaw and share further information with the public.

**WR11.** Continue to update pond water quality data and report to the public.

**WR12.** Educate the public on pond water quality issues and what people can do to make a difference in their own homes.

**WR13.** Pursue land acquisition to protect pond water quality.

**WR14.** Research and consider the feasibility of the Town offering public incentives and financing for their use, including upgrades of existing systems in order to encourage innovative alternative septic systems and other non-traditional wastewater solutions,

**WR15.** Research and consider the feasibility of centralized operations and management models for innovative alternative septic systems.

**WR16.** Continue to update and implement the Integrated Water Resources Management Plan.

### **PURPOSE 3: Protect and restore water quality in the marine watersheds to which we contribute**

**Actions:**

**WR17.** Promote, research, and pilot innovative septic systems and other non-traditional wastewater management models

**WR18.** Explore the feasibility of cluster sewage treatment systems for multifamily and other neighborhoods that will impact marine watershed water quality, where supported by sufficient density.

**WR19.** Continue exploring nitrogen reduction practices on golf courses.

**WR20.** Pursue land acquisition to protect marine watersheds water quality.

**WR21.** To encourage innovative alternative septic systems and other non-traditional wastewater solutions, research and consider the feasibility of the Town offering public incentives and financing for their use, including upgrades of existing systems.

**WR22.** Research and consider the feasibility of centralized operations and management models for innovative alternative septic systems.

**WR23.** Continue to update and implement the Integrated Water Resources Management Plan.

**WR24.** Continue to meet the ongoing obligations of the Pleasant Bay Watershed Permit, including the identification and implementation of nitrogen mitigation strategies.

**WR25.** Develop new Watershed Permits for the Herring River, Swan Pond River and Bass River Watersheds and begin applying the permitted nitrogen mitigation strategies.

## **OPEN SPACE (OS)**

**GOAL:** Maintain and expand open space assets to provide passive recreation, protect fragile plant and wildlife habitat, protect water resources, and contribute to carbon sequestration

**PURPOSE 1: Improve public access to, and expand recreational area use of, open space as appropriate**

**Actions:**

**OS1.** Consider an integrated trail system for the Long Pond Woodlands and the abutting former Sea Camps Pond Property.

**OS2.** Continue to improve public education and information, including guides and signage, about access to, accessibility improvements, and locations of town open space assets.

**PURPOSE 2: Prioritize environmentally sensitive areas for conservation**

**Actions:**

**OS3.** Continue to prioritize land acquisition in public drinking water supply areas.

**OS4.** Emphasize and educate about the importance of open space for pond and fragile habitat protection.

**OS5.** Revise regulations and bylaws to direct growth toward developed areas of the town with infrastructure, public services, economic activities, and transit, and away from environmentally sensitive areas.

**OS6.** Develop design standards to prevent fragmentation of environmentally sensitive areas.

**PURPOSE 3: Document the process for the acquisition and maintenance of open space to better engage and educate the public**

**Actions:**

**OS7.** Develop and maintain an inventory of all protected open space in town.

**OS8.** Develop and implement stewardship plans for Town-owned open spaces.

**OS9.** Formalize the criteria to evaluate open space acquisitions and use, recognizing and balancing varied purposes such as the importance of recreation, the potential for establishing or extending trail networks, habitat benefits and the positive effect of woodlands in climate mitigation as criteria for land acquisition.



## **HOUSING (HO)**

**GOAL:** Provide more affordable, attainable, accessible, safe, and fair housing, and support residents to maintain and preserve their current housing in order to remain in the community

**PURPOSE 1: Achieve the Commonwealth's goal of 10% affordable housing by 2029**

**Actions:**

**HO1.** Implement the 2022 Housing Production Plan (HPP) Update.

**HO2.** Collaborate with existing local and regional groups to conduct public forums educating the general public on what affordable housing is and why it is important in Brewster.

**HO3.** Work collaboratively with other towns to increase opportunities for affordable housing.

**PURPOSE 2: Establish attainable housing by promoting housing choices to allow families, single individuals, older adults, and seasonal and year-round workers to live, work, and prosper in the community**

**Actions:**

**HO4.** Continue to evaluate the Accessory Dwelling Unit (ADU) bylaw provisions to improve efficacy, explore incentives for a greater number of ADUs, and connect owners to community resources to provide support and assistance in developing ADUs.

**HO5.** Support creative funding and collaborative partnerships (public/private) in the development of community housing, including incentives for year-round rentals.

**HO6.** Work collaboratively with other towns to increase opportunities for attainable housing.

**HO7.** Review, evaluate and consider revising the zoning bylaw with the aim of promoting more opportunities as appropriate for various types and forms of housing, including two-family residential/duplex; multi-unit/multi-family residential; and mixed-use residential development.

**HO8.** Prioritize and incentivize the adaptive reuse of existing buildings for housing.

**HO9.** Evaluate the use of Town-owned properties for creative housing solutions, including reuse of Town-owned buildings for housing.

**HO10.** Evaluate the acquisition of land by the Town for housing, including for joint purposes such as open space uses.

**HO11.** Encourage housing in areas near transportation, public services, and economic activities.

**HO12.** Explore potential housing programs, opportunities, and funding for those earning 80% to 120% of Area Median Income (AMI).

**HO13.** Consider programs and regulatory amendments to allow for and support seasonal workforce housing.

**PURPOSE 3: Preserve existing year-round housing**

**Actions:**

**HO14.** Promote ability for residents to transition to different forms of housing and remain in Brewster over a lifetime by providing a wide range of housing choices.

**HO15.** Explore solutions to allow residents to age in place, including funding or subsidizing building adaptations, support programs, co-housing, and co-pairing situations.

**HO16.** Continue to evaluate the ADU bylaw provisions to improve efficacy, explore incentives for a greater number of ADUs, and connect owners to community resources to provide support and assistance in developing ADUs.

**HO17.** Support creative funding and collaborative partnerships (public/private) in the preservation of community housing, including incentives for year-round rentals.

**HO18.** Analyze the impacts of short-term rental operations in town and consider adopting policies, regulations, or programs to govern or document short-term rental operations.

## **COASTAL MANAGEMENT (CM)**

**GOAL:** In the context of coastal change, preserve and protect Brewster’s coastal resources, expand public access, and minimize the vulnerabilities from coastal hazards

**PURPOSE 1: Protect coastal resources in ways that preserve coastal ecosystems and the character of the town and coastal neighborhoods**

**Actions:**

**CM1.** Evaluate and implement local coastal resiliency by-laws and regulations to protect or preserve the scale of development, visual character and resources in the town’s coastal areas.

**CM2.** Establish a uniform definition of the 100-year coastal floodplain for local regulations.

**CM3.** Increase public awareness of the importance of healthy coastal wetlands and natural processes, and of the need to protect these resource areas.

**PURPOSE 2: Maintain and expand public access to the coast**

**Actions:**

**CM4.** Explore and evaluate the need for, and feasibility of, alternative transport and off-site parking options for the town’s coastal beaches and landings.

**CM5.** Evaluate, explore, and advance opportunities to preserve or enhance public access to the shoreline and coastal beaches.

**CM6.** Complete long-term plan for beach access at First Light Beach.

**CM7.** Support those with mobility challenges by preserving public viewsheds and vistas to coastal resource areas and by evaluating opportunities for enhancing mobility access at beach landings.

**PURPOSE 3: Adapt to climate change projections and advance adaptation and resiliency techniques that are financially and environmentally sustainable**

**Actions:**

**CM8.** Periodically assess coastal resource conditions for comparison to baseline conditions and on a regional scale, including sediment budget update, storm tide pathways, and a regional framework for resilience.

**CM9.** Explore regulatory options for managed retreat of existing development from high-risk coastal resource areas.

**CM10.** Explore and evaluate the need for, and feasibility of, potential retreat parking, including for Paine’s Creek and Mant’s Landings.

**CM11.** Participate in the development of a comprehensive shoreline management plan with Dennis and Orleans and consider recommended implementation strategies.

**PURPOSE 4: Provide access for coastal water dependent activities**

**Actions:**

**CM12.** Provide access and opportunities for commercial aquaculture by updating regulations, evaluating the designation of an Aquaculture Development Area, and analyzing the costs and benefits of expanding shellfishing and aquaculture.

**CM13.** Expand propagation and other activities to support recreational shellfishing.

**CM14.** Manage competing uses at town landings and mooring areas.

DRAFT

## **LOCAL ECONOMY (LE)**

**GOAL:** Promote a sustainable economy that builds on Brewster’s natural and human assets, addresses the needs of local businesses, and provides year-round employment opportunities

**PURPOSE 1: Preserve and enhance Brewster’s economy based on the Town’s natural and cultural resources**

**Actions:**

**LE1.** Develop an economic development strategy that builds on Brewster’s natural, cultural, and human resources and aims to maintain existing and attract local businesses

**LE2.** Maintain a regular line of communication and working relationship between the Town and the local business community, including the Brewster Chamber of Commerce .

**LE3.** Provide more information, including signage and online material, to help visitors find their way to public resources, businesses, and other amenities in town.

**LE4.** Support identified or designated “town centers” through Town or other public capital investments.

**PURPOSE 2: Maintain and attract local businesses and promote year-round employment**

**Actions:**

**LE5.** Review and potentially revise bylaws and regulations to allow a greater variety of small businesses throughout town, including in-home businesses.

**LE6.** Review and potentially revise use regulations in the commercial and industrial zoning districts.

**LE7.** Develop a guide to doing business for local businesses in Brewster, including permitting guidance.

## **GOVERNANCE (GO)**

**GOAL:** Provide an inclusive Town government that encourages participation by all residents by engaging in communication, expanding volunteer opportunities, and providing customer friendly service

### **PURPOSE 1: Continue to communicate Town plans and activities to, and engage with, residents**

#### **Actions:**

**GO1.** Develop a written Communications Plan to better inform residents and local businesses about Town affairs and opportunities for the public to participate.

**GO2.** Continue to provide relevant news, information, updates, and announcements on the Town website and other media, including regarding Town finances, projects, permitting processes, and other Town initiatives.

### **PURPOSE 2: Expand the volunteer base to increase the use of citizen expertise and build diversity in decision-making**

#### **Actions:**

**GO3.** Develop and launch a Citizens Leadership Academy to help introduce residents to government services and volunteer opportunities.

**GO4.** Continue the use of town-wide activities and ad hoc committees to engage residents in Town affairs.

**GO5.** Develop a central database of volunteers to assist with recruitment of qualified volunteers across all Town Departments and appointed Committees.

**GO6.** Acknowledge contributions of Brewster residents to Town or public affairs and recognize volunteers when they complete their commitment or at other important junctures of volunteer life.

**GO7.** Continue to partner with community organizations on matters of public importance.

### **PURPOSE 3: Continue to strengthen the customer service approach to Town services**

#### **Actions:**

**GO8.** Develop a resource section on the Town website that includes educational materials, including videos (e.g., by link to Vimeo, BGTV or LCTV files) and fact sheets on topics such as responsibilities of Town Departments, zoning, permitting, ADUs, and other matters of high interest.

**GO9.** Develop a 'How-to Guide' for homeowners to explain permitting processes.

## **COMMUNITY INFRASTRUCTURE (CI)**

**GOAL:** Maintain and enhance town infrastructure in an environmentally and economically sustainable way that supports government services, opportunities for community interaction, the local economy and culture, public health, safe multi-modal transportation options, and expanded recreational opportunities

**PURPOSE 1: Plan and design Town building and construction projects to benefit the broad cross-section of all users and interests in the community**

**Actions:**

**CI1.** Include enhanced universal accessibility where feasible on Town properties and projects.

**CI2.** Conduct a needs assessment for a multi-generational community center, including considering reuse or redevelopment of other Town facilities/properties.

**CI3.** Re-evaluate Drummer Boy Park master planning to date.

**CI4.** Complete the comprehensive planning processes for and begin implementation of the plans for the Bay and Pond Properties.

**PURPOSE 2: Provide enhanced and safe multi-modal opportunities, access, and facilities for all, including for recreational purposes**

**Actions:**

**CI5.** Develop a town-wide plan for improving and/ or expanding bike and pedestrian paths and sidewalks.

**CI6.** Consider pursuit of the proposed Cape Cod Rail Trail (CCRT) extension from Nickerson State Park to Cape Cod Bay including the consideration of alternatives for crossing Rte. 6A/Main Street.

**CI7.** Continue to coordinate with the Cape Cod Regional Transit Authority (CCRTA) on additional bus routes and stops and other alternative transportation options.

**PURPOSE 3: Plan and design traditional infrastructure projects like road improvements and maintenance to best serve the needs of the overall community, limit environmental impacts, and balance fiscal impacts**

**Actions:**

**CI8.** Factor, budget, and set aside long-term improvement and maintenance costs in the funding for capital projects.

## **SOLID WASTE MANAGEMENT (SW)**

**GOAL:** To manage a municipal solid waste system that protects public health, safety, and the environment, optimizes financial methods, communicates effectively with users, and employs innovative strategies to reduce solid waste and related costs

### **PURPOSE 1: Reduce the waste stream**

#### **Actions:**

**SW1.** Implement an ongoing multi-media public education campaign to reduce the waste stream, including re-purposing and re-using items and optimizing recycling.

**SW2.** Enhance and publicize regional waste collection initiatives such as hazardous waste collection.

**SW3.** Further investigate opportunities between Brewster and regional initiatives for solid waste management.

### **PURPOSE 2: Improve the efficiency of the solid waste facility**

#### **Actions:**

**SW4.** Enhance communications with the public concerning Recycling Center operations, practices, and policies using a variety of print and electronic media channels.

**SW5.** Conduct a Recycling Center study and site analysis including traffic circulation, optimal use of space, safety, and potential re-use options.



## **CLIMATE MITIGATION AND ADAPTATION (CA)**

**GOAL:** Support and advance the Commonwealth's greenhouse gas reduction goals, including promoting sustainable energy use and renewable energy that protects the Town's natural resources

### **PURPOSE 1: Reduce the Town's contribution to and vulnerability to climate change**

#### **Actions:**

**CA1.** Develop a Net Zero Energy Roadmap for the Town's assets and operations.

**CA2.** Implement the MEMA/FEMA approved 2021 Local Multi-Hazard Mitigation Plan.

**CA3.** Consider specific actions for reducing energy use, including completing energy audits in all Town buildings; specifying actions regarding increased energy efficiency in existing and newly constructed Town buildings; locating solar panels/arrays on Town buildings and facilities; and purchasing alternative energy Town vehicles when due for replacement.

**CA4.** Encourage roof mounted solar panels on buildings and on parking lot canopies/carports.

**CA5.** Consider provision of incentives and/or assistance, including financial, for installation of solar panels on private homes.

**CA6.** Work with private entities to install public charging stations at appropriate municipal or publicly accessible locations.**CA7.** Modify or re-locate Town infrastructure and buildings to reduce the potential damage due to climate change such as flooding.

### **PURPOSE 2: Review and update Town bylaws and regulations to mitigate projected climate change impacts**

#### **Actions:**

**CA8.** Review zoning bylaws and develop amendments for consistency with this goal, including small-scale solar installations, and the promotion of compact, walkable and bikeable development patterns.

**CA9.** Clarify design guidelines for the Historic District regarding installation of renewable energy options.

**CA10.** Review and consider revising existing Town bylaws and regulations dealing with the use of chemical fertilizers.

**CA11.** Foster natural carbon sequestration by amending Town bylaw to limit the clearing of forested land, including for solar farms, and exploring opportunities to restore degraded native plant communities.

### **PURPOSE 3: Build awareness about the nature of climate change and Town efforts to mitigate climate change**

#### **Actions:**

**CA12.** Develop an Education and Preparedness Campaign for the general public and the business sector that includes guidance and checklists for reducing fossil fuel use, as well as recommendations to increase community resilience to the impacts.

## SECTION 5: CAPITAL FACILITIES PLAN

In this section the LCP will align, and cross-reference capital investments contemplated in the Action Plan with the Town's on-going capital planning. This analysis ensures that the capital requirements necessary to implement the LCP are planned for and met.

The LCP's Capital Facilities Plan (CFP) outlines the key capital facilities and infrastructure considerations raised in the Action Plan, intended to support, and advance Brewster's LCP vision and goals. The CFP includes a spreadsheet that identifies these capital projects, and other capital needs, with associated funding information. The CFP also contains a spreadsheet that describes the Town's existing capital facilities, assets and infrastructure. Infrastructure needs, challenges and constraints informed the preparation of the Action Plan and are discussed in the 'Existing Conditions' section of the LCP.

The Town of Brewster, through its Town Manager and Select Board, engage in both an annual Strategic Planning Process and annual Capital Planning Process. The Strategic Plan is arranged by the Building Blocks in the Town's Vision Plan, which was a precursor to the LCP. Going forward, the Strategic Plan will be arranged by the LCP Building Blocks. The Capital Improvement Plan (CIP) provides a blueprint for planning all the community's capital expenditures by aligning the Town's priority capital needs with available funding sources. It includes programming and budgeting functions, allowing for project scheduling and financial adjustments over a 5-year planning horizon. Unless an alternative funding source is available, all capital items/ appropriations are presented to Town Meeting for approval. The current CIP is for FY23-27. The Town also per Code/ Charter publishes annually in the May Town Meeting Warrant Booklet a summary of the capital improvement plan, identifying all proposed capital expenditures for the next 5 years estimated to cost \$100,000 or more.

The LCP, specifically through its Action Plan and Capital Facilities Plan, is the intersection between the Town's Strategic Plan and CIP. The Strategic Plan is the primary way through which the LCP Action Plan will be implemented, and its constituent actions prioritized. Although not every item on the CIP is represented in the Strategic Plan or in the LCP, many Town initiatives and projects appear in all three planning documents. The CFP does not supersede the Town's normal capital budgeting process represented in the CIP. All Town capital projects, whether in the LCP or not, must be included on the CIP. The CIP and Strategic Plan contain more detail about estimated capital costs, funding sources and timing. The CIP includes many operational or customary items outside the scope of the LCP that are necessary to run the Town effectively. The CFP represents ongoing or proposed capital projects related to the LCP Action Plan that are currently on or might advance to the CIP, and from there to the Strategic Plan for implementation.

The Town, through its Finance Team and directed by financial policies established by the Select Board, dedicates a portion of its certified free cash to fund annual capital requests. In addition to the free cash allocation, capital is funded through a variety of grants funds, community preservation funds, debt exclusion, overlay, and capital stabilization. The Golf and Water Departments, which have enterprise funds, pay for their own respective capital items. The Town of Brewster has worked diligently to ensure that the CIP, the Select Board Strategic Plan and the Local

Comprehensive Plan are aligned, inform each other, and address and account for consensus community needs and future growth, and collectively provide an implementation framework to support achieving the community's LCP vision.

*[Insert spreadsheets]*

DRAFT

## SECTION 6: HOUSING PRODUCTION PLAN SUMMARY

This section summarizes the 2022 Town of Brewster Housing Production Plan (HPP) Update, which was approved by the Commonwealth in August 2022. The Housing Production Plan's (HPP) goal is to help the Town make steady progress towards the 10% statutory minimum of affordable housing under Chapter 40B. Every community in Massachusetts is mandated to have 10% of total year-round housing units as deed-restricted to be affordable for low- or moderate-income households.

The HPP includes a housing needs assessment, housing goals, and implementation strategies. Brewster's 2022 HPP is an update to the 2017 HPP which has guided the Town's Housing program over the past 5 years and is currently certified, meaning the Town has met its housing production goal for the present year.

### *Housing Needs Assessment*

Key findings of the housing needs assessment include the following:

- Brewster's population increased by 5% between 2010 & 2020 Census, despite projections forecasting a potential decline.
- Over the past decade, the population under 54 years old has decreased, and the population over 55 years has increased.
- Older adults living alone are the most likely household type to be low-to-moderate income, under 80% of the Area Median Income (AMI).
- Housing sales prices have jumped significantly since 2020 and continue to rise. Rental opportunities are limited, particularly for market rate units. The share of housing units for seasonal recreational, or occasional use has increased, while the share of year-round renters has decreased.

### *Housing Production Goals*

The Department of Housing and Community Development (DHCD) HPP guidelines require that the goals include both qualitative and quantitative outcomes based on community and regional needs. Brewster's mandated quantitative goal is to produce 24 new units of Subsidized Housing Inventory (SHI) eligible affordable housing units a year. The Town identified four major qualitative goals:

1. Increase and diversify year-round housing options in Brewster for a range of income levels and household types.
2. Prevent displacement of current residents and facilitate housing mobility for households looking to move within or into Brewster.
3. Align development with the principles of the Town's Local Comprehensive Plan/Vision Plan
4. Continue to build capacity to produce housing through staffing, funding, regional partnerships, advocacy and education, and relationships with nonprofit and for-profit developers.

### ***Housing Production Plan Implementation Strategies***

Brewster has made significant progress implementing its 2017 Housing Plan. This includes hiring a Housing Coordinator, creating a Housing Trust, adopting Accessory Dwelling Unit Bylaws, obtaining housing funding, receiving a Community Development Block Grant (CDBG) for housing rehab and childcare, accepting a proposal to build rental housing on Town land, redeveloping a vacant building for housing, permitting 59 units of affordable housing, and twice certifying the Housing Plan.

The 2022 HPP includes the following Implementation Strategies to meet the 10% DHCD affordable unit goal:

**Regulatory Reform** - Involve tools that make permitting more efficient, allow more housing development, and allow more types of housing in Brewster.

Strategy 1: Re-evaluate the existing ADU and ACDU bylaws and other references to accessory apartments; explore amendments to streamline these provisions and improve their efficacy.

Strategy 2: Amend zoning to clearly allow mixed uses that include housing in business-zoned areas.

Strategy 3: Re-evaluate the existing multifamily dwelling bylaw (Section 179-34) and consider changes and other regulatory measures to facilitate multi-unit residential development.

Strategy 4: Explore measures to require or encourage the inclusion of affordable units in residential developments over a certain number of units.

Strategy 5: Allow and incentivize the adaptive reuse of existing buildings for the creation of affordable and mixed income housing.

Strategy 6: Utilizing the findings of the ongoing Integrated Water Resources Management Plan, continue to identify appropriate wastewater treatment systems to enable the creation of denser housing developments that can support the inclusion of affordable units.

**Funding and Assets** - Protect existing affordable housing and pursue specific ways to expand local funds.

Strategy 7: Continue to work with nearby communities on the Cape by pooling CPA funds and other resources to construct affordable housing in suitable locations throughout the region and meet regional housing needs.

Strategy 8: Develop a five-year financial plan for the Brewster Affordable Housing Trust and determine whether additional funding streams should be explored.

Strategy 9: Based upon the BAHT five-year financial plan, explore other funding opportunities to support housing initiatives at a range of income levels.

Strategy 10: Explore local property tax incentives for the creation of affordable housing, such as offering a reduction of property taxes to an owner renting an affordable unit.

Strategy 11: Develop criteria for assessing a property's suitability for the creation of affordable and attainable housing.

Strategy 12: Inventory existing Town-owned land using the criteria developed to determine suitability for housing; develop and issue an RFP for the development of affordable and attainable housing on properties identified as suitable for housing development.

Strategy 13: If deemed necessary based upon the findings of the Town-owned land inventory, develop and issue an RFP for the acquisition of privately held land for the creation of affordable and attainable housing.

**Education and Advocacy** - Capture key stakeholders most at risk from the effects of limited housing choices.

Strategy 14: Develop a collaborative housing education plan that connects to the Town's Local Comprehensive Plan.

Strategy 15: Continue to ensure regular participation by staff and members of Town bodies in available training on housing-related issues including fair housing, local and regional housing needs, comprehensive permit administration, and other relevant topics.

**Local Planning and Policy** - Pursue partnerships and create a more welcoming environment for housing development.

Strategy 16: Continue to make good use of Chapter 40B, including the Local Initiative Program (LIP), as a vehicle for creating affordable housing.

Strategy 17: Encourage public/private partnerships to facilitate the collaborative production of affordable housing to meet a range of community needs.

Strategy 18: Continue to monitor the impacts of short-term rentals on the availability of year-round rental units; review and consider changes to local policies accordingly.

Strategy 19: Increase housing staff capacity to ensure continued and consistent collaboration with the Building, Conservation, Health, and Planning Departments.

**Community Resources & Local Support** – Ensure needs of the program benefactors are met.

Strategy 20: Continue the CDBG-funded housing rehabilitation program to enable income-eligible homeowners to make critical home repairs.

Strategy 21: Evaluate current CPC-funded housing initiatives and consider adjusting to meet current needs.

Strategy 22: Explore other opportunities for direct support for eligible households, including partnerships with local non-profits and housing assistance providers.

## **SECTION 7: IMPLEMENTATION AND PERFORMANCE MONITORING**

**An overarching consideration of implementation is to align the LCP, the Town's Capital Plan, and the Select Board's Strategic Plan.**

Implementing the LCP will be the responsibility of numerous Town Boards and Departments and organizations in the community. The Select Board will oversee implementation, including delegating responsibilities and identifying priorities. The primary vehicle for LCP implementation will be the Select Board's annual rolling strategic planning exercise which, since its start in 2019, has been structured around the goals of the Vision Plan.

The Select Board's Strategic Plan is updated on an annual basis with input from Town Boards, Committees, Department Heads and residents. A copy of the most recent Strategic Plan is included in this section. The Select Board will balance the various Building Block goals seeking to identify consensus priorities in carrying out its strategic planning. The Select Board will also coordinate LCP actions with the implementation of other actions contained within the Strategic Plan or of public importance, e.g., proposed regulatory changes to forward particular LCP goals would not only be coordinated with one another but with any broader efforts to review and revise Town regulations or bylaws. Implementation of any particular goal or initiative identified in the Strategic Plan will follow and incorporate resident feedback.

The LCP will be the framework to ensure the alignment of the Select Board's Strategic Plan and the community's vision. In addition to the Select Board, the Planning Board will play a key role in implementing the LCP, particularly those elements related to land use policy and reforming the Town's bylaws so that they become better adapted tools for achieving the vision and policy directions of the LCP. Monitoring progress and reporting to the community will be another important aspect of the implementation process.

To assist in understanding the process by which the Town will implement action items, there is a diagram depicting the relationship between the LCP, the Strategic Plan and the Capital Improvement Plan included herein.

After LCP adoption, the Strategic Plan will, among other things, incorporate LCP Building Block goals and actions as a means of implementing the LCP. In terms of implementation, the Strategic Plan assigns timeframes and responsible parties to undertaking actions, which is a particularly effective process in ensuring that the LCP is implemented successfully and with the best available information.

Monitoring progress and reporting to the community will be another important aspect of the implementation process. In 2021, the Vision Planning Committee produced a report on the implementation of the Vision Plan that was well received by the public and Town government. With the LCP becoming the framework for the Select Board's Strategic Plan, monitoring LCP implementation becomes an integral part of that annual process. This will include publishing reports on implementation progress for the Select Board's internal use and reporting to the public on progress in achieving the community's goals. If the Town elects to pursue LCP certification, the Town will also provide the Cape Cod Commission this annual report to communicate progress on the LCP.

[Insert Select Board Strategic Plan FY24-25 here]

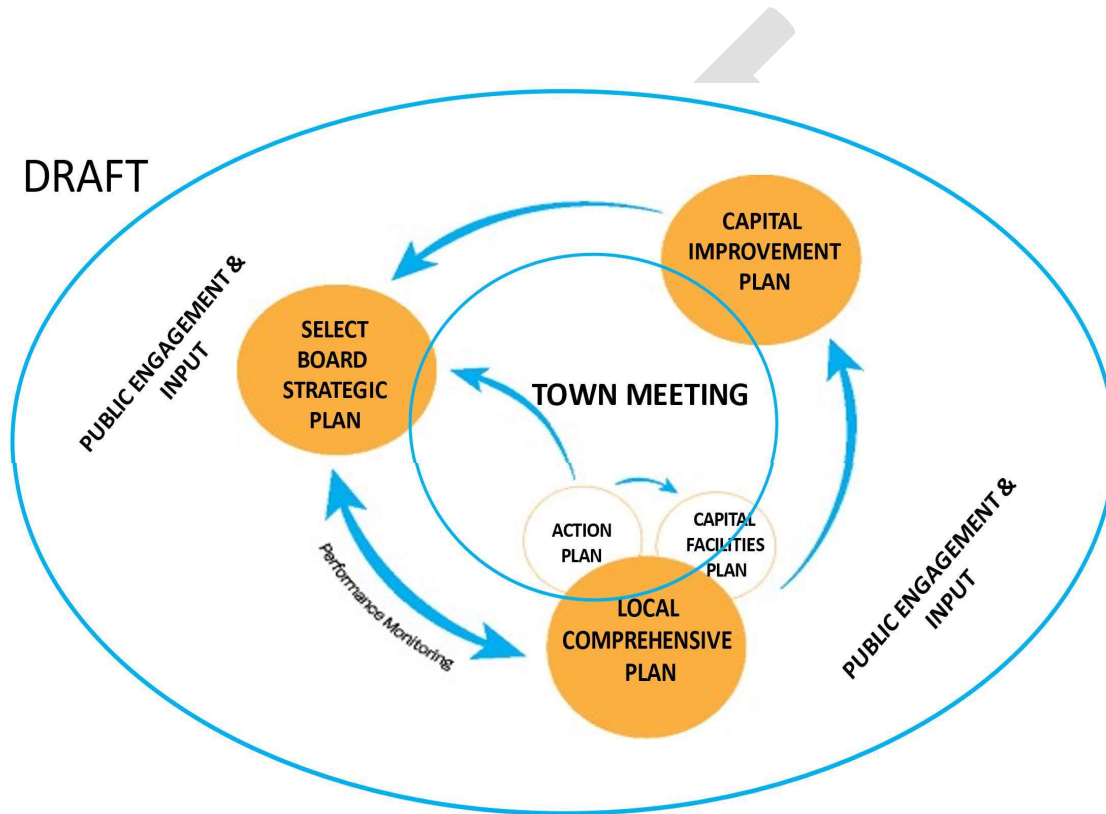
DRAFT



Insert revised Implementation Diagram

DRAFT

DRAFT



## **SECTION 8: SUPPORTING LOCAL PLANS, REGULATION AND POLICIES**

### **Community Character**

- Historical Commission Survey of Brewster Houses, 2016

### **Open Space**

- Town of Brewster Open Space and Recreation Plan Update, 2021

### **Coastal Management/ Climate Adaptation**

- FEMA CRS Program, established 2018
- Multi-Hazard Mitigation Plan 2021
- Coastal Resource Management Plan (Phase I), 2019
- Coastal Adaptation Strategy, 2016
- Municipal Vulnerability Preparedness Plan, 2019

### **Water Resources**

- Horsley Witten Group, Inc. January 2022. Integrated Water Resource Management Plan 2022 Update
- Horsley Witten Group, Inc. January 2013. Integrated Water Resource Management Plan Phase II Report
- CDM February 2011. Integrated Water Resource Management Plan Phase I Report – Needs Assessment
- Horsley Witten Group, Inc. 20216. Water Resource Atlas Fresh Water Ponds, Brewster, Massachusetts.
- University of Massachusetts School for Marine Science and Technology and Cape Cod Commission. Brewster Freshwater Ponds: Water Quality Status and Recommendations for Future Activities.
- University of Massachusetts School for Marine Science and Technology. November 2014. Mill Ponds Management Plan - Walkers Pond, Upper Mill Pond, and Lower Mill Pond.
- Solitude Lake Management. January 30, 2020. Alum Treatment Final Completion Report, Upper Mill Pond January 2020.

### **Governance**

- Town of Brewster Annual Strategic Plan, adopted by Select Board
- Select Board Policy #58 (Public Engagement)

### **Community Infrastructure/ Capital Facilities**

- Town of Brewster Community Preservation Plan, FY23 – FY27. 3/23/22 Adopted by the Select Board 08/08/2022
- Pavement Management Plan, 2022
- FY22-26 Capital Improvement Plan
- Drummer Boy Park Master Plan update, approved Fall 2021 Town Meeting
- Select Board Policy #61 (Complete Streets Policy)
- Biking Brewster: A Strategy to Enhance Biking in Brewster, prepared by Brewster Bikeways Committee. March 2016

### **Solid Waste**

- Pay As You Throw (PAYT) Report, August 2014

### **Climate Mitigation**

- Town Climate Change and Net Zero Resolution, 2020
- Energy Reduction Plan (Green Community Designation), 2020

### **Housing Production Plan**

- Town of Brewster Housing Production Plan 2022 – 2027

### **Other Housing/ Local Economy**

- American Community Survey 2019 Data, 5-year estimates
- Brewster Community Preservation Plan FY23-FY27
- Cape Cod & the Islands Association of Realtors 2021 Annual Report & December 2021 Brewster Local Market Update
- US Census 2020

### **Brewster Code (selection, Bylaws)**

- Chapter 17, Community Preservation Committee
- Chapter 18, Affordable Housing Trust Fund
- Chapter 83, Staff Review
- Chapter 100, Flooding
- Chapter 112, Water
- Chapter 115, Illicit Connections and Discharges (*note: MS4*)
- Chapter 119 Fertilizer Nutrient Control
- Chapter 135, Pollution and Environmental Hazards (*note: single use plastic bags, etc.*)
- Chapter 152, Single Use Plastic Water Bottles
- Chapter 157, Streets and Sidewalks
- Chapter 159, Stretch Energy Code
- Chapter 171, Water Betterments
- Chapter 172, Wetlands Protection
- Chapter 179, Zoning
- Chapter 272, Stormwater Management
- Chapter 290, Subdivision Rules and Regulations

### **Brewster Wetlands Protection Regulations**

## **Brewster Stormwater Management Regulations**

### **Board of Health Regulations & Policies (Selections)**

- I/A Monitoring Regulation
- Nitrogen Loading Regulation
- Percolation Rate Regulation
- Private Well Regulation
- Inspection Maintenance Program Regulation
- Small Wastewater Treatment
- Substandard Septic System Upgrade Regulation
- Leaching Facility Setback Regulation
- Water Quality Report Regulations
- Disposal Construction Limit Regulation
- Recycling Center Regulations
- Zone II Deed Restriction Regulation
- Sand & Gravel Mining Regulation
- Septic System Betterment Regulation
- Designation of Wetlands Conservancy District Policy
- Board of Health Policy on Single Cesspools
- Soil & Percolation Observation Policy
- Bedroom Definition
- Septic System Inspection Requirement for Variance Applications Policy
- In-House Septic Local Upgrade Approval Policy

# **Watershed Permit Regulations and New Title 5 Septic System Requirements**

## **How Do They Impact Water Resource Planning in Brewster?**



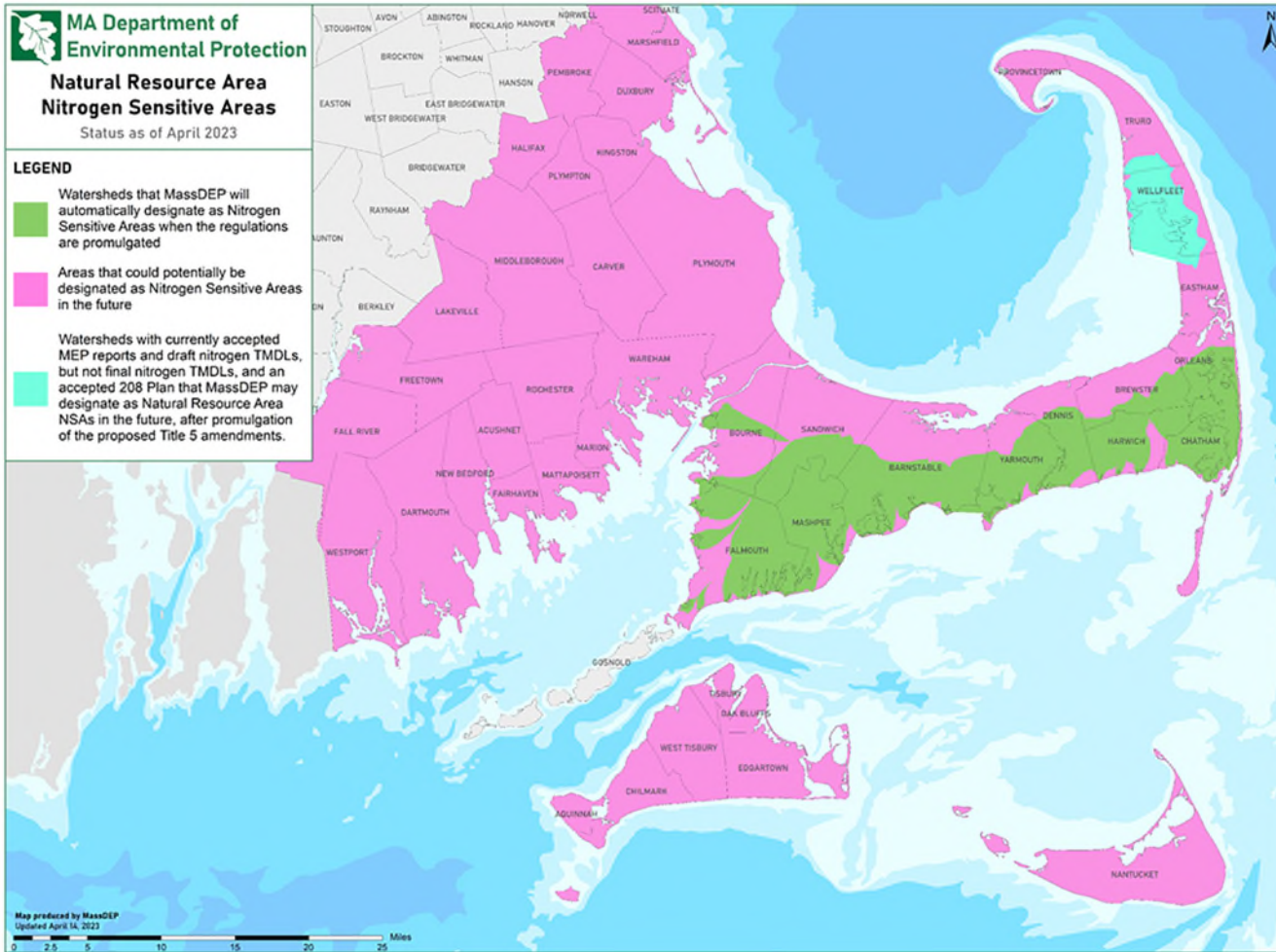
# Mass DEP's Goal - Accelerate Restoration of Coastal Estuaries on Cape Cod

Options –

- Develop a Watershed Permit for Each Required Estuary, or
- Require Septic System Upgrades In these Watersheds Within the Next 5 Years



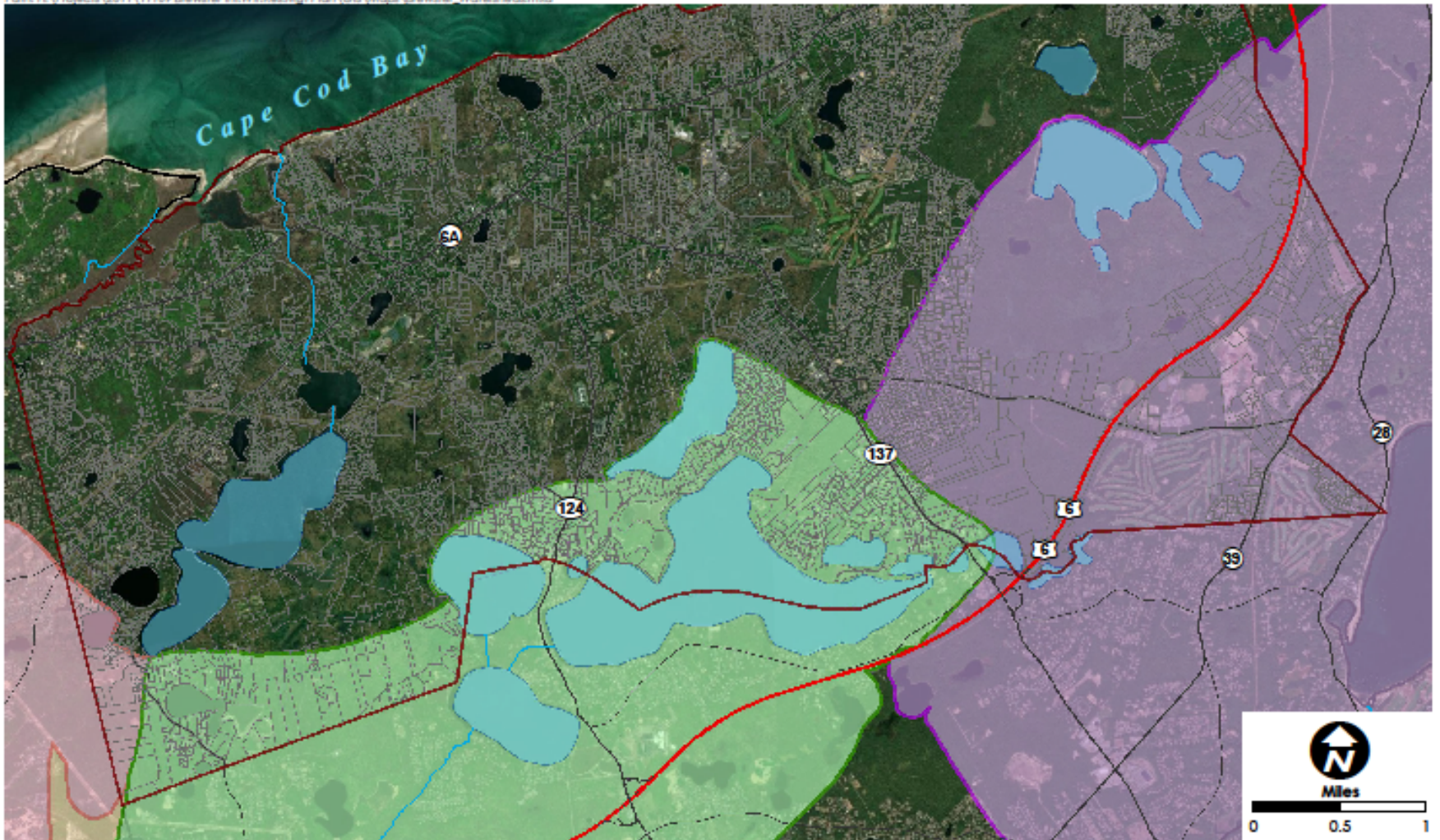
# Overall Jurisdiction Of The New Regs





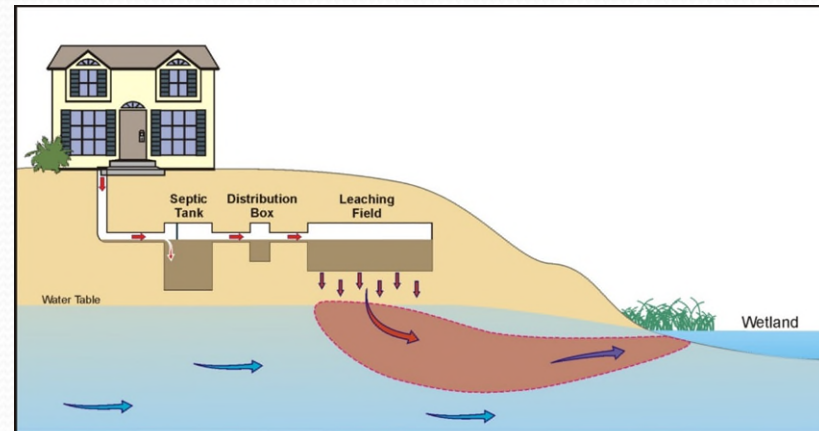
# Brewster Watersheds Impacted by Proposed Regs

Path: H:\Projects\2011\11109 Brewster int.Wk.Res.Maf Plan\GIS\Maps\Brewster\_Watersheds.mxd



# Proposed Title 5 Changes

- Septic Systems In Impaired Watersheds Must Be Upgraded to Treat for Nitrogen within 5 Years of the Regulations
  - Unless:
- A Town Files a Notice of Intent to Obtain a Watershed Permit



# Proposed Title 5 Requirements

- If No Watershed Permit is Requested, Homeowners in Affected Areas have 5 Years to Upgrade their Septic System
- Must use “Best Available Nitrogen Reducing Technology” - Goal is to Install Systems that Treat Nitrogen to a Concentration of 10 mg/L or less
- Designed to Encourage Towns to Request Watershed Permits



# Watershed Permits

- Similar to the Process Used to Obtain the Pleasant Bay Watershed Permit Issued to Brewster, Chatham, Harwich and Orleans



# Watershed Permits

- If Town Files a Notice of Intent to Obtain a Permit Within 18 Months From When the Regulations Were Issued, the Title 5 Upgrade Regulations are Paused
- Proposed Permit Must Document the Removal of 75% of the Nitrogen Needed to Meet the Watershed TMDL in 20 Years
- Permit Can Be For 1 Town or Combination of Towns Sharing a Watershed



# Watershed Permits

- Permit Requires Annual Reporting on Progress to Restore the Estuary
- Provides Flexibility in the Options to Remove Nitrogen as New Information Becomes Available – Can Include Adaptive Management Strategies that Evolve Over Time



# Impacts of New Regulations

- Pleasant Bay Permit Remains in Effect – New Title 5 Regulations Will Not Apply in This Watershed
- Regulations Will Affect Water Resource Planning for Herring River, Bass River, and Swan Pond River Watersheds (including Long Pond, Sheep Pond, & Seymour Pond, and Elbow Pond neighborhoods)
- Areas Outside These Watersheds Are Currently Not Subject to Title 5 Septic Upgrade Requirements



# Brewster Watersheds Impacted by Proposed Regs

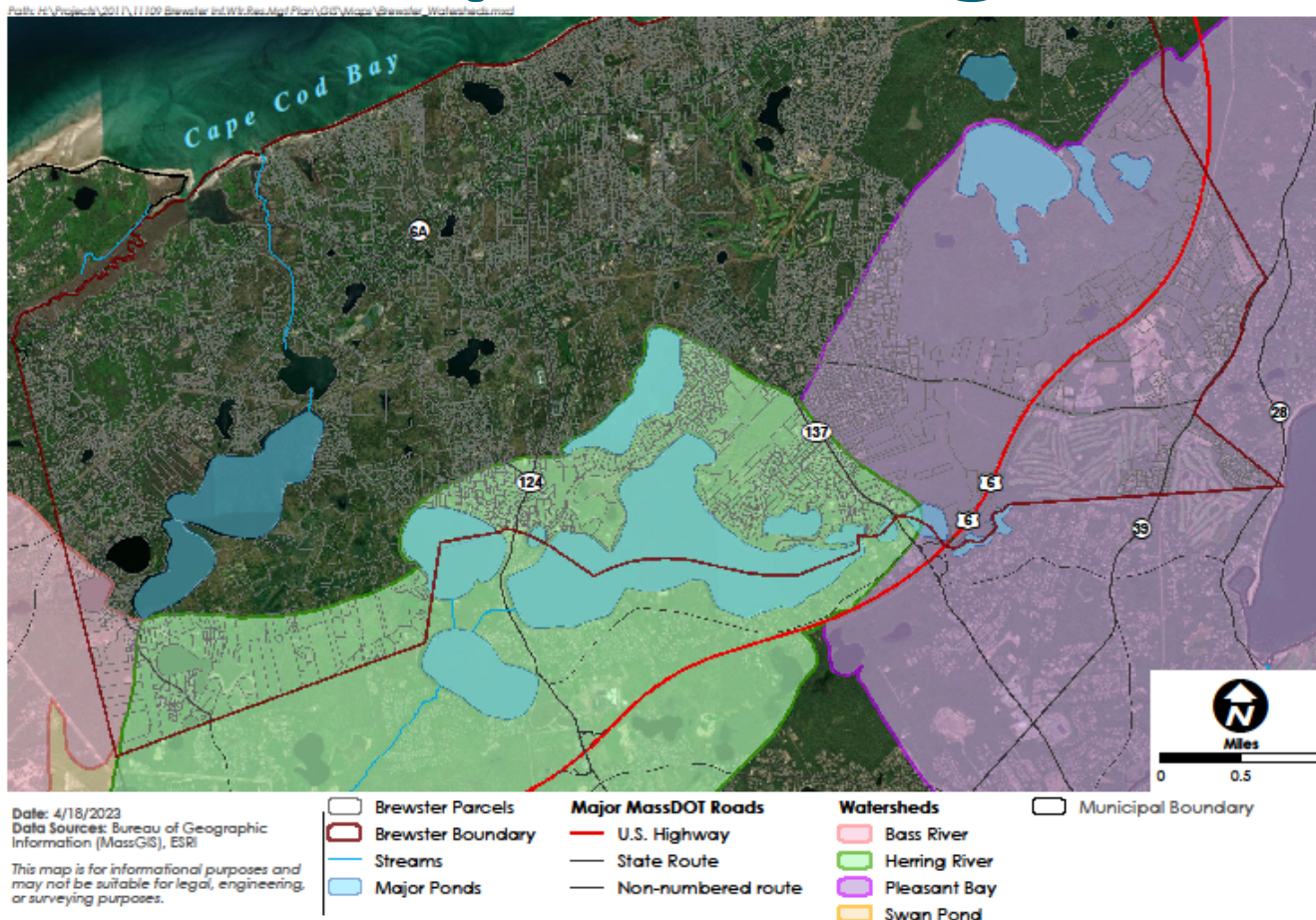


Figure 1  
 Watersheds Pertaining to Proposed Septic System Regulations in Brewster, MA.



# De Minimis Watershed Permit Exemption

- If a Town's Portion of the Nitrogen Load to an Estuary is less than 3% of the Total Load, an Exemption Request can be Filed to Eliminate the Need for a Watershed Permit
- Request Must Include an Evaluation of the Additional Load from Potential Future Development in the Watershed



# De Minimis Watershed Permit Exemption

Current Opportunities for Permit Exemption Requests

Bass River Watershed	<0.3% of Total Nitrogen Load
Swan Pond River	< 0.3% of Total Nitrogen Load

Potential Future Development Must be Accounted For



# Bass River and Swan Pond River Watersheds

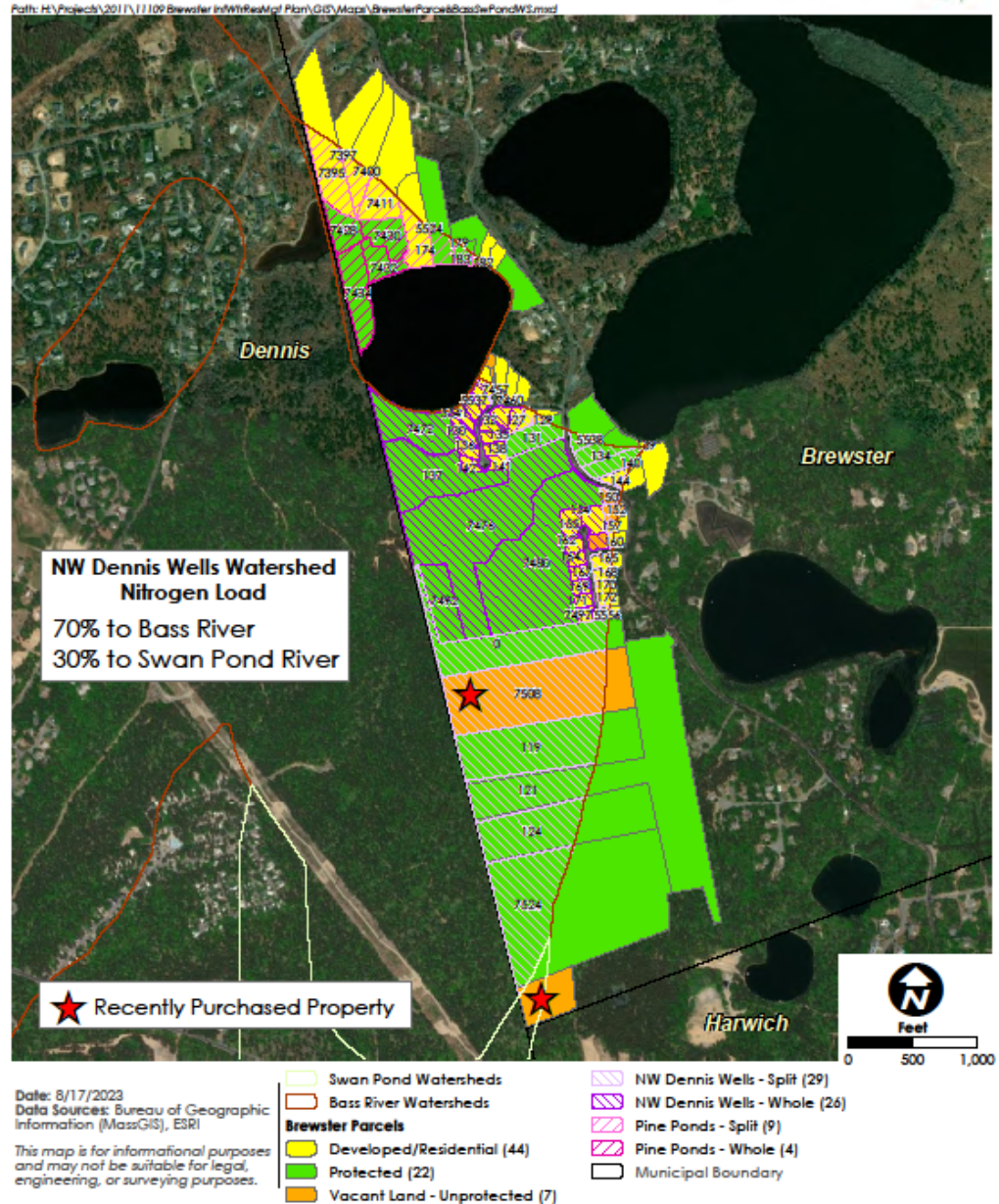
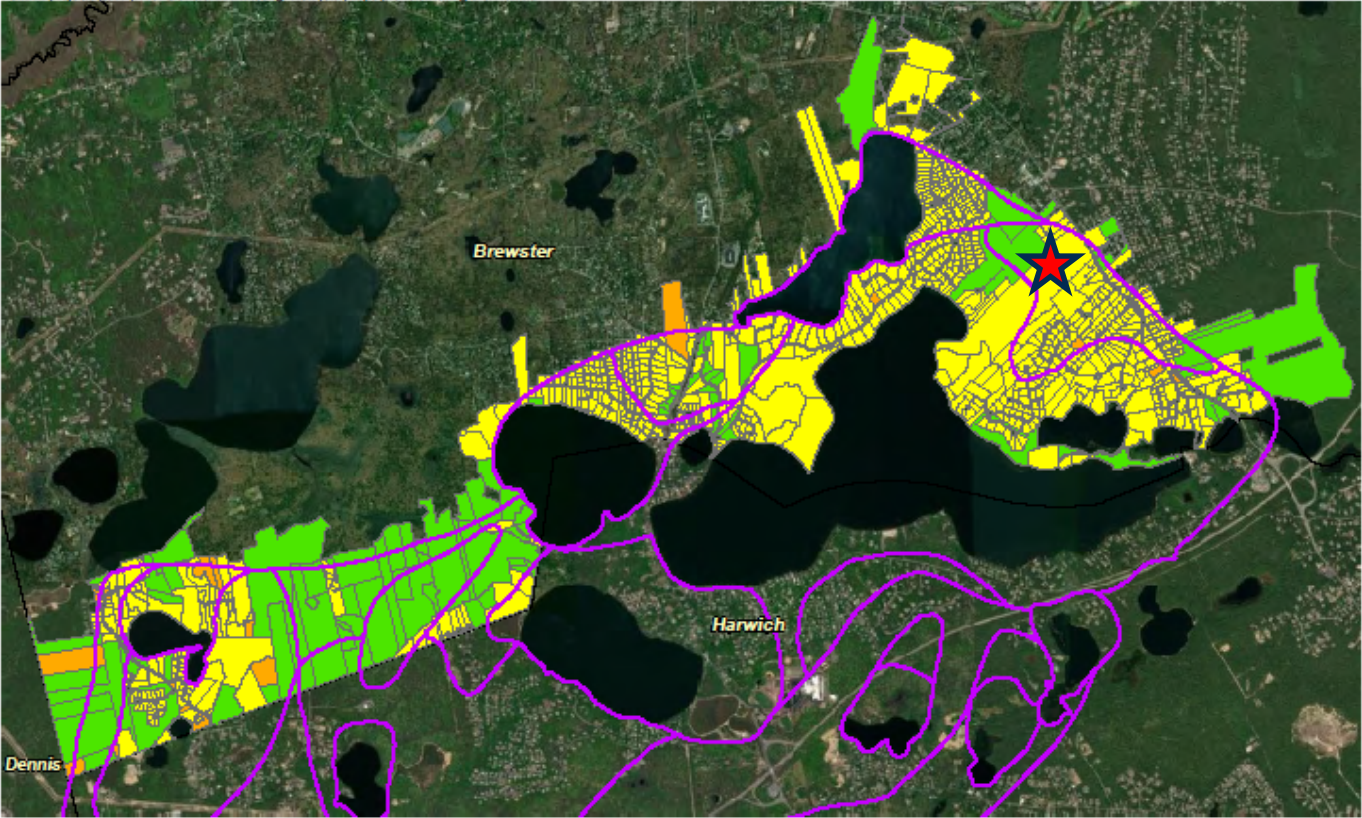


Figure 1  
Brewster Parcels within Bass River and Swan Pond Watersheds

# Herring River Watershed

Path: H:\Projects\2011\11109 Brewster InWtrResMap Plan\GIS\Maps\BrewsterHerringRiverWS.mxd



★ Sea Camps Parcel

Date: 8/16/2023  
Data Sources: Bureau of Geographic Information (MassGIS), BSR

This map is for informational purposes and may not be suitable for legal, engineering, or surveying purposes.

- Herring River Watersheds
- Municipal Boundary
- Brewster Parcels**
- Developed/Residential
- Protected
- Vacant Land - Unprotected

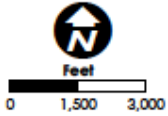


Figure 2  
Brewster Parcels within Herring River Watersheds

# Herring River Watershed

- Recent Data Suggests Town will Only Need to Manage Future Buildout
- Nitrogen Loading Projections for New Development Begin in 2013 (Baseline Year)
- Many Ponds are Within the Town's Portion of Watershed (Long, Sheep, Seymour, Elbow, etc)
  - Reducing the Nitrogen Load that Must Be Managed Due to Attenuation



# Herring River Watershed

- Options For Managing the Load from Future Development Include:
  - Septic System Upgrades
  - Neighborhood Sewer Systems
  - Fertilizer and Stormwater Management
  - Nitrogen Trade
- Strategies to Reduce Nitrogen Loads Should Consider Beneficial Impacts on Ponds



# Water Resource Task Force

- Convened by Town Manager in Winter 2022
- Comprised of Select Board Chair, Board of Health Chair, Natural Resources Advisory Commission Chair, Brewster Ponds Coalition President, Health Director, Natural Resources Director, Town Planner, and Water Superintendent
- Meet on a Monthly Basis to Collaborate and Identify Consensus Solutions



# Water Resource Task Force

- Significant Time Spent on Proposed DEP Regulations and Potential Brewster Impacts
- Provided Formal Comments to DEP, Several of Which were Incorporated in Final Regulations (e.g. De Minimis Watershed Permit Exemptions)





# Next Steps/Timing

- Water Resources Task Force Recommendations:
  - File De Minimis Watershed Permit Exemption Application for Swan Pond this Fall, followed by the Application for Bass River
  - Planning Work For the Herring River Watershed Permit Should Begin by Early 2024 - Notice of Intent to File a Permit is Needed By December 2024



# Impacts of New Regulations

- Since Town Plans to Obtain a Watershed Permit for Herring River and Permit Exemptions for Bass River and Swan Pond River, the New Title 5 Septic System Regulations Will Not Impact Brewster
- State Mandate to Upgrade Existing Septic Systems Will Not Apply



# Impacts of New Regulations

- Town May Decide to Use Innovative/Alternative Systems to Reduce Nitrogen Loads to Pleasant Bay and Herring River
- I/A Systems Can Also Be Required In Zone II Wellhead Protection Areas and Near Fresh Water Ponds Under Other Title 5 and Board of Health Regulations

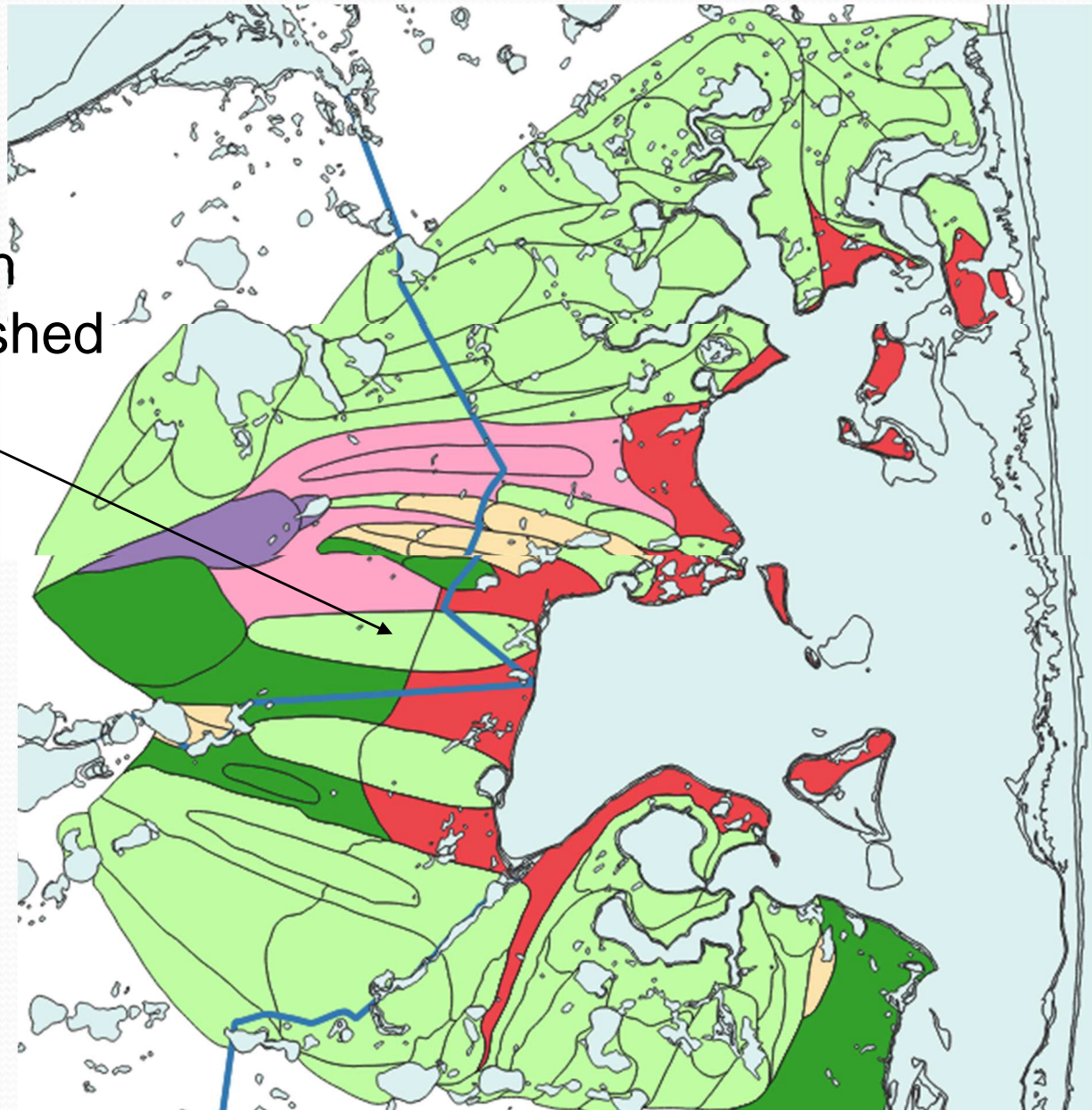


# Pleasant Bay Permit Update

- Planned Updates to Permit Given New Attenuation Rate for Tar Kiln Subwatershed – Reducing Brewster’s Obligations
- Captains Golf Course Fertilizer Reduction Practices Account for More than 80% of the Nitrogen Removal that Brewster Must Provide
- Ongoing Golf Course Fertilizer Leaching Rate Study May Document Additional Nitrogen Load Reductions, Further Reducing our Obligations



Tar Kil  
Subwatershed



# Pleasant Bay Permit Update

- Need for I/A Septic Systems or a Neighborhood Wastewater Treatment Plant Will Be Re-Evaluated After Permit is Updated
- Further Work is Needed to Evaluate the Nitrogen Load from Future Development



# Finance Update

- Brewster Has Spent \$600,000+ in the Last Five Years On Implementation of our IWRMP
- Fiscal Year 2024 Funding
  - \$100,000 (Previously Approved at May 2023 Town Meeting) for IWMRP Management, including Swan Pond and Bass River Watershed Permit Exemption Applications
  - \$50,000 (New Funding Request for November 2023 Town Meeting) for Herring River Watershed Future Buildout



# Fresh Water Ponds

- Work to Aggregate and Analyze Pond Water Quality Data is Underway (\$50k)
- Strategies to Improve Water Quality In Walkers Pond is Being Evaluated (\$40k)
- Development of a Pond Management Plan Could be Helpful Next Step (see Wellfleet, Chatham, Orleans, etc)
- Data on Phosphorus Transport from Septic Systems to Ponds from an Ongoing Brewster Ponds Coalition Project Will be Helpful





# Questions?

Mark Nelson, Principal  
Horsley Witten Group, Inc.  
[mnelson@horsleywitten.com](mailto:mnelson@horsleywitten.com)



Horsley Witten Group, Inc.





## MEMORANDUM

**To:** Chris Miller, Director, Brewster Department of Natural Resources

**From:** Mark Nelson

**Date:** July 19, 2023

**Re:** Scope of Work for 2023-2024 Integrated Water Resource Management Plan (IWRMP) Implementation Related to Coastal Estuaries, Fresh Water Ponds, and Stormwater

---

As you requested, I have prepared this proposed scope of work for the Horsley Witten Group, Inc.'s (HW) support for the Town of Brewster in implementing the Town's Integrated Water Resource Management Plan (IWRMP). This scope includes:

1. Support for the ongoing implementation of the Pleasant Bay watershed permit,
2. Support for the Brewster Water Resources Task Force,
3. Water quality planning for properties near freshwater ponds in Brewster, and
4. Development of the Watershed Permit Exemption Application for the Swan Pond River Watershed.

Further information about each of these is provided below.

### **Task 1: Pleasant Bay Nitrogen Management**

The bulk of the work relates to implementation of nitrogen management plans for the Pleasant Bay watershed. The work will be done at the direction of the Town and may change as priorities for implementation change. At this point, the following activities are planned:

- Continued support for the implementation of the Watershed Permit for Pleasant Bay. This includes attendance at regular meetings with the Pleasant Bay Alliance, and ongoing evaluations of nitrogen removal options for Brewster's portion of the watershed.
- Development of updates to the Watershed Permit Annual Report, providing details on the actions taken by the Town in 2023.
- Continued participation in discussions with the Pleasant Bay Alliance regarding updates to the watershed model for Pleasant Bay and the goals Brewster has for this modeling. HW will continue to analyze the results of new modeling scenarios

completed for Pleasant Bay to assess how they affect the nitrogen reduction goals for Brewster. We will also update our calculations for future development, or buildout, considering how the new model scenarios incorporate nitrogen attenuation in the Tar Kiln subwatershed to Pleasant Bay. This information will be helpful for evaluating the Town's options for managing future development to minimize additional nitrogen loading to Pleasant Bay.

- Presentations to the appropriate Town Boards, potentially including the Select Board, Planning Board, and the Board of Health.

Estimated Cost: \$30,000.00

### **Task 2: Support for the Water Resources Task Force**

HW will attend the monthly Water Resources Task Force Meetings and provide information and presentations related to the work being conducted under this contract. This will include discussions related to the Pleasant Bay Watershed Permit, planning on how to respond to the new Watershed Permit regulations established by the Massachusetts Department of Environmental Protection (DEP) and support for ongoing planning to protect and restore freshwater ponds. It will also include planning on how to respond to requests from Orleans to participate in the management of the Nauset estuary.

Estimate Cost: \$10,000.00

### **Task 3: Ponds Restoration Planning**

HW will continue to work at the Town's direction to continue planning and implementation of projects to restore freshwater ponds in Brewster. This will include evaluating an appropriate way to update the Board of Health's regulations for septic system leaching facilities adjacent to freshwater ponds. It will also include outreach to residents living near ponds to discuss options for wastewater management and other strategies to reduce nutrient inputs to ponds. In addition, HW will provide support for planning the Walker's Pond restoration project and for discussions with the Town of Orleans regarding the recent study of Baker's Pond.

Estimated Cost: \$15,000.00

### **Task 4: Development of the Watershed Permit Exemption Application for the Swan Pond River Watershed**

The need for this task, and for future planning for the Bass River and Herring River watersheds is new; related to the Watershed Permit Regulations established by DEP in early July. HW will work with Town to develop and submit the De Minimis Watershed

Permit Exemption Application to the Massachusetts Department of Environmental Protection (DEP) for the Swan Pond River watershed within which a small portion of the southwest corner of Brewster is located. This work will include the following components:

- A calculation of the current nitrogen load to this watershed from Brewster described by DEP as the updated nitrogen load.
- A calculation of the potential additional nitrogen load from future development in Brewster's portion of the watershed.
- Development of a plan to manage the additional nitrogen load from buildout, including an assessment of the benefits of the existing fertilizer and stormwater bylaws and other options including the use of innovative/alternative septic systems for existing and future development (if needed).
- Creation of a Targeted Watershed Management Plan for Brewster's portion of the Swan Pond Watershed documenting that the updated nitrogen load is less than 3% of the total watershed load, and that the proposed management strategies will prevent any increase in the current nitrogen load.
- Development of an application for a De Minimis Nitrogen Load Exemption, the announcements of the proposed exemption request on the Town website and through publication in the State Environmental Monitor.

The development of this application will allow the Town to learn about this exemption process and determine how it will work for the Bass River watershed.

Estimated Cost: \$20,000.00

#### **Task 4: Development of the Watershed Permit Exemption Application for the Bass River Watershed**

HW will also work with Town to develop and submit the De Minimis Watershed Permit Exemption Application to the Massachusetts Department of Environmental Protection (DEP) for the Bass River watershed within which a small portion of the southwest corner of Brewster is located. This work will include the same steps as listed for the Swan Pond River watershed described above to confirm the current and buildout nitrogen loading rates and develop a plan to prevent any additional nitrogen load from future development.

Estimated Cost: \$25,000.00

**Total Estimated Cost: \$100,000.00**

HW is prepared to begin this work upon authorization from the Town and will continue through June 2024. A fee schedule that documents the hourly rates and direct cost amounts that will apply to this proposal is attached for your review.

### **Planning for Additional Watershed Permit Projects**

HW will work with the town to develop a plan for the work needed to develop the Herring River Watershed Permit, including the analysis of additional nitrogen load from buildout and a development of a plan to effectively manage the additional load. It is anticipated that the budget for Herring River the cost will be approximately \$60,000-\$70,000. These numbers will be refined based on the work done for the Swan Pond River watershed exemption application. It is anticipated that a formal proposal for this additional work will be developed in the next 1-3 months for consideration by the town.



## MEMORANDUM

**To:** Brewster Water Resources Task Force  
**From:** Mark Nelson, P.G  
**Date:** July 7, 2023  
**Re:** Watershed Permit Regulations – De Minimis Exemption

The new watershed permit regulations have been issued by the Massachusetts Department of Environmental Protection (DEP) (314 CMR 21.00) and are effective as of today, July 7, 2023. I have reviewed the allowance for a de minimis exemption from a watershed permit and have evaluated how that could impact the watersheds partially located in Brewster.

The new regulations allow a town to apply for a De Minimis Nitrogen Load Exemption if the baseline load in the towns portion of the watershed does not exceed 3% of the controllable attenuated nitrogen load in the watershed. The baseline load represents the existing conditions load documented at the time the watershed assessment for a particular estuary was conducted. The controllable attenuated nitrogen load is the overall load from the watershed that migrates to the estuary.

If the baseline load is less than 3% of the controllable attenuated nitrogen load, then the Town must also document that any recent development has not caused the overall load to exceed 3%. The regulations define this as the updated nitrogen load. This means the Town must document the extent of additional development that has occurred since the original watershed model was developed and confirm that the overall current nitrogen load is less than 3% of the total watershed load.

If the updated nitrogen load is less than 3% the town can apply for the exemption. The application must include a planning document such as targeted watershed management plan or other similar document that provides information about the baseline load, the updated nitrogen load and any future load associated with buildout. Future development information is required because the Town will need to show that it will not increase its updated nitrogen load in the watershed (314 CMR 21.12.4 (b)). If there will be future development in the watershed, the Town can develop a strategy to manage it so there is no increase in the updated nitrogen load. Based on a conversation with DEP, they will consider the strategies to manage this additional load as used in a standard permit, including wastewater, fertilizer and stormwater runoff

management. If there is a future increase in the updated nitrogen load that is not managed, the exemption can be suspended, meaning the requirements to upgrade onsite septic systems must be met. However, if the Town manages the watershed to avoid an increase in load, the exemption will remain in effect unless terminated by DEP or the Town.

Based on a review of the nitrogen loading information for the Bass River and Swan Pond River watersheds, Brewster's overall load is below 3% and the Town can apply for an exemption for each estuary. For Bass River, Brewster's load is approximately 0.3% of the total load. For Swan Pond River, Brewster's load represents approximately 0.4 % of the total load. These numbers are based on the data from the Massachusetts Estuaries Project (MEP) reports for these estuaries and the data will need to be updated to calculate the updated nitrogen load.

From a brief review of the buildout data, Brewster will have to manage a nitrogen load of approximately 50 kg/year for Bass River and 70 kg/year for Swan Pond River. These numbers are preliminary and may incorporate a component of the updated nitrogen load if a property was developed since the MEP report was completed. They also don't factor in any conservation land purchases in these watersheds that would reduce the buildout load.

An application for a de minimis exemption for these two watersheds appears to make sense given the minor contribution from Brewster. Further work to confirm the updated nitrogen load and to plan for managing the impacts of buildout will be needed. Nitrogen reductions from the Town's current fertilizer bylaw could be applied in these watersheds to manage a portion of the buildout load. Updates to the Water Quality Review Bylaw, expanding its coverage into these watersheds may also be worth evaluating to reduce future loads.

The Nauset Estuary is currently not regulated under the new watershed permit regulations. However, it could be added in the future as the state reviews the water quality issues in this estuary. Brewster's portion of the overall load to the Nauset Estuary is approximately 0.2% of the total load, meaning an exemption could be requested if this becomes an estuary managed under the new regulations. The potential buildout load that would need to be managed is approximately 70 kg/year.

It will be helpful to have further discussions on how to proceed with the applications for the de minimis nitrogen load exemptions, in order to develop a schedule to put them together and to create a plan to manage the future nitrogen loads in each estuary. It might make sense to start with an exemption application for the Swan Pond River estuary first. This is the smallest watershed area in Brewster, and it would provide an opportunity to work through the process and gain insights that can be applied to the Bass River, and potentially the Nauset Estuary.

Based on an initial estimate, Brewster's contribution to the Herring River estuary is approximately 5-7% of the total load, so an exemption does not appear to be possible. However, the Town's only responsibility in this watershed is to manage the nitrogen load from future development. A detailed analysis of the buildout potential for the Herring River will be needed to quantify the nitrogen load that must be managed. This should begin soon to allow the Town to develop a nitrogen management plan for this watershed that can be included in a watershed permit application. The other estuaries with watersheds in Brewster do not have any

requirements to remove nitrogen, including Quivett Creek (for which no MEP report was developed, and the Namskaket Marsh estuary. These estuaries, like Cape Cod Bay have the benefit of a large tidal range which helps flush nutrients out of these estuaries, so they don't have the same impact on water quality.





## Town of Brewster

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

Office of:  
Select Board  
Town Manager

January 27, 2023

Mr. Martin Suuberg, Commissioner  
Massachusetts Department of Environmental Protection  
Bureau of Water Resources - Division of Watershed Management  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Proposed Title 5 & Watershed Permit Regulations

Dear Commissioner Suuberg:

The Town of Brewster has reviewed the proposed changes to the State Environmental Code Title 5 (310 CMR 15.00), and the proposed Massachusetts Watershed Permit Regulations (314 CMR 21.00) and offers a series of comments below. The Town's long-term actions to protect and restore wellhead protection areas, coastal estuaries, and freshwater ponds provides insight to these comments. In addition, Brewster's participation in the Pleasant Bay Alliance and in the development of the Pleasant Bay Watershed Permit provides background on the process for developing and implementing a watershed permit.

### **Proposed Changes to Title 5**

Deadline to Upgrade Septic Systems in Natural Resource Areas – Section 15.215.2.a in the proposed regulations states that Best Available Nitrogen Reducing Technology (BANRT) systems must be installed within five years of the effective date of the new regulations at all properties within a Natural Resource Area unless a notice of intent to apply for a watershed permit is submitted by one or more Towns in which the Natural Resource Area is located. The towns that are members of the Pleasant Bay Alliance have indicated to DEP that the 5-year time frame is unworkable because it will be impossible to find designers and installers to handle the installation of all of the required systems.

Brewster recommends that the upgrade schedule should be based on the proximity of a septic system to a coastal estuary. Properties with systems located within 1,000 feet of a coastal estuary where groundwater flows directly to the embayment without first flowing to a freshwater pond or stream (an

unattenuated watershed) should install BANRT systems within 10 years. Properties with systems beyond 1,000 feet of the estuary or those in watersheds where groundwater does not flow directly to the estuary (attenuated watersheds) should be granted 15 years to upgrade their septic systems.

Extending this timeframe makes sense for many reasons. It reduces the concerns about finding contractors to design and install the BANRT systems and gives each Board of Health more time to work with property owners to review and approve the proposed designs. The extension is also needed to allow property owners and municipalities sufficient time to identify and acquire funding from state and federal sources to support the construction of these systems and set up a program to properly operate, maintain, and monitor the systems. In addition, it would allow DEP and towns time to evaluate septic system technologies that address both nitrogen and phosphorus treatment that are important in areas upgradient of freshwater ponds and coastal estuaries.

An extended timeframe is also more consistent with the 20-year timeframe granted to a town or towns under a watershed permit to manage 75% of the required nitrogen removal in a coastal watershed. This timeframe would also ensure adequate time to develop the Responsible Management Entity (RME) infrastructures and systems necessary to support widespread implementation of decentralized I/A systems, an undertaking which is currently in its infancy.

Upgrade Requirements for Installations of I/A systems Using Best Available Nitrogen Reducing Technology (BANRT) - Paragraph 15.215 2.f. states that if a property owner installs a BANRT system then they do not need to upgrade this system to a newer BANRT if it becomes available in the future unless the system fails or there is a change in the use of the property. Brewster agrees that this approach is appropriate. However, Paragraph 15.215.2g states that if a property owner installed a nitrogen reducing system within one year of the effective date of the regulations, they do not need to upgrade their system again unless the system fails or the use of the facility changes. This means that a property owner that invested in a new innovative treatment system more than one year from the effective regulation date would then need to spend additional money to upgrade, likely without a significant improvement in water quality treatment. Brewster recommends that properties with existing innovative/alternatives septic systems in place should not have to upgrade their system unless there is a change in use on the property that increases the design flow or if the system fails and needs to be replaced. Given the small number of existing innovative/alternative systems in use across southeast Massachusetts, this change would have little if no impact on estuarine water quality. It would also recognize the investments property owners have made to date to protect water quality.

Definition of Best Available Nitrogen Reducing Technology - The definition for BANRT focuses only on the extent of nitrogen removal a particular system can provide. It states that a BANRT is “an alternative system certified by the Department for general use pursuant to 310 CMR 15. 288 which has the lowest effluent Total Nitrogen performance value.” Brewster has two comments on the selection and performance of the BANRT systems.

First, no BANRT systems approved for general use under Title 5 treat nitrogen below an approved standard of 19 mg/L based on the March 30, 2022 summary of system approvals provided on the DEP website. The Massachusetts Estuarine Program studies assume that septic systems release nitrogen to groundwater at a concentration of 26.25 mg/L. A system treating nitrogen to 19 mg/L therefore provides only a 28% reduction in the nitrogen load to an impacted estuary. Application of systems treating to 19 mg/L will therefore not fully restore water quality in a coastal estuary. Brewster requests that DEP reconsider the performance standards for BANRT to ensure that if property owners invest in these systems that they will actually help restore estuarine water quality. This could include changes to the current approval process for BANRT systems, or the allowance for additional time for better performing systems to obtain general approval.

Second, the definition implies that only one technology will be used for all systems that are installed. This raises concerns about the availability of the technology and the cost for purchase. If one manufacturer is supplying all the systems under this regulation, there is no price competition, unless a new system with better performance is granted pilot or provisional approval for up to three years at which point it becomes the only available technology. The definition should be revised to allow more than one BANRT to be used by property owners. It could allow a choice between technologies provided they provide nitrogen removal at a concentration within 20% of the treatment level provided by the highest performing BANRT. For example, if a system is approved in the future to treat to a concentration of 10 mg/L, all systems approved to treat between 10-12 mg/L should be approved for installation.

### **Proposed Watershed Permit Regulations**

Purpose of a Watershed Permit – As with the existing Pleasant Bay watershed permit, it is Brewster’s understanding that future watershed permits developed under this regulation will focus solely on the management of nitrogen within watersheds to impaired coastal estuaries. The management of nitrogen in Natural Resource Areas is clearly defined in the revised Title 5 regulations. But the watershed regulations talk about nutrients in general as well as nitrogen as a specific contaminant. If it is DEP’s intent to focus these permits on nitrogen management, the language should be clarified to confirm that. If the plan is to allow watershed permits for other purposes, such as phosphorus management near freshwater ponds then this needs to be clearly explained along with the requirements to develop such a permit, such as a specific water quality study for a pond.

Simplified Watershed Management Plans - Most of the nitrogen impacted coastal embayment watersheds extend across more than one town. In many instances, the portion of the watershed in one town may be very small, and nitrogen reductions required in this portion of a watershed may be minimal or unnecessary. For these small areas, if a town can document that the nitrogen load from their portion of the watershed is low enough that no action is required, or can be managed with a simple, straightforward strategy, there should be no need to develop a 20-year permit with the associated annual reports and monitoring requirements.

One approach would be to use the Cape Cod Commission 208 Plan Implementation Reports, which document whether or not a town needs to manage nitrogen reductions for a small watershed area. For example, the 208 Implementation Reports for Bass River and Swan Pond River state that Brewster has no nitrogen management responsibilities for existing development. In that case, no further action should be required. Alternatively, for a watershed where less than 5% of the existing or buildout nitrogen load must be managed, the plan should document how this will be completed. Once the work is complete, there should be a simplified process to confirm this with DEP to avoid the need for annual reports or monitoring for such a small area. Further, if a town is only responsible for developing a plan to manage future development in a watershed, they should be granted 10 years to obtain a permit to manage this future nitrogen load.

Monitoring Requirements - Paragraph 2.b.13 states that a watershed management plan needs to include a “watershed or sub-watershed scale monitoring plan”. It would be helpful to clarify if the monitoring is focused on the nitrogen reductions implemented under the permit (such as monitoring of a wastewater treatment facility) or focused on changes in water quality in the estuary itself. If the monitoring is to focus on estuary water quality then the regulations should clarify how towns that don’t have frontage on an estuary would monitor surface water quality.

Section 21.06 Modification, Revocation, and Renewal of Watershed Permit - The Pleasant Bay Alliance raised questions about what is considered a significant permit modification. The regulations state that significant modifications “are those that would change: the permits required pollutant load reduction; the method or technology to achieve pollutant load reductions in a waterbody.... or the timeframe to achieve said reductions”. Under the current Pleasant Bay Permit, towns are allowed to adjust their nitrogen reduction plans based on the options they included in the initial watershed plan. For example, Brewster included the use of I/A septic systems, fertilizer reductions at the Captains Golf Course, and a neighborhood wastewater treatment facility in their watershed plan. It would be helpful for DEP to confirm that selecting a nitrogen reduction option included in the watershed plan does not require a significant permit modification. This type of adaptive management is an important part of the watershed permit process and should be acknowledged more clearly in the regulations.

In addition to these technical comments, the Town of Brewster would like to iterate and amplify the comments submitted by the Pleasant Bay Alliance. Our participation in the first-of-its-kind watershed permit, which DEP is now seeking to replicate dozens of times over, is particularly instructive. Specifically, the Alliance has benefited from extensive grant funding and DEP staff support which is unlikely to be available to others going forward given the scale and scope of the watershed permits which DEP is now seeking across the Cape and South Coast. The Alliance also benefited from pre-existing partnerships which preceded the creation of the pilot watershed permit by a decade plus. These inter-municipal relationships and systems were critical to the success of this model and may not be easily replicable.

While the Town supports the overarching policy intent of these draft regulations, we believe it is imperative that the state provide substantial additional financial resources and technical support to the municipalities and residents of Cape Cod to help pay for their implementation. These regulations, if adopted and implemented, will require hundreds of millions of dollars of funding for planning and infrastructure. Without even accounting for the costs associated with complying with these new regulations, the Cape Cod & Islands Water Protection Fund is projected to be insolvent by FY2026 based on the most recent financial analysis provided to the Management Board in January 2023. In seeking to address the shortcomings of its own current regulations, DEP cannot insist that the residents of Cape Cod shoulder the full costs of addressing environmental conditions many decades in the making.

Lastly, these regulations also do not address freshwater quality concerns or recognize the linkages between nutrient impacts to ponds and estuaries. They focus exclusively on the impact of nitrogen on the Cape's impaired saltwater bays and estuaries. We are concerned that the limited financial resources currently available will be necessarily directed to funding projects and infrastructure that address estuarine water quality at the expense of the water quality of our ponds should these regulations be adopted. Accordingly, since I/A technologies can benefit both estuarine and freshwater water quality, we recommend that DEP explicitly clarify that I/A systems are State Revolving Fund (SRF) eligible in Massachusetts, as many other states have already done.

We appreciate the opportunity to provide comment on these draft regulations and hope that you will be responsive to the feedback you receive.

Sincerely,

Town of Brewster Water Resources Task Force

*Paul Anderson, Water Superintendent*

*David Bennett, Board of Health member*

*Ned Chatelain, Select Board Vice Chair and Cape Cod & Islands Water Protection Fund Liaison*

*Jon Idman, Town Planner*

*John Keith, Brewster Ponds Coalition Vice Chair*

*Peter Lombardi, Town Manager*

*Chris Miller, Natural Resources Director*

*Kim Pearson, Natural Resources Advisory Commission Chair*

*Amy von Hone, Health Director*



Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Bethany A. Card  
Secretary

Martin Suuberg  
Commissioner

## Fact Sheet

### MassDEP Regulatory Strategy for Estuaries Impaired by Nitrogen June 1, 2022

**1. Nitrogen Sensitive Area Designations:** A primary source of nitrogen contamination of coastal estuaries in Southeastern Massachusetts and Cape Cod and the Islands are on-site septic systems. MassDEP, in conjunction with local Boards of Health, regulates these systems through “Title 5” regulations, 310 CMR 15.00.

To ensure the Title 5 regulations are protective of the environment, particularly in relation to the impact of nitrogen discharges on surface water quality, MassDEP is proposing the following revisions to Title 5:

#### **Establish New Nitrogen Sensitive Areas (NSAs)**

To more effectively address nitrogen impacting estuaries, MassDEP is proposing to establish new “Natural Resource Area” NSAs for:

- any watershed to an embayment or sub-embayment that is the subject of a Nitrogen Total Maximum Daily Load (TMDL) approved by the EPA pursuant to the federal Clean Water Act and an Area-Wide Water Quality Management Plan pursuant to Section 208 of the Clean Water Act addressing nitrogen pollution:
  - A “TMDL” is an EPA-approved calculation of the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that particular pollutant. A TMDL determines a pollutant reduction target and allocates load reductions necessary to the sources of the pollutant.
  - All Cape Cod communities are subject to the “208 Plan” approved by EPA in 2015.
  - There are currently 30 watersheds across Cape Cod with EPA-approved nitrogen TMDLs.

- For these watersheds, the NSA designation is effective on the effective date of the final regulations.
- any watershed to an embayment or sub-embayment that is the subject to an EPA-approved TMDL or determined to be nitrogen sensitive by the Department based on scientific evaluation and adopted through a public process involving public notice, including the scientific and regulatory rationale for the designation, and a 60-day public comment period.
  - For these watersheds, the NSA designation is effective upon completion of the public process and MassDEP's issuance of the final designation.

### **New Requirements for Natural Resource Area NSAs**

MassDEP is proposing new requirements for these new NSAs to more effectively address the specific problems related to septic systems contaminating coastal estuaries.

- Unless a community is the subject of a Watershed Permit described below, any system serving a new construction, or an existing facility must incorporate Best Available Nitrogen Reducing Technology within five years of the effective date of the NSA designation of the watershed in which they are located.
- Best Available Nitrogen Reducing Technology is an alternative system certified by MassDEP for general use pursuant to Title 5 which has the lowest effluent Total Nitrogen performance value. An alternative system granted provisional or pilot approval by MassDEP may also be utilized as long as such system has a Total Nitrogen performance value less than or equal to the lowest alternative system certified by the Department for general use.

### **Exemption from Enhanced Treatment Requirements in Watersheds with Watershed Permits**

While the enhanced treatment requirements for septic systems will result in significant reductions in nitrogen pollution, they may not be the most effective and efficient way to restore the impacted estuaries and achieve established water quality goals. Therefore, MassDEP is also proposing a second, concurrent regulatory revision to formally establish a "watershed permit process." If communities take advantage of this approach, and obtain a watershed permit that covers an area that would be subject to new "Nitrogen Sensitive Area" regulations, the above Title 5 NSA requirements would not become effective for that area.

However, if a Watershed Permit is terminated by the permittee or revoked by MassDEP, new systems installed after the date of termination/revocation would have to install Best Available Nitrogen Reducing Technology and existing systems would have to install such technology within five years from the effective date of the new NSA regulations or two years of the date of termination/revocation, whichever is longer.

**2. Watershed Permit Regulations:** The Watershed Permitting regulations are a new, innovative approach to provide communities the opportunity to develop and implement the most effective

and efficient solutions to addressing water quality challenges. This approach provides the opportunity for communities to employ a greater range of solutions to address their water quality needs, including alternative or innovative approaches. The Watershed Permit is a 20-year permit instead of the traditional five-year permit which utilizes an adaptive management approach, requiring permittees to monitor, evaluate and report results, and adjust and modify the strategies and practices as needed to address conditions that are causing the water quality impairments.

### **Watershed Management Plan**

The Watershed Permit is based on a “Watershed Management Plan” a long-term plan to address an existing water quality impairment to restore and protect water quality. The Watershed Management Plan must be approved by town meetings of each respective watershed permit applicant, and is based on a Comprehensive or Targeted Watershed Management Plan. The Plan provides a schedule and description of actions to restore the waterbody to applicable Water Quality Standards in accordance with any applicable TMDL and/or any other applicable scientific evaluation, such as the Massachusetts Estuaries Project (MEP) report.

For watersheds where a TMDL has been established, the Watershed Management Plan must achieve compliance with the Water Quality Standards required by the TMDL and demonstrate that at a minimum, 75% of the necessary pollutant reduction levels will be achieved within 20 years, unless MassDEP determines an alternative schedule is appropriate based on watershed-specific issues.

### **Watershed Permit Application**

- Any Local Government Unit or Regional Local Government Unit can file for a watershed permit. Multiple local government units that share a watershed or sub-watershed may apply jointly for a Watershed Permit, provided they have entered into an enforceable agreement (e.g., Intermunicipal Agreement) that confirms each permittee’s percentage share of the aggregate pollutant removal responsibility and provides a framework to coordinate resource management decision-making and arrangements relating to the receipt and expenditure of funds for implementation.
- The Watershed Permit authorizes work needed to implement the Permittee’s mitigation strategy for the watershed or sub-watershed, therefore the Application must include the Watershed Management Plan for the watershed or sub-watershed including:
  - maps depicting the regulated area (watershed boundary) and a narrative describing the area proposed to be covered under a Watershed Permit;
  - a description of the current and historic water quality conditions, including short- (daily/seasonal) and long- (annual) term variability, proposed sentinel sampling locations within the watershed/stations, sampling frequency, parameters and sampling technique (e.g., grab/observation);



- the earlier planning approaches taken prior to filing the application, including any related findings and recommendations;
- the types, locations, and timing of any on-going and proposed TMDL or alternative TMDL implementation activities within the watershed or sub-watershed proposed for coverage;
- a table identifying the nitrogen load that the area proposed for coverage under the watershed permit contributes to the surface waters of the watershed for the past 10 years and projected loads for the following 10 and depicting the necessary load reductions (removal requirements) within the watershed to meet the TMDL or TMDLs and a concise description of the means of achieving those specified reductions during the term of the permit;
- the Conventional Control Technologies and Alternative Control Approaches or Technologies selected for pollutant load reductions, the area covered by these approaches, and identification of the permittee who will be responsible for implementing each activity;
- the estimated load reductions needed to meet the threshold concentration(s) at the sentinel station(s) for each of the selected Conventional Control Technologies and Alternative Control Approaches or Technologies;
- the implementation schedule for each Alternative Control Approach or Technology proposed, including a timeframe for demonstration, testing, and acceptance or abandonment of such approaches or technologies;
- the Core Sewer Area and the service areas prioritized for wastewater collection and treatment after accounting for implementation of the selected Alternative Control Approaches and Technologies;
- if Alternative Control Approaches and Technologies are proposed, a contingency plan for a back-up Conventional Control Technology in the event that the Alternative Control Approaches and Technologies selected do not function as predicted;
- the proposed approach to control 100% of all future pollutant loads to ensure that loads will always stay below the applicable threshold levels cost estimates for the infrastructure and programs associated with the proposed actions, if available;
- an implementation schedule, not to exceed 20 years, currently envisioned by the applicant(s), including a designated set of activities that will occur in the first 5-year block of time, and the results of which will enable the permittee to revise the implementation plans for the next 5-year period as necessary to meet load reduction requirements as specified.

### **Standard Watershed Permit Provisions**

- The Department shall not issue a Watershed Permit if the Watershed Management Plan does not provide for achievement of the Surface Water Quality standards applicable to the

water bodies covered by the permit or if the permit does not provide for reasonable progress in achievement of the TMDL load reductions necessary to meet water quality standards.

- Consistent with the Watershed Management Plan, the permit shall require that 75% of the necessary pollutant reduction levels will be achieved within 20 years, unless MassDEP determines an alternative schedule is appropriate based on watershed-specific issues.
- The proposed activities, implementation schedule for such activities, and facilities set forth in the applicant's Watershed Management Plan shall be enforceable requirements, incorporated in a Watershed Permit.
- Subject to Department approval, a permittee is granted pollutant reduction credit for Alternative Control Approaches and Technologies only if the permittee implements and maintains such approaches and/or technologies in accordance with the terms and conditions of the Watershed Permit.
- The permittee shall provide a Contingency Plan in its Watershed Management Plan that relies on Conventional Control Technologies to achieve the target threshold concentrations identified in the Watershed Management Plan.
- The permittee shall monitor water quality in accordance with the permittee's monitoring plan and report the results in the Annual Reports required by the Watershed Permit.
- The Permit requires annual reporting, with 5-Year Reports evaluating results of program and proposed adjustments through adaptive management.
- Any prospective changes to the Watershed Management Plan or the approved implementation schedule shall be identified in the Annual Reports required by the Watershed Permit. Any such proposed changes to the Watershed Management Plan shall be subject to the Department's review and approval.
- For a permittee(s) to terminate permit coverage, they must provide public notice and hold a public meeting.
- Any permits issued by the Department that comprise a component of the implementation activities or are applicable to the pollutant discharges in the watershed shall be incorporated by reference into the Watershed Permit.

### **Watershed Permit Process**

- The applicant shall publish public notice of the Watershed Permit proceeding in the MEPA Environmental Monitor and in a newspaper circulated within the area that will be affected by the Watershed Permit. The Department will post the notice on the Department's webpage.
- Public notice will afford a comment period of at least 60 days.
- A public hearing will be held if requested by the applicant, or if the Department determines a public hearing to be in the public interest.

- After the conclusion of the 60-day public comment period, the Department may issue or deny a final Watershed Permit.
  - If no comments objecting to the issuance or terms of the Watershed Permit were received by the Department during the public comment period, then the Watershed Permit shall take effect upon issuance.
  - If comments objecting to the issuance or the terms and conditions of the Watershed Permit were received by the Department during the public comment period, then the final Watershed Permit shall become effective 21 days after issuance, unless a request for an adjudicatory hearing is timely filed.
  - During the 21-day period following issuance of the Watershed Permit or determination to deny, any person aggrieved by the decision may file a request for an adjudicatory hearing with the Department.

### **Watershed Permit Modification/Suspension/Revocation**

- The Department may propose and determine to modify, suspend or revoke any Watershed Permit, in whole or in part, for cause including, but not limited to, violation of any permit, obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts or any change in or discovery of conditions that calls for reduction or discontinuance of the authorized discharge or activity.
- The Department shall process a Watershed Permit modification, suspension or revocation in the same manner as an application for a Watershed Permit; provided, however, that the Department may revise a schedule in a Watershed Permit at the request of a permittee if the Department determines that good and valid cause, for which the permittee is not at fault, exists for such revision, and in such cases the provision for public notice and hearing shall not apply.
- Any one or more of the permittees may terminate coverage under this Permit by providing written notice to the Department at least 60 days in advance of the date such termination is to take effect. Such notice will include public notice of a public hearing to be held at least 30 days prior to the termination date. Such notice will be published in the MEPA Environmental Monitor and in a newspaper circulated within the area affected by the Watershed Permit at least 30 days prior to the hearing.

# Title 5, 310 CMR 15.000, Natural Resource Nitrogen Sensitive Area

## Regulatory Amendments and

### 314 CMR 21.00, Watershed Permit New Regulations

#### FREQUENTLY ASKED QUESTIONS

##### Table of Contents

<b>BACKGROUND .....</b>	<b>4</b>
How has MassDEP (or “the Department”) informed and engaged the public and stakeholders in the development of these regulations?.....	4
Why is MassDEP issuing new regulations that will only affect Cape Cod?.....	5
Why is MassDEP addressing the problem through its Title 5 system regulations? Isn’t there another way this can be regulated? .....	6
What is eutrophication and why is it a problem?.....	6
How else can we gauge the seriousness of the problem and what is a TMDL? .....	7
Why is this environmental problem also an economic problem? .....	7
What will happen if nothing is done to address the problem? .....	7
What are sources of nitrogen?.....	8
What fraction of the nitrogen that leaches from the land into the oceans or estuaries comes from septic systems and what fraction comes from the tons of nitrogen-laden fertilizer that so many of the residents put on their lawns to keep their grass a lush green?.....	8
<b>MORE ABOUT THE REGULATIONS .....</b>	<b>8</b>
What coastal areas will be affected by the new septic system requirements and how will they be affected?.....	8
Are the regulations flexible enough to account for differences among watersheds, including topography, drainage, soils, nitrogen sources, and development (e.g., agricultural, commercial, residential, etc.)?.....	9
What is a Natural Resource Nitrogen Sensitive Area? .....	9
How can I find out if my property is in a Natural Resource Area NSA?.....	10
What is Best Available Nitrogen Reducing Technology and what kind of nitrogen removal technology would I have to upgrade to if I am required to obtain an upgrade? .....	10
What is an innovative/alternative (IA) septic system and will it work in a home that is only used seasonally?.....	11
What is an “Alternative” system and how is it approved for use?.....	11
What is a Watershed Permit? .....	12

**SPECIFIC TITLE 5 UPGRADE QUESTIONS..... 12**

Will I have to upgrade my existing Title 5 septic system? ..... 12

How much time do I have to upgrade my septic system?..... 13

The requirement for Nitrogen Sensitive Areas to upgrade all Title 5 systems unless the community files a Notice of Intent or an application for a Watershed Permit or De Minimis Nitrogen Load Exemption would be expensive for homeowners. Instead of using that approach, why not require watersheds that are designated Nitrogen Sensitive Areas to obtain a Watershed Permit and not use the Mandatory Title 5 upgrade?..... 13

Please clarify the new regulations related to septic tanks and drinking water wells being on the same property. Will previously approved wells on septic serviced property be reevaluated?..... 14

What involvement does the town have with Title 5 septic systems?..... 14

What if I'm building a new Title 5 septic system for New Construction?..... 14

Could you please tell me how these new Title 5 changes will affect homeowners on the Cape who are currently in the process of installing a new septic system or upgrades? Will they be required to redo the technology again in another couple of years?..... 14

What is the nature of the replacement IA systems and the level of confidence in them?..... 15

Are composting toilet/greywater systems eligible to be "best available technologies" to fulfill requirements of the new Title 5?..... 15

At this point, should homeowners wait to upgrade or replace their system if funding or higher tax credits may be available to help them afford the cost of the technology? ..... 15

Is there funding available to assist individuals with upgrading their Title 5 systems? ..... 15

Prices quoted related to the new regulations have been \$30k-\$35k for compliance. Please clarify if that is merely the incremental cost to a homeowner to add the nitrogen technology into an existing septic versus the cost of a new denitrification septic system. I have been receiving quotes for a whole new denitrification septic system from \$60k-\$90k! Please advise..... 16

**SPECIFIC WATERSHED PERMIT QUESTIONS..... 16**

Is it necessary to create a Watershed Management Plan to apply for a Watershed Permit?..... 16

My town already has a Comprehensive Wastewater Management Plan (CWMP) or a Targeted Watershed Management Plan (TWMP) and it is already taking steps to reduce nitrogen pollution. Because this is a new regulatory initiative, will it slow down my town's ongoing progress?..... 16

What are some of the strategies that a community can implement through a Watershed Permit to reduce nitrogen in embayments and estuaries? ..... 17

What if we share the watershed with a neighboring town, can we get a joint watershed permit? Is it necessary to get a joint watershed permit and have an intermunicipal agreement?..... 17

What if communities enter a joint watershed permit but one of the co-permittees (communities) does not satisfy its obligations under the joint permit? ..... 17

How can I find out if my municipality is applying for a Watershed Permit? ..... 17

How will the new regulations address other pollutants, like phosphorus or emerging contaminants of concern? ..... 18

My town has a problem with pollution causing excessive algal growth in freshwater ponds. Does this regulatory initiative address that problem?..... 18

Is there funding available to assist communities with obtaining and implementing a Watershed Permit? ..... 18

## BACKGROUND

### How has MassDEP (or “the Department”) informed and engaged the public and stakeholders in the development of these regulations?

In 2017, MassDEP created and began engaging with a Title 5/Groundwater Discharge stakeholder group, representing a diverse range of interests, to review comments received on the Title 5 regulations and consider potential revisions, including discussion of a solution to address excessive nitrogen in embayments and estuaries.

The group included representation from the following entities:

Massachusetts Association of Conservation Commissions	Westford Board of Health
Town of Falmouth Water Quality Committee	Home Builders and Remodelers Association of MA
MA Association of Health Boards	MA Municipal Association
MA Association of Onsite Wastewater Professionals	MA Association of Realtors
Mass Dept of Conservation and Recreation	ADS Ventures, Inc.
MA Camping Association	Horsley Witten
Town of Holliston	Rackemann Strategic Consulting, Inc.
NAIOP Commercial Real Estate Development Association	DiPlacido Development Corporation
Cape Cod Commission	NEIWPC
Association to Preserve Cape Cod	Buzzards Bay Coalition
Northeast Builders and Remodelers Association	Caputo and Wick
DF Clark Inc.	Onsite Engineering
MA Audubon Society	Meisner Brem Engineering

MassDEP subsequently invited members of this stakeholder group to participate on a subcommittee to consult on a potential regulatory approach to addressing nitrogen impacts. The subcommittee met on September 3, 2020, February 23, 2021, and June 3, 2022, to discuss potential changes to the nitrogen sensitive area provisions of Title 5 regulations and the development of a Watershed Permit approach. Members of the subcommittee included CDM Smith, Home Builders and Remodelers Association of Massachusetts, Massachusetts Association of Realtors, Horsley Witten, Rackemann Strategic Consulting, Inc., NAIOP Commercial Real Estate Development Association, Cape Cod Commission, Association to Preserve Cape Cod, Buzzards Bay Coalition, DF Clark Inc., Onsite Engineering, Massachusetts Audubon Society, Meisner Brem Engineering, Cape Cod Chamber of Commerce, Pleasant Bay Alliance, and Senator Cyr’s Office.

MassDEP has maintained a publicly available webpage concerning this process: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

In early June 2022, MassDEP proposed and widely publicized a regulatory framework for the draft regulatory proposals, with the goal of obtaining community and public feedback prior to issuing draft regulations for formal public comment.

Throughout the summer and early fall of 2022, MassDEP actively sought and received feedback and input from affected communities, conducting extensive public, municipal, and legislative outreach:

- Over 45 public meetings took place in communities across Cape Cod and southeastern MA over the summer of 2022.
- Three briefings were held for legislators: (1) Cape and Islands Delegation; (2) Southeast Coast Delegation; and (3) jointly for both Delegations upon filing of the draft regulations.
- Reached out to 34 municipalities and met with 32, some on multiple occasions at the municipalities' request, to provide a one-on-one briefing for local officials on the proposed changes to these regulations.

In addition to meeting with the municipalities, MassDEP engaged with and obtained feedback from several stakeholders and organizations, including: the Cape Cod Commission, Cape Cod Board of Health Coalition, Cape Cod Municipal Managers Association, One Cape Summit, Islands Local Health Coalition, Massachusetts Health Officers Association, and the Cape Cod Realtors Association.

After publication of the draft regulations in October 2022, MassDEP held five public hearings, which were attended by several hundred people, eliciting hundreds of public comments. The last public hearing was on January 25, 2023. The public comment period lasted approximately three months, closing on January 31, 2023. Over 1,000 written and oral comments have been received. MassDEP has since published "Responses to Comments" on its website ([310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)), responding to comments and explaining how it addressed many of them.

MassDEP also held four public information sessions, which were attended by several hundred individuals representing a diverse array of interests. During those sessions attendees were provided an opportunity to ask questions of MassDEP panelists to gain a better understanding of the regulatory initiative.

In addition, MassDEP offered state and local public officials and community leaders several opportunities to engage directly with MassDEP and ask questions about the regulations in virtual "office hours." Seven different office hour meetings were held and they were well attended. Finally, MassDEP also convened a Title 5 Advisory Committee meeting on May 18, 2023.

### **Why is MassDEP issuing new regulations that will only affect Cape Cod?**

In some coastal areas, particularly on Cape Cod, the Islands, and Southeastern Massachusetts, there is a problem with too much nitrogen pollution in estuaries and embayments. Septic systems contribute significantly to this nitrogen load. For example, on Cape Cod 85% of the wastewater disposal is through septic systems. In Buzzards Bay, the single largest source of nitrogen is septic systems. Other sources include lawn and garden fertilizers, agricultural runoff, and



stormwater runoff. This excess nitrogen pollution in coastal waters, like estuaries and embayments, causes a problem known as eutrophication.

The newly issued regulations will focus only on Cape Cod. The prior draft provision in 310 CMR 15.214(1)(b)2. that provided authority for the Department to designate watersheds off Cape Cod as Nitrogen Sensitive Areas has been changed to focus on watersheds to embayments and estuaries that are subject to the Cape 208 Plan ([Section 208 Area Wide Water Quality Management Plan | Cape Cod Commission](#)). That provision no longer includes the communities off Cape Cod, several of whom expressed concerns that they have not had as much time to investigate and plan to address nutrient pollution. MassDEP expects, however, that some communities off Cape Cod will apply for a Watershed Permit in order to address waterbodies with a TMDL or other Scientific Evaluation showing nitrogen impacts or impairment. MassDEP intends to facilitate more nutrient wastewater planning for communities off Cape Cod, enabling them to be better prepared in the near future to address nitrogen pollution reduction to embayments and estuaries.

### **Why is MassDEP addressing the problem through its Title 5 system regulations? Isn't there another way this can be regulated?**

MassDEP is obligated by 310 CMR 15.000, often referred to as Title 5, to establish minimum standards for the proper siting, construction, upgrade, and maintenance of on-site sewage disposal systems and the appropriate means for the transport and disposal of septage in order to protect public health, safety, welfare and the environment. These on-site sewage disposal systems are often referred to as septic systems or “Title 5” systems.

MassDEP already regulates nitrogen effluent from Title 5 systems by making sure that those systems close to drinking water wells are designed and operated in a manner so that pollutants, like nitrogen, do not jeopardize reliable safe, drinking water sources. This is done under the existing Title 5 regulations, 310 CMR 15.000, specifically 310 CMR 15.214 and 15.215. Until now, however, there were no state regulatory requirements to reduce nitrogen that enters coastal bays and estuaries from sources like septic systems. The new regulations amend the existing Title 5 regulations to control nitrogen from Title 5 systems in Natural Resource Nitrogen Sensitive Areas. The amended regulations are intended to reduce nitrogen loads that impact coastal waters.

### **What is eutrophication and why is it a problem?**

Eutrophication results from excess nitrogen causing accelerated growth of algae and invasive plants and weeds. The invasive aquatic plants thrive on the excess nitrogen; they grow, die and decay rapidly, depriving the existing plants and animals of the diverse and healthy environment they need to survive. This overgrowth deprives many aquatic plants and animals of oxygen and the sunlight they need to live—their environment is essentially smothered by the accelerated and dominant growth of nuisance and invasive plants, weeds, and algae.

Fish and shellfish populations have declined significantly, along with aquatic plants in their ecosystems, like eelgrass. The eutrophication also causes some coastal waters to become cloudy and murky and smell bad, including some harmful algal blooms which can be toxic when

inhaled. Eelgrass and bay scallops are gone from many parts of Buzzards Bay because of nitrogen pollution.

Nitrogen is one type of nutrient that causes eutrophication. Another kind is phosphorus, which is mostly associated with causing eutrophication in freshwater.

### **How else can we gauge the seriousness of the problem and what is a TMDL?**

Today, many of the bays and estuaries violate state water quality standards, making them unsuitable for their intended uses of recreation and supporting aquatic life. Scientists have reached that conclusion by determining the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards for that pollutant – here, it is nitrogen. This determination is presented as a Total Maximum Daily Load, or TMDL. There are at least 30 TMDLs that have been approved by the U.S. Environmental Protection Agency showing excessive amounts of nitrogen in waterbodies throughout Southeastern Massachusetts, the Cape, and the Islands; other studies are currently under way.

### **Why is this environmental problem also an economic problem?**

The water quality in bays and estuaries may have far-reaching impacts on peoples' daily lives. A poll of residents by the Cape Cod Commission "reiterated the importance of water-based recreation and revealed up to one-fifth of the population might consider stopping water-based recreation all together or leaving the Cape if local waters were to become too polluted due to high levels of nitrogen." Water Quality and Cape Cod's Economic Future: Nitrogen Pollution's Economic Impact on Homes and Communities (Mahesh Ramachandran, Ph.D., [capecodcommission.org](http://capecodcommission.org)). According to the Cape Cod Area Wide Water Quality Management Plan Update (page S-i), "[n]itrogen is impacting coastal water quality. About 80% of the nitrogen that enters Cape Cod's watersheds is from septic systems. The conditions it creates destroy animal habitat and result in frequent violations of water quality standards indicated in part by fish kills and diminished shellfisheries. The Cape Cod seasonal economy relies on the water that surrounds the region and the degraded water quality is negatively impacting important economic drivers including coastal property values. Restored coastal water quality is an environmental and economic imperative."

### **What will happen if nothing is done to address the problem?**

If nothing is done, the nitrogen in coastal waters will continue to be a problem and the water quality will likely continue to deteriorate in some areas. Animal life that usually thrives on the ocean floor, such as scallops and mussels will probably continue to die off in certain locations. Ecosystems that decline in this manner, may eventually collapse. The water quality is becoming increasingly degraded, disrupting the ecosystem and, at times, making it unusable for humans. According to the Cape Cod Area Wide Water Quality Management Plan Update (page S-ii), persistent water quality problems will have far-reaching impacts: "Cape Cod's water resources drive the regional economy. They attract visitors in the summer months and make the Cape a desirable place to live for year-round and seasonal residents. Continuing and increasing nitrogen loading of Cape Cod's embayment watersheds will further degrade coastal water quality,

adversely impacting environmental, economic, and societal norms. The economic impact of doing nothing to restore coastal water quality will be significant, affecting every homeowner in the region.”

### **What are sources of nitrogen?**

Fertilizers, stormwater runoff, and septic systems all contribute nitrogen to watersheds. The majority of Cape Cod’s nitrogen pollution is from septic systems, which make up 85% of the Cape’s wastewater disposal.

### **What fraction of the nitrogen that leaches from the land into the oceans or estuaries comes from septic systems and what fraction comes from the tons of nitrogen-laden fertilizer that so many of the residents put on their lawns to keep their grass a lush green?**

Reports known as Total Maximum Daily Loads (TMDLs) and Massachusetts Estuary Project reports (MEP) provide estimate for each watershed, the nitrogen load, and percentage of the load that originate from all the identified sources, including, but not limited to, septic systems, agriculture, stormwater runoff, and fertilizer usage. These loads and percentages will vary by watershed based on population density, sewer availability, and other nitrogen sources that exist in that watershed. A townwide comprehensive plan enables a town to identify its sources of nitrogen and design its solutions to best address those contributing sources.

## **MORE ABOUT THE REGULATIONS**

### **What coastal areas will be affected by the new septic system requirements and how will they be affected?**

MassDEP’s initiative would automatically designate 30 watersheds on Cape Cod that have a nitrogen TMDL as Nitrogen Sensitive Areas when the regulations become effective on July 7, 2023. At that time, a two-year Notice of Intent and Application Period commences for communities with designated Nitrogen Sensitive Areas. Those communities will have up to two years to choose whether to file a Notice of Intent to apply for a Watershed Permit or apply for a Watershed Permit or a De Minimis Nitrogen Load Exemption. The filing of a Notice of Intent or an application for a Watershed Permit or De Minimis Nitrogen Load Exemption prevents the five-year upgrade period for existing systems from commencing at the expiration of the Notice of Intent and Application Period. 310 CMR 15.002 (Notice of Intent and Application Period definition); 310 CMR 15.215(2)(a) through (c); 314 CMR 21.03(1). The Title 5 upgrade requirements for New Construction will commence six months after the Nitrogen Sensitive Area designation unless the community files a Notice of Intent or an application for a Watershed Permit or a De Minimis Nitrogen Load Exemption.

It is important to remember that only those watersheds on Cape Cod with a nitrogen TMDL will automatically become Nitrogen Sensitive Areas when the regulations become effective on July 7, 2023. A map of designated Nitrogen Sensitive Areas and a web-based tool to find a particular

address relative to those areas can be found here: [MassDEP Nitrogen Sensitive Area Online Viewer with Address Lookup](#)

For Cape Cod watersheds that receive a TMDL after July 7, 2023, a Nitrogen Sensitive Area designation will automatically become effective on the date EPA approves the TMDL. MassDEP may designate watersheds on Cape Cod that do not have a TMDL but have nitrogen impacts demonstrated in a Massachusetts Estuary Project Report or other Scientific Evaluation accepted by the Department through a public process under 310 CMR 15.214(1)(b).

The final regulations do not include a provision for designating watersheds off Cape Cod as Nitrogen Sensitive Areas. The Department intends to facilitate more nutrient wastewater planning for communities off Cape Cod, enabling them to be better prepared in the near future to address nitrogen pollution to coastal embayments and estuaries. Many of those off-Cape communities expressed concerns that they have not had as much time to investigate and plan to address nutrient pollution. The Department expects, however, that some communities off Cape Cod will apply for a Watershed Permit in order to address waterbodies with a TMDL or other Scientific Evaluation showing nitrogen impacts or impairment.

**Are the regulations flexible enough to account for differences among watersheds, including topography, drainage, soils, nitrogen sources, and development (e.g., agricultural, commercial, residential, etc.)?**

Yes, there are several ways that variations among watersheds can be considered. First, the regulations provide communities with an opportunity to obtain a Watershed Permit, which exempts the watershed from the mandatory Title 5 five-year upgrade. The Watershed Permit provides communities with the opportunity to employ several different flexible approaches and adaptive management to focus on the most effective and efficient way to reduce nitrogen in the watershed. For example, if the predominant source of nitrogen is from agricultural sources or large composting facilities, the community can adopt measures to address that specific source. Likewise, if the predominant sources are septic systems, the community can, if appropriate, utilize sewerage or implement measures to upgrade those septic systems to Best Available Nitrogen Reducing Technology.

Second, the regulations include several provisions that are designed to account for variations among watersheds. For example, 314 CMR 21.04(1) allows MassDEP flexibility in issuing Watershed Permits based upon “financial costs,” “environmental impacts,” and “watershed-specific issues.” Other examples are the provisions at 314 CMR 21.02 (Watershed Management Plan) and 314 CMR 21.03(2), which enable communities that have already obtained a Comprehensive Wastewater Management Plan or a Targeted Watershed Management Plan to rely on those plans when applying for a Watershed Permit and supplement any additional necessary information to apply for a Watershed Permit.

**What is a Natural Resource Nitrogen Sensitive Area?**

Nitrogen Sensitive Areas are areas where the discharge of nitrogen through a septic system would be detrimental to the environment or public health. The Title 5 regulations already designate Nitrogen Sensitive Areas to protect drinking water under 310 CMR 15.214 and 15.215.

Those Nitrogen Sensitive Areas are certain public and private drinking water supply protection areas where the current Title 5 regulations set certain limitations on the amount of nitrogen that a Title 5 system can discharge in those areas.

The revisions to Title 5 will not change those drinking water designations. They will, however, regulate a new type of Nitrogen Sensitive Area, known as a Natural Resource Nitrogen Sensitive Areas. In addition to the automatic Nitrogen Sensitive Area designations discussed above and provided in 310 CMR 15.214(1)(b)1. MassDEP may designate a Nitrogen Sensitive Area on Cape Cod pursuant to Title 5, 310 CMR 15.214(1)(b)2., when a rigorous scientific study has demonstrated that the watershed is adversely impacted by nitrogen. Examples of those types of studies include TMDLs approved by EPA, Massachusetts Estuary Project reports accepted by MassDEP, and other Scientific Evaluations that meet the criteria set forth in the regulations at 310 CMR 15.002 and 15.214.

### **How can I find out if my property is in a Natural Resource Area NSA?**

Please use the following link and map to determine if your property is in a potential Natural Resource Area NSA: [MassDEP Nitrogen Sensitive Area Online Viewer with Address Lookup](#)

### **What is Best Available Nitrogen Reducing Technology and what kind of nitrogen removal technology would I have to upgrade to if I am required to obtain an upgrade?**

Systems that must be upgraded will have to incorporate Best Available Nitrogen Reducing Technology (“BANRT”). The regulations define that technology as:

- (1) An alternative system(s) which has a Total Nitrogen effluent performance value of 10 mg/L or less and is certified by the Department for general use pursuant to 310 CMR 15.288 when the Disposal System Construction Permit application is filed and has been approved for the type and design flow of the facility where it is to be used; or
- (2) If no such alternative system(s) meeting 10 mg/L or less has received general use approval at the time the Disposal System Construction Permit application is filed, then an alternative system(s) with the lowest Total Nitrogen effluent performance value certified by the Department for general use when the Disposal System Construction Permit application is filed and has been approved for the type and design flow of the facility where it is to be used; or
- (3) An alternative system(s) granted provisional approval by the Department pursuant to 310 CMR 15.286 or an alternative system(s) approved by the Department for piloting pursuant to 310 CMR 15.285; provided that for an alternative system(s) granted provisional approval or an alternative system(s) approved for piloting such system(s) is approved for the type and design flow of the facility and has a Total Nitrogen performance value less than or equal to 10 mg/L; or, if no system(s) with a Total Nitrogen performance value less than or equal to 10 mg/L has received general use approval, then a system(s) with a Total Nitrogen effluent performance value less than or equal to the lowest alternative system(s) certified by the Department for general use

pursuant to 310 CMR 15.288 when the Disposal System Construction Permit application is filed.

The regulations include a provision which requires the Department to maintain and publish a list on its website of BANRT and nitrogen reducing technologies that have received general, provisional, or piloting approval pursuant to 310 CMR 15.285 through 15.288. The Department may allow the use of technologies that do not meet the BANRT definition in the event of significant technology availability limitations. The Department may also prohibit the use of a technology as BANRT based on a technology's noncompliance with the performance standards established in the technology's approval. 310 CMR 15.215(2)(g).

**What is an innovative/alternative (IA) septic system and will it work in a home that is only used seasonally?**

An IA system is one type of Title 5 system that differs from a conventional septic system (one that meets Title 5 specifications) in design (either whole or in part) or materials and provides at least equivalent performance or enhanced performance. Alternative nitrogen removal systems are enhanced alternative treatment units, which may qualify as Best Available Nitrogen Reducing Technology. These systems go through a rigorous performance evaluation prior to achieving General Use approval in Massachusetts. The performance evaluation includes installations at homes, some of which are seasonal. Many technologies have the ability to “seed” or startup a system for proper treatment at seasonal facilities.

**What is an “Alternative” system and how is it approved for use?**

MassDEP regulates septic systems under Title 5, 310 CMR 15.000. Title 5 specifies the standard requirements for the design, construction and installation of a “conventional” septic system. The new Nitrogen Sensitive Area amendments to Title 5 require upgrades from a conventional system to an innovative/alternative system, or IA system, under certain circumstances. An IA system can be one that provides on-site sewage disposal but is designed differently than a conventional septic system, or can be a system that is designed to provide enhanced treatment for onsite sewage disposal. The IA systems may not contain all the components of a conventional Title 5 system; they may be constructed of different materials or may contain components in addition to those in a conventional system. Units that provide additional treatment such as enhanced nitrogen removal are a type of alternative system.

MassDEP is responsible for reviewing and approving these systems for use in Massachusetts. This is done through a 3-tiered approval process:

- Piloting – the initial testing phase of the technology to determine if it can function in the physical and climatological conditions; up to 15 systems must be installed and must show that 75% meet the performance standard for 18 months.
- Provisional Use – the in-depth performance evaluation of the technology; must test a minimum of 50 systems and must show that 90% of the systems meet the performance standard with 3 years of operation.
- General Use – the technology has demonstrated its performance and is approved for use in MA.

The IA approvals contain monitoring and inspection requirements necessary to evaluate the performance of systems in the piloting and provisional approval stage and check system performance for those with General Use Certification. In order to better track and maintain this information, MassDEP has contracted with Barnstable County for the use of Barnstable's IA Data System. All IA technologies with Piloting approval now report to the Barnstable database, and soon all technologies approved under Provisional Use will submit their reports to Barnstable's data system. This will not only make data from these systems readily available to MassDEP but it will also make it available to communities and residents. The ability to see how these systems are performing is important for all alternative technologies and is especially important for those that may be utilized to address nitrogen impairments.

### **What is a Watershed Permit?**

A Watershed Permit is a new, innovative approach to provide communities the opportunity to develop and implement solutions for addressing water quality challenges. The permit would enable the community to employ a greater range of solutions to address its water quality needs, including alternative or innovative approaches to reduce the amount of nitrogen and other nutrients that are discharged in the watershed. The Watershed Permit is typically based on a community's "Watershed Management Plan," which is a long-term plan to address an existing water quality impairment to restore and protect water quality. The Watershed Permit would utilize an adaptive management approach, requiring permittees to monitor, evaluate and report results, and to adjust and modify the strategies and practices as needed to address community-based causes of the water quality impairments. The Watershed Permit is a 20-year permit.

As an example of a Watershed Permit, the towns of Brewster, Chatham, Harwich, and Orleans entered a joint Pleasant Bay Watershed Permit over 5 years ago. Together, these communities are working to reduce nitrogen pollution entering Pleasant Bay.

## **SPECIFIC TITLE 5 UPGRADE QUESTIONS**

### **Will I have to upgrade my existing Title 5 septic system?**

If your system is on Cape Cod and it is in a watershed with a nitrogen TMDL you will need to add nitrogen removal to your Title 5 system within 7 years from when the regulations become effective—all watersheds on Cape Cod with a nitrogen TMDL approved by EPA were automatically designated as Nitrogen Sensitive Areas upon promulgation of the regulations on July 7, 2023. The requirement that existing septic systems be upgraded within five years does not start running until two years after the Nitrogen Sensitive Area designation.

However, a system will be exempt from this mandatory upgrade if the community in which it is located files a Notice of Intent or an application for a Watershed Permit or a De Minimis Nitrogen Load Exemption during the two year Notice of Intent and Application Period. The Notice of Intent and Application Period is the two-year period that begins upon designation of an NSA. During that two-year period the mandatory upgrade requirement is suspended, but will

begin running at the end of the period unless the community files a Notice of Intent or an application for a Watershed Permit or a De Minimis Nitrogen Load Exemption during the Notice of Intent and Application Period. Watersheds on Cape Cod that receive a TMDL in the future will automatically be designated as Nitrogen Sensitive Areas upon EPA's approval of the TMDL, resulting in the same mandatory upgrade scenario discussed above. Other Cape Cod watersheds without a TMDL may, after further evaluation, be designated in the future as Nitrogen Sensitive Areas.

### **How much time do I have to upgrade my septic system?**

If it is an existing system on Cape Cod in a watershed with a Nitrogen TMDL, then upon the regulations becoming effective on July 7, 2023, a two-year Notice of Intent and Application Period commences. During that period communities have two years to choose whether to file a Notice of Intent to apply for a Watershed Permit or apply for a Watershed Permit or a De Minimis Nitrogen Load Exemption. Upon expiration of the Notice of Intent and Application Period, the five-year upgrade requirement begins running. The filing of a Notice of Intent or an application for a Watershed Permit or De Minimis Nitrogen Load Exemption prevents the five-year upgrade period for existing systems from commencing at the expiration of the Notice of Intent and Application Period. 310 CMR 15.002 (Notice of Intent and Application Period definition); 310 CMR 15.215(2)(a) through (c); 314 CMR 21.03(1).

If a community files a Notice of Intent, failure to comply with deadlines in a Watershed Permit application schedule in a Notice of Intent approved under 310 CMR 15.215(2)(c)2. will commence the New Construction upgrade requirements and five-year time period for mandatory upgrades to existing systems under 310 CMR 15.215(2)(a) and (b) upon issuance of notice from the Department to the noncompliant party. If the community obtains a Watershed Permit for the watershed the 5-year requirement no longer applies, unless the community withdraws from the permit or it is revoked. Upon withdrawal or revocation, the upgrade requirement would be revived, requiring septic system upgrades within 5 years of the date when the Notice of Intent and Application Period would have otherwise ended by its own terms or within two years of the date of termination or revocation of the Watershed Permit or De Minimis Nitrogen Load Exemption (as applicable), whichever is longer.

**The requirement for Nitrogen Sensitive Areas to upgrade all Title 5 systems unless the community files a Notice of Intent or an application for a Watershed Permit or De Minimis Nitrogen Load Exemption would be expensive for homeowners. Instead of using that approach, why not require watersheds that are designated Nitrogen Sensitive Areas to obtain a Watershed Permit and not use the Mandatory Title 5 upgrade?**

MassDEP does not have legal authority to require municipalities to obtain Watershed Permits. Instead, MassDEP is proposing to exercise its existing regulatory authority over septic systems, which can be a significant source of nitrogen. Until now there were no state regulatory requirements to reduce nitrogen from septic systems except near drinking water wells. The new regulations amend the existing Title 5 regulations to reduce nitrogen from Title 5 systems in newly designated Nitrogen Sensitive Areas unless the community is exempt from that



requirement because it files a Notice of Intent or an application for a Watershed Permit or De Minimis Nitrogen Load Exemption.

**Please clarify the new regulations related to septic tanks and drinking water wells being on the same property. Will previously approved wells on septic serviced property be reevaluated?**

The requirements for systems that are located solely in Drinking Water Nitrogen Sensitive Areas will remain the same. The requirement of meeting 440 gpd/acre continues to apply only to new construction in Zone IIs, IWPA's and in areas that have both septic systems and onsite wells.

There is one change for new construction in situations where an area is designated as a Nitrogen Sensitive Area for both drinking water supply protection and natural resource area protection under 310 CMR 15.214(1)(a) and (b). In that situation, the natural resource area requirements of 310 CMR 15.215(2) will apply and the system will need to be installed with Best Available Nitrogen Reducing Technology.

**What involvement does the town have with Title 5 septic systems?**

Local town boards of health have the primary obligation to enforce regulations related to Title 5 septic systems. MassDEP is obligated to provide oversight and assistance as needed. Also, the town can help to secure financing for individual systems and provide loans for these upgrades. More information about this financial assistance can be found at this website [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#).

**What if I'm building a new Title 5 septic system for New Construction?**

Beginning six months after the effective date of a Nitrogen Sensitive Area designation that applies to the property, your New Construction will be required to incorporate Best Available Nitrogen Reducing Technology, unless your community files a Notice of Intent or an application for a Watershed Permit or a De Minimis Nitrogen Load Exemption during the two-year Notice of Intent and Application Period.

**Could you please tell me how these new Title 5 changes will affect homeowners on the Cape who are currently in the process of installing a new septic system or upgrades? Will they be required to redo the technology again in another couple of years?**

The regulations currently exempt upgrades with Department approved nitrogen reduction technology that were installed in the ten-year period before the effective date of these regulations. Systems upgraded with such nitrogen reducing technology will not be required to upgrade to subsequently better technology unless the system has failed and is required to be upgraded; there is an alteration to or change in use of the facility that is determined to be New Construction; or the system is failing to protect the public health, safety, and the environment. 310 CMR 15.215(2) (f) and (h).

## **What is the nature of the replacement IA systems and the level of confidence in them?**

There are currently seven nitrogen removal IA systems with General Use approval, two with Provisional Use approval, and two entering the pilot phase (beginning evaluation). The approvals for the General Use and Provisional Use technologies can be found here:

[Approved Title 5 innovative/alternative technologies | Mass.gov](#)

Information on each technology, its components, and function is available on each technology's website. MassDEP evaluates IA systems in a three-tiered process. Piloting is the beginning stage to test if the system will function in the Massachusetts climate. It involves testing of up to 15 systems and 18 months of operation. If 75% of the piloting systems meet the performance standard, the technology moves into Provisional Use approval, which is the in-depth testing of the system. This requires at least 3 years of sampling and a minimum of 50 systems. If 90% of the systems in Provisional Use meet the performance standard, then the technology achieves General Use Certification. For nitrogen removal systems, this means they have demonstrated enhanced treatment.

## **Are composting toilet/greywater systems eligible to be "best available technologies" to fulfill requirements of the new Title 5?**

Composting toilets have General Use certification for use in Massachusetts. In order to be deemed a Best Available Nitrogen Reducing Technology, a determination would need to be made on the amount of nitrogen "removed" using a composting toilet. The same would need to be done for a grey water system.

## **At this point, should homeowners wait to upgrade or replace their system if funding or higher tax credits may be available to help them afford the cost of the technology?**

This answer depends on where the facility is located. For example, the replacement or upgrade of a septic system may be required by the local approving authority in a specific timeframe. Some towns have bylaws which require the installation of IA systems. These requirements must be adhered to. Homeowners will be required to upgrade beginning two years after their watershed area is designated as a Nitrogen Sensitive Area, unless during that two-year period their community files a Notice of Intent or an application for a Watershed Permit or a De Minimis Nitrogen Load Exemption. It is uncertain whether there will be tax credits or additional funding, but DEP continues to pursue funding sources.

## **Is there funding available to assist individuals with upgrading their Title 5 systems?**

Yes, funding is available for septic system upgrades through the Community Septic Management Loan Program. The purpose of this program is to provide funding in the form of low-cost loans to allow communities to devise a Community Inspection Plan or a Local Septic Management Plan. Both plans must always include the provision of financial assistance to homeowners using betterment agreements. Usually, a homeowner pays off the betterment loan over time, as an additional line item on their property tax bill. If a betterment lien exists against a property, it

jumps ahead of any other outstanding debt on the property. Additional information can be found here: [Community Septic Management Loan Program](#)

**Prices quoted related to the new regulations have been \$30k-\$35k for compliance. Please clarify if that is merely the incremental cost to a homeowner to add the nitrogen technology into an existing septic versus the cost of a new denitrification septic system. I have been receiving quotes for a whole new denitrification septic system from \$60k-\$90k! Please advise.**

Information provided from two nitrogen removal technologies show an installation cost range of \$17,000 - \$36,000, depending on the status and condition of the existing septic system and the constraints of the site. Additionally, there will be operation and maintenance costs for each system. These costs will vary depending on the IA system's level of approval, which dictates the frequency of monitoring and inspections. Provisional Use systems require quarterly monitoring while General Use systems require annual monitoring. The electricity required by the system will add to operational costs. Some technologies are passive and do not require electricity to operate.

## **SPECIFIC WATERSHED PERMIT QUESTIONS**

**Is it necessary to create a Watershed Management Plan to apply for a Watershed Permit?**

No. The final regulations are intended to be as flexible and accommodating as possible. They allow communities to rely upon prior wastewater planning documents. As discussed in the definition for Watershed Management Plan ("WMP") in 314 CMR 21.02, a permit applicant must only supplement application information that is required by 314 CMR 21.03(2) but not included in a Comprehensive Wastewater Management Plan ("CWMP"), a Targeted Wastewater Management Plan ("TWMP") or similar planning document. It is not necessary to create a new planning document. Instead, MassDEP has discretion to be flexible and focus on meeting the substantive informational needs in the permitting process.

**My town already has a Comprehensive Wastewater Management Plan (CWMP) or a Targeted Watershed Management Plan (TWMP) and it is already taking steps to reduce nitrogen pollution. Because this is a new regulatory initiative, will it slow down my town's ongoing progress?**

No, the Watershed Permit Regulations are intended to be flexible and accommodate ongoing initiatives to the extent practicable and consistent with the regulations. MassDEP will work with communities to help integrate approved CWMPs or TWMPs into the regulatory requirements and help ensure that appropriate credit is received for work already performed under those plans. For example, the definition of Watershed Management Plan at 314 CMR 21.02 and the provision at 314 CMR 21.03 provide flexibility for a community to supplement a CWMP or TWMP to the extent necessary to meet the criteria for a Watershed Management Plan.

### **What are some of the strategies that a community can implement through a Watershed Permit to reduce nitrogen in embayments and estuaries?**

Watershed Permits incorporate a comprehensive approach to decrease pollutants (like nitrogen). The permit may include several types of strategies that can work together for particular watersheds. Examples include: permeable reactive barriers, natural attenuation enhancement through cranberry bog restoration, natural attenuation enhancement through inlet widening, Innovative Alternative Septic Systems, conventional sewerage, package treatment facilities, fertilizer reduction, stormwater management, and many more strategies.

### **What if we share the watershed with a neighboring town, can we get a joint watershed permit? Is it necessary to get a joint watershed permit and have an intermunicipal agreement?**

Towns that share a watershed could enter into an intermunicipal agreement and submit a joint application for a Watershed Permit. An intermunicipal agreement is necessary to obtain a joint Watershed Permit, but there is no requirement for towns that share watersheds to have a joint permit. There are advantages to collaboration on a shared watershed such as cost sharing; shared compliance, monitoring, and sampling; improved ability to apply for funding due to the potential wider impact of funds; cost savings from economies of scale (depending on the implementation strategies); and increased efficiency of information sharing.

### **What if communities enter a joint watershed permit but one of the co-permittees (communities) does not satisfy its obligations under the joint permit?**

Each co-permittee would be responsible for its share of the pollution load, unless the parties agree otherwise. The consequences of a co-permittee failing to satisfy its obligations under the joint Watershed Permit would generally be determined by the terms of the intermunicipal agreement, the joint Watershed Permit, and the applicable law. Also, unless the parties agreed otherwise, they would not be responsible for enforcing the terms of the joint Watershed Permit against each other. For example, the joint Watershed Permit that is presently applicable to the Pleasant Bay Watershed includes the following provision that relates to this issue: “Each co-permittee is severally liable for those activities they agree to carry out under the intermunicipal agreement. Each co-permittee is not liable for violations related to those activities for which their co-permittees are solely responsible under the intermunicipal agreement, provided they do not own or operate the treatment system or control technique or are otherwise contractually responsible for the activity that resulted in the violation. Furthermore, each co-permittee who has coverage under another permit or approval issued by MassDEP which is incorporated herein by reference shall not be deemed in violation of that other permit or approval for the sole reason that one or more of the other co-permittees is in violation of this Permit.”

### **How can I find out if my municipality is applying for a Watershed Permit?**

You should contact your municipal government to find out if it plans to apply for the Watershed Permit, a De Minimis Nitrogen Load Exemption, or file a Notice of Intent for a Watershed Permit.

**How will the new regulations address other pollutants, like phosphorus or emerging contaminants of concern?**

Communities that obtain a Watershed Permit to address nitrogen pollution may also seek MassDEP approval to address other pollutants in the Watershed Permit, like phosphorus and emerging contaminants of concern.

**My town has a problem with pollution causing excessive algal growth in freshwater ponds. Does this regulatory initiative address that problem?**

The eutrophication in freshwater ponds is primarily caused by another type of nutrient called phosphorus. Communities that obtain a Watershed Permit have the ability to address phosphorus pollution in freshwater bodies with that permit.

**Is there funding available to assist communities with obtaining and implementing a Watershed Permit?**

Yes, information can be found here: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

**MassDEP Responses to Public Comments**  
**Title 5 Nitrogen Sensitive Area and Watershed Permit Regulations**  
**June 21, 2023**

**Contents**

<b>Background .....</b>	<b>2</b>
<b>Watershed Permit Regulations .....</b>	<b>3</b>
<b>1. The watershed application process was changed with the goal of being more efficient and flexible, as many commenters requested.....</b>	<b>3</b>
<b>2. The regulations are intended to accommodate the diverse range of watersheds discussed in comments. ....</b>	<b>3</b>
<b>3. The permitting process is intended to accommodate the wide range of applicant needs and interests that were apparent during comments.....</b>	<b>4</b>
<b>4. To address many comments seeking clarity about the primary permitting objective, the final regulations clarify that the primary measure of performance for the Watershed Permit is attainment of Necessary Nitrogen Load Reductions within prescribed time periods. ....</b>	<b>5</b>
<b>5. The final regulations provide an exemption for de minimis nitrogen loads, as advocated by several commenters.....</b>	<b>6</b>
<b>6. The Watershed Permit regulations were changed to address commenters’ desire for flexibility during implementation of the permit.....</b>	<b>6</b>
<b>7. The regulations were changed to address commenters’ desire for more clarity concerning permittees’ obligations in shared watersheds.....</b>	<b>6</b>
<b>8. Many commenters believed that the Department should have engaged in a more robust public outreach process.....</b>	<b>7</b>
<b>Title 5 Regulations for Natural Resource Nitrogen Sensitive Areas .....</b>	<b>9</b>
<b>1. The Title 5 draft regulations were changed to allow more time for communities and individuals.....</b>	<b>9</b>
<b>2. The definition of Best Available Nitrogen Reducing Technology has been changed to allow for an increase in the availability of nitrogen reducing technology options.....</b>	<b>9</b>
<b>3. The regulations were changed to provide more flexibility to address commenters’ concerns with potential feasibility issues associated with limited supplies and availability of contractors..</b>	<b>10</b>
<b>4. The regulations have been changed to focus initially on Cape Cod. ....</b>	<b>10</b>
<b>5. The regulations can be appropriately applied to areas with a variety of different nitrogen sources, a need expressed by several commenters. ....</b>	<b>11</b>
<b>6. The regulations change drinking water Nitrogen Sensitive Area requirements when the area is located in both a drinking water and a Natural Resource Nitrogen Sensitive Area. ....</b>	<b>11</b>
<b>7. The regulations can be used for permitting related to phosphorus pollution of waterbodies.</b>	<b>12</b>

<b>8. The draft regulations were changed to increase the time period to exempt systems with previously installed nitrogen reducing technology, as requested by many commenters.....</b>	<b>12</b>
<b>9. The draft regulations were changed so that the applicable upgrade requirements apply to all existing systems, not only those with a Certificate of Compliance. ....</b>	<b>12</b>
<b>10. The draft regulations were changed to make it possible for the Department to accept previously commenced Scientific Evaluations.....</b>	<b>13</b>
<b>11. The Department acknowledges the concerns with costs expressed by many commenters.....</b>	<b>13</b>
<b>12. Many commenters questioned what happens if a community does not seek a Watershed Permit but the mandatory Title 5 upgrade requirements are insufficient to attain necessary nitrogen load reductions? .....</b>	<b>14</b>
<b>13. Commenters’ desire for the Title 5 system upgrades to be implemented in a phased approach can be most effectively accomplished through a Watershed Permit.....</b>	<b>14</b>
<b>14. Some commenters requested that the Department consider composting and urine diversion toilets for use as Best Available Nitrogen Reducing Technology.....</b>	<b>15</b>
<b>Appendix: List of Commenters.....</b>	<b>16</b>

## Background

After issuing the draft Title 5 Natural Resource Nitrogen Sensitive Area and Watershed Permit regulations in October 2022 the Massachusetts Department of Environmental Protection (“MassDEP” or “Department”) received over 1,000 public comments before the public comment period closed on January 31, 2023. The vast majority (approximately 900) were written comments, the remainder were comments received at the five public hearings the Department held. The Department is grateful to everyone who participated in this process. The input received has been valuable and has led to a number of changes from the draft regulations that the Department believes address many concerns and interests that were voiced during the comment period.

The issues generating the greatest number of comments were the high costs of possible Title 5 upgrades and implementation of Watershed Permits along with the desire for the state government to provide more funding. Those comments were made by individuals, municipalities, and interest groups. Other commenters, particularly individuals and municipalities from the South Coast area, were concerned that they have not had sufficient time to engage locally and with state officials relative to wastewater planning to address their particular sources of nutrient pollution, which have some variation from those on Cape Cod.

Many other commenters, including individuals, municipalities, and interest groups, were very supportive of this regulatory initiative. While many expressed a desire for the high costs to be addressed, they also believed that this regulatory initiative needed to begin soon to provide all communities with needed support and momentum. A reoccurring refrain was that this regulatory initiative “is not perfect, but we need to start now before it is too late.” Many others added, “if not now, when?” Many of these supporters advocated their support for Watershed Permits, with some asserting that the state should compel municipalities to obtain Watershed Permits, instead of giving them a choice between Title 5 upgrades or a Watershed Permit.

Summarized below in the following pages are the primary themes reflected in the comments and the Department's responses to them.

## **Watershed Permit Regulations**

- 1. The watershed application process was changed with the goal of being more efficient and flexible, as many commenters requested.**

**Several municipalities expressed support for the Watershed Permit regulations, but they expressed a strong desire for MassDEP to make the permit application process as administratively efficient and flexible as possible and to allow them to rely upon wastewater planning that they have already performed.**

The final regulations are designed to be as flexible and accommodating as possible. They allow communities to rely upon prior wastewater planning documents. As discussed in the definition for Watershed Management Plan ("WMP") in 314 CMR 21.02, a permit applicant must only supplement application information that is required by 314 CMR 21.03(2) but not included in a Comprehensive Wastewater Management Plan ("CWMP"), a Targeted Wastewater Management Plan ("TWMP") or similar planning document. It is not necessary to create a new planning document. Instead, MassDEP has discretion to be flexible and focus on meeting the substantive informational needs in the permitting process.

Also, in response to comments the final regulations were amended to allow applicants to rely upon previously completed buildout scenarios, instead of having to create twenty-year projected loads. 314 CMR 21.03(2)(b)4.b. The final regulations also specifically request information about prior nitrogen reduction strategies. 314 CMR 21.03(2)(b)4.a.

Additional flexibility was provided by eliminating the requirement in the draft regulations for the governing body of the Local Government Unit to approve the wastewater planning document and methodology for the purpose of applying for a Watershed Permit. Instead, the Department will be relying upon the Local Government Units to determine what needs local approval and when it should be provided.

- 2. The regulations are intended to accommodate the diverse range of watersheds discussed in comments.**

**Commenters had different perspectives about the duration of Watershed Permits and the permitting process. Some, including interest groups and individuals, believed that the draft regulations provided too much time: five years to get a permit followed by a twenty-year permit and the possibility for renewal to complete the work. In contrast, others, particularly municipalities with numerous complex watersheds, wanted more time and clarity about whether they would have more time.**



The final regulations clarify the Department's expectations about the different time periods. For applicants that need more time because they are in the early stages of wastewater planning, the regulations give the Department discretion to allow up to seven years from a Natural Resource Nitrogen Sensitive Area designation to receive a Watershed Permit. Other communities that are further along in their planning can immediately apply for and obtain a Watershed Permit without filing a Notice of Intent. In recognition of these different needs, if the applicant files a Notice of Intent, the final regulations require the submission of a proposed schedule with sufficient milestones to be approved by the Department. 310 CMR 15.215(2)(c).

The Department expects that applicants will be able to attain Necessary Nitrogen Load Reductions for numerous watersheds within a single permit term, which may not exceed twenty years. "Necessary Nitrogen Load Reductions" is a newly defined concept in the regulations as: "The proportion of the total Controllable Attenuated Nitrogen Load that must be reduced in order to restore the waterbody to applicable water quality and habitat quality restoration goals that have been identified in a TMDL, Alternative Restoration Plan, MEP Report, or Scientific Evaluation as being necessary to meet the designated uses of the waterbody established by the Department under 314 CMR 4.00: *Massachusetts Surface Water Quality Standards*." 314 CMR 21.02.

Likewise, "Controllable Attenuated Nitrogen Load" is another new definition in the regulations: "The total nitrogen load from all controllable loads within the watershed that reaches the embayment or estuary." 314 CMR 21.02.

If Necessary Nitrogen Load Reductions cannot be reasonably achieved within the term of the permit, the applicant may submit information, including financial information and environmental impacts, to request an alternative schedule. 314 CMR 21.03(2)(b)13.; 314 CMR 21.04(1). The Department expects that most applicants will be able to meet the requirements of 314 CMR 21.04(1)(c) that at least 75% of the Necessary Nitrogen Load Reductions be attained during the first twenty-year permit, followed by permit renewal for a term to remove the balance of the load.

In unusual situations where 75% of the Necessary Nitrogen Load Reductions cannot be attained because of "watershed specific issues," the Department may reduce the 75% performance standard. The final regulations give examples of what may constitute "watershed specific issues": "number or complexity of watersheds, proportion of community's land area in watershed, total nitrogen load to be reduced, logistical and financial planning for wastewater infrastructure, complexity of achieving nitrogen reduction targets." 314 CMR 21.04(1)(c).

### **3. The permitting process is intended to accommodate the wide range of applicant needs and interests that were apparent during comments.**

**Some commenters expressed concern that the draft regulations did not provide enough time for a community that wanted to apply for a Watershed Permit to start and complete their wastewater planning process, whether through a CWMP, TWMP, or similar plan. Other commenters believed that the draft regulations provided too much time.**

The final regulations reconcile these conflicting positions. On the one hand, the final regulations address the concern that communities need more time by providing that the party who files a Notice of Intent for a Watershed Permit must include a proposed plan with sufficient milestones that are to be approved by the Department. The proposed plan may seek to use the entire seven-year period from designation for the filing of the application and issuance of the permit. 310 CMR 15.215(2)(c).

On the other hand, the final regulations also enable the Department to reduce the time period to apply for a Watershed Permit if the full seven years is not necessary because, for example, the applicant has already performed substantial wastewater planning; has only a small contributory nitrogen load; or must only undertake relatively simple strategies to reduce nitrogen effluent. Further, the final regulations now specify that the failure to comply with deadlines and other requirements in the approved schedule to obtain a permit will commence the five-year time period for mandatory system upgrades under 310 CMR 15.215(2)(a) and the new construction requirements for Best Available Nitrogen Reducing Technology upon issuance of notice from the Department, unless the Department exercises its discretion to extend the schedule. 310 CMR 15.215(2)(a) through (e).

- 4. To address many comments seeking clarity about the primary permitting objective, the final regulations clarify that the primary measure of performance for the Watershed Permit is attainment of Necessary Nitrogen Load Reductions within prescribed time periods.**

**Many commenters, including municipalities, individuals, and interest groups, desired clarification about whether permit compliance would be assessed based on attainment of necessary nitrogen load reductions or the attainment of specific water quality goals at the sentinel station(s). If it is the latter, they were concerned about meeting those goals within the term of the permit because of the multitude of variables that may affect water quality monitoring results. For example, attainment of necessary nitrogen reductions at their source might not be reflected in improved water quality for several years due to the variable length of time it may take for existing nitrogen effluent to reach the embayment or estuary.**

The final regulations clarify these issues. First, they clarify that achieving nitrogen load reductions that are necessary to meet specific water quality goals is the primary objective of the permit. 314 CMR 21.01(1); 314 CMR 21.02 (definition of Watershed Management Plan); 314 CMR 21.03(2)(b)4.c, f, (b)13; 314 CMR 21.04(1); 314 CMR 21.05(1); 314 CMR 21.05(3), (5); 314 CMR 21.06; 314 CMR 21.10(10). The regulations add a new definition: “Necessary Nitrogen Load Reductions – The proportion of the total Controllable Attenuated Nitrogen Load that must be reduced in order to restore the waterbody to applicable water quality and habitat quality restoration goals that have been identified in a TMDL, Alternative Restoration Plan, MEP Report, or Scientific Evaluation as being necessary to meet the designated uses for of the waterbody established by the Department under 314 CMR 4.00: *Massachusetts Surface Water Quality Standards*.”

Also, the draft regulations provided that it was a violation of the permit if the permittee failed to achieve the target threshold concentrations identified in an approved Watershed Management Plan. This provision was removed from the regulations for the reasons discussed above. Instead, the regulations focus on the Necessary Nitrogen Load Reductions.

**5. The final regulations provide an exemption for de minimis nitrogen loads, as advocated by several commenters.**

**A number of commenters, including municipalities and organizations, encouraged the Department to provide a different regulatory pathway for communities that encompassed a watershed or part of a watershed where the community's nitrogen contribution to the embayment or estuary was only a very small proportion of the entire watershed. Some commenters referred to this as a de minimis nitrogen load.**

The Department added a provision for these situations by providing a De Minimis Nitrogen Load Exemption at 314 CMR 21.12.

**6. The Watershed Permit regulations were changed to address commenters' desire for flexibility during implementation of the permit.**

**A number of municipalities commented that it is important to have flexibility built into the Watershed Permit regulations to accommodate necessary modifications during implementation.**

The Department addressed this need for flexibility by clarifying the Department's discretion when permit modifications may be necessary and clarifying what constitutes a significant modification and what constitutes a minor modification. 314 CMR 21.06(4).

**7. The regulations were changed to address commenters' desire for more clarity concerning permittees' obligations in shared watersheds.**

**A number of municipalities commented that they would like greater clarity regarding their obligations when they share a watershed with another community.**

The Department added clarity at 314 CMR 21.03. Multiple Local Government Units that share a watershed or sub-watershed may apply jointly for a Watershed Permit, provided they have entered into a mutually enforceable agreement among the parties that confirms each applicant's percentage share of the Necessary Nitrogen Load Reductions and provides a framework to coordinate resource management decision-making and arrangements relating to the receipt and expenditure of funds for implementation. Unless otherwise stated in the mutually enforceable agreement among the parties, each Local Government Unit is only responsible for the proportion of the Controllable Attenuated Nitrogen Load that originates from within its political boundaries. Authority to enforce the Watershed Permit is reserved to the Department.

**8. Many commenters believed that the Department should have engaged in a more robust public outreach process.**

In 2017, MassDEP created and began engaging with a Title 5/Groundwater Discharge stakeholder group, representing a diverse range of interests, to review comments received on the Title 5 regulations and consider potential revisions, including discussion of a solution to address excessive nitrogen in embayments and estuaries.

The group included representation from the following entities:

<b>Massachusetts Association of Conservation Commissions</b>	<b>Westford Board of Health</b>
<b>Town of Falmouth Water Quality Committee</b>	<b>Home Builders and Remodelers Association of MA</b>
<b>MA Association of Health Boards</b>	<b>MA Municipal Association</b>
<b>MA Association of Onsite Wastewater Professionals</b>	<b>MA Association of Realtors</b>
<b>MassDCR</b>	<b>ADS Ventures, Inc.</b>
<b>MA Camping Association</b>	<b>Horsley Witten</b>
<b>Town of Holliston</b>	<b>Rackemann Strategic Consulting, Inc.</b>
<b>NAIOP Commercial Real Estate Development Association</b>	<b>DiPlacido Development Corporation</b>
<b>Cape Cod Commission</b>	<b>NEIWPC</b>
<b>Association to Preserve Cape Cod</b>	<b>Buzzards Bay Coalition</b>
<b>Northeast Builders and Remodelers Association</b>	<b>Caputo and Wick</b>
<b>DF Clark Inc.</b>	<b>Onsite Engineering</b>
<b>MA Audubon Society</b>	<b>Meisner Brem Engineering</b>

MassDEP subsequently invited members of this stakeholder group to participate on a subcommittee to consult on a potential regulatory approach to addressing nitrogen impacts. The subcommittee met on September 3, 2020, February 23, 2021, and June 3, 2022, to discuss potential changes to the nitrogen sensitive area provisions of the Title 5 regulations and the development of a Watershed Permit approach. Members of the subcommittee included CDM, Home Builders and Remodelers Association of Massachusetts, Massachusetts Association of Realtors, Horsley Witten, Rackemann Strategic Consulting, Inc., NAIOP Commercial Real Estate Development Association, Cape Cod Commission, Association to Preserve Cape Cod, Buzzards Bay Coalition, DF Clark Inc., Onsite Engineering, Massachusetts Audubon Society, Meisner Brem Engineering, Cape Cod Chamber of Commerce, Pleasant Bay Alliance, and Senator Cyr’s Office.

MassDEP has maintained a publicly available webpage concerning this process: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](#)

At the beginning of June 2022, MassDEP proposed and widely publicized a regulatory framework for the draft regulatory proposals, with the goal of obtaining community and public feedback prior to issuing draft regulations for formal public comment.

Throughout the summer and early fall of 2022, MassDEP actively sought and received feedback and input from affected communities, conducting extensive public, municipal, and legislative outreach:

- Over 45 public meetings took place in communities across Cape Cod and southeastern MA over the summer of 2022.
- Three briefings were held for legislators: (1) Cape and Islands Delegation; (2) Southeast Coast Delegation; and (3) jointly for both Delegations upon filing of the draft regulations.
- MassDEP reached out to 34 municipalities (met with 32, and for some communities met on multiple occasions at their request) to provide a one-on-one briefing for local officials on the proposed changes to these regulations.
- In addition to meeting with the municipalities, MassDEP engaged with and obtained feedback from several stakeholders and organizations, including: the Cape Cod Commission, Cape Cod Board of Health Coalition, Cape Cod Municipal Managers Association, One Cape Summit, Islands Local Health Coalition, Massachusetts Health Officers Association, and the Cape Cod Realtors Association.

After publication of the draft regulations in October 2022, MassDEP held five public hearings, which were attended by several hundred people, eliciting hundreds of public comments. The last public hearing was on January 25, 2023. The public comment period lasted approximately three months, closing on January 31, 2023. Over 1,000 written and oral comments have been received.

MassDEP also held four public information sessions, which were attended by several hundred individuals representing a diverse array of interests. During those sessions attendees were provided an opportunity to ask questions of MassDEP panelists to gain a better understanding of the regulatory initiative.

In addition, MassDEP offered state and local public officials and community leaders opportunities to engage directly with MassDEP and ask questions about the regulations in virtual “office hours.” Seven different office hour meetings were held and they were well attended, lasting approximately two hours each. Following those sessions, MassDEP held approximately five meetings with municipalities and related groups for them to clarify their public comments.

Despite all of the above, MassDEP acknowledges that it may not have been able to reach some individuals and communities as effectively as it did others. MassDEP intends to reach out to these other areas to facilitate and support these needed wastewater planning efforts.

## **Title 5 Regulations for Natural Resource Nitrogen Sensitive Areas**

### **1. The Title 5 draft regulations were changed to allow more time for communities and individuals.**

**Many commentators, including individuals, municipalities, and interest groups, expressed concern that if their community did not get a Watershed Permit, they would have to upgrade their Title 5 systems within 5 years, which they believed was an insufficient amount of time.**

MassDEP acknowledges the implementation complications raised by this comment. While MassDEP received many comments that the 5-year timeframe was too short, other commenters believed that MassDEP is providing too much time for necessary nitrogen load reductions. They have expressed a need for MassDEP to act more quickly before the problem becomes even worse.

The final regulations include changes from the draft regulations to strike a balance between those who believe MassDEP must act more urgently and those who prefer a longer time period. First, the Department added two years to the aggregate period in which upgrades would be required, providing system owners with a total of seven years from designation. 310 CMR 15.215(2)(a) through (c). The Department also altered the way in which the upgrade time period operates. The draft regulations provided that the 5-year upgrade requirement commenced at the time the watershed was designated as a Nitrogen Sensitive Area. That has been changed. Now, the regulations provide that upon designation, a two-year Notice of Intent and Application Period commences. During that period communities have two years to choose whether to file a Notice of Intent to apply for a Watershed Permit, apply for a Watershed Permit, or apply for a De Minimis Nitrogen Load Exemption. The filing of a Notice of Intent or an application for a Watershed Permit or De Minimis Nitrogen Load Exemption prevents the five-year upgrade period from commencing at the expiration of the Notice of Intent and Application Period. 310 CMR 15.002 (Notice of Intent and Application Period definition); 310 CMR 15.215(2)(a) through (c); 314 CMR 21.03(1).

The Department also changed the effective date of the requirement for systems serving New Construction to incorporate Best Available Nitrogen Reducing Technology from the effective date of the Nitrogen Sensitive Area designation to 6 months after the effective date of the Nitrogen Sensitive Area designation. This change will support more effective implementation of this requirement by providing the Department the opportunity to collaborate and communicate with local officials and the public regarding this requirement.

### **2. The definition of Best Available Nitrogen Reducing Technology has been changed to allow for an increase in the availability of nitrogen reducing technology options.**

**Several commenters, including individuals, system suppliers, and municipalities, were critical of the definition of Best Available Nitrogen Reducing Technology (“BANRT”). The draft regulations defined BANRT as the system approved for general use with the single best Total Nitrogen effluent performance value at the time the Disposal System**

**Construction Permit Application is filed. The commenters were concerned that this would limit supply and result in one company controlling the entire market.**

The final regulations address this concern by specifying a tiered approach with acceptable performance ranges within each tier. The first tier includes alternative systems which have a Total Nitrogen effluent performance value of 10 mg/L or less and are certified by the Department for general use pursuant to 310 CMR 15.288 when the Disposal System Construction Permit application is filed. If no such system(s) has received general use approval, then an alternative system with the lowest Total Nitrogen effluent performance value certified for general use may be used. The third tier provides latitude for the use of systems granted certain piloting or provisional approvals. 310 CMR 15.002 (BANRT definition).

The final regulations also include a provision which requires the Department to maintain and publish a list on its website of BANRT and nitrogen reducing technologies that have received general, provisional, or piloting approval pursuant to 310 CMR 15.285 through 15.288. The Department may allow the use of technologies that do not meet the BANRT definition in the event of significant technology availability limitations. The Department may also prohibit the use of a technology as BANRT based on a technology's noncompliance with the performance standards established in the technology's approval. 310 CMR 15.215(2)(g).

**3. The regulations were changed to provide more flexibility to address commenters' concerns with potential feasibility issues associated with limited supplies and availability of contractors.**

**Many individual, municipal, and interest group commenters questioned how Title 5 system upgrades could be completed in a five-year period given possibly severe shortages of supplies and contractors to complete the work.**

The Department acknowledges this as a potential issue, particularly for any community that does not file a Notice of Intent or an application for a Watershed Permit, leading to the commencement of the mandatory five-year Title 5 upgrade requirement. The Department expects many communities will file a Notice of Intent or an application for a Watershed Permit, significantly decreasing the number of mandatory upgrades that must be accomplished in that period of time. Further, the Department expects that the market will respond by increasing the availability of upgrade alternatives and supplies. Also, as stated elsewhere in this document, the final regulations include a new definition of Best Available Nitrogen Reducing Technology ("BANRT") that specifies a range of acceptable nitrogen performance values, instead of the lowest performing system, as previously specified in the draft regulations. 310 CMR 15.002 (BANRT definition). The final regulations also include a new provision that would enable the Department to authorize the use of technologies that do not meet the definition of BANRT in the case of serious supply constraints. 310 CMR 15.215(2)(g). Last, in extreme situations the Department has discretion to extend deadlines when there is substantial delay due to supply and contractor constraints. 310 CMR 15.215(2)(e).

**4. The regulations have been changed to focus initially on Cape Cod.**

**Some municipalities and individuals that are not on Cape Cod commented that they have not had as much time and resources as other areas to conduct nutrient wastewater planning. Because of this, they were strongly opposed to the draft regulations, believing they need more time to assess the nutrient pollution problems and potential solutions in their communities.**

The draft regulations were intended to address these differences by not automatically designating any off-Cape Nitrogen Sensitive Areas upon promulgation of the regulations; in contrast to Cape Cod, where watersheds with TMDLs would be automatically designated as Nitrogen Sensitive Areas upon promulgation. Nevertheless, after considering the serious concerns that these communities expressed, the final regulations take a different approach. The provision in 310 CMR 15.214(1)(b)2. that previously provided authority for the Department to designate communities off Cape Cod as Nitrogen Sensitive Areas has been altered to focus solely on watersheds to embayments that are subject to the Cape 208 Plan. That provision no longer includes the communities off Cape Cod who expressed concerns that they have not had as much time to investigate and plan to address nutrient pollution. The Department expects, however, that some communities off Cape Cod will apply for a Watershed Permit in order to address waterbodies with a TMDL or other Scientific Evaluation showing nitrogen impacts or impairment. The Department intends to facilitate more nutrient wastewater planning for communities off Cape Cod, enabling them to be better prepared in the near future to address nitrogen pollution to embayments and estuaries.

**5. The regulations can be appropriately applied to areas with a variety of different nitrogen sources, a need expressed by several commenters.**

**Some commenters, particularly those off Cape Cod, asserted that their sources of nitrogen to embayments and estuaries are distinctly different from nitrogen sources on Cape Cod, where the primary source of nitrogen comes from Title 5 septic systems. Because of this, they believed it would be unfair for them to be included in this regulatory initiative.**

There are many different sources of nitrogen and many variables that may affect how much nitrogen ultimately reaches embayments or estuaries. This may be different from watershed to watershed. For some watersheds, septic systems are a major contributor. In others, they may not be a major contributor, but they may still be a significant part of the problem. Conducting a Scientific Evaluation is an effective way for a community to identify all potential nitrogen sources. Then, developing a Comprehensive Wastewater Management Plan allows a community to move forward and address nitrogen sources through a plan that is focused on the needs of the community. One way to account for these differences is for communities to obtain a Watershed Permit, which provides the flexibility for the community in addressing the primary sources of nitrogen.

**6. The regulations change drinking water Nitrogen Sensitive Area requirements when the area is located in both a drinking water and a Natural Resource Nitrogen Sensitive Area.**



**Several commenters, including municipalities, individuals, and health agents, requested clarification about whether the Title 5 drinking water Nitrogen Sensitive Area standards would be affected by the Title 5 regulatory changes for Natural Resource Nitrogen Sensitive Areas.**

The requirements for systems that are located *solely* in Drinking Water Nitrogen Sensitive Areas will remain the same. The requirement of meeting 440 gpd/acre continues to apply only to new construction in Zone IIs, IWPA's and in areas that have both septic systems and onsite wells.

There is one change for new construction in situations where an area is designated as a Nitrogen Sensitive Area for both drinking water supply protection and natural resource area protection under 310 CMR 15.214(1)(a) and (b). In that situation, the natural resource area requirements of 310 CMR 15.215(2) will apply and the system will need to be installed with Best Available Nitrogen Reducing Technology.

**7. The regulations can be used for permitting related to phosphorus pollution of waterbodies.**

**Many commenters questioned whether the regulations could be used for permitting related to phosphorus pollution, which affects fresh waterbodies.**

The regulations provide communities with the ability to apply for and obtain a Watershed Permit to address other nutrients, like phosphorus. 314 CMR 21.02 (definition of Watershed Management Plan).

**8. The draft regulations were changed to increase the time period to exempt systems with previously installed nitrogen reducing technology, as requested by many commenters.**

**Many commenters, including municipalities and individuals, suggested lengthening the Title 5 upgrade exemption under 310 CMR 15.215(2)(g) (former citation).**

The draft regulations at 310 CMR 15.215(2)(g) (changed to 310 CMR 15.215(2)(h)) provided that facility owners who upgraded their systems with a nitrogen reducing technology within one year prior to the effective date of the regulations were exempt from the individual system upgrade requirements in 310 CMR 15.215(2)(a) unless the Approving Authority determines that: the system has failed and is required to be upgraded; there is an alteration to or change in use of the facility that is determined to be New Construction; or the system is failing to protect the public health, safety, and the environment. The final regulations change the one-year exemption to a ten-year exemption.

**9. The draft regulations were changed so that the applicable upgrade requirements apply to all existing systems, not only those with a Certificate of Compliance.**

**Several commenters, including municipalities and officials, believed that the Title 5 upgrade requirements in 310 CMR 15.215(2) should apply to all existing systems, not only systems with a Certificate of Compliance, as provided in the draft regulations.**

The final regulations no longer have the prior limitation to existing systems with Certificates of Compliance, recognizing that there are sound policy reasons for all systems to be upgraded. For example, older systems may not have a Certificate of Compliance but should be upgraded. Consequently, the final regulations apply to all existing systems, including nonconforming and failed systems. If 310 CMR 15.215(2)(a) is applicable, all existing systems must be upgraded to incorporate Best Available Nitrogen Reducing Technology in conformity with the maximum feasible compliance requirements in 310 CMR 15.401-15.405.

**10. The draft regulations were changed to make it possible for the Department to accept previously commenced Scientific Evaluations.**

**A number of commenters, including municipalities and interest groups, believed it was sound policy to set forth standards and requirements for Scientific Evaluations to study potential nitrogen impacts to embayments and estuaries and to have the evaluation protocol approved by the Department before the evaluation is commenced. 310 CMR 15.214(1)(b)2.c. They were concerned, however, that this pre-approval requirement would preclude their use of Scientific Evaluations that have already been commenced and are ongoing.**

The final regulations include a provision that provides the Department with discretion to “accept a Scientific Evaluation commenced prior to the effective date of the new regulations.” 310 CMR 15.214(1)(b)2.b.; see also 310 CMR 15.002 (definition of Scientific Evaluation); 314 CMR 21.02 (definition of Scientific Evaluation).

**11. The Department acknowledges the concerns with costs expressed by many commenters.**

**Many commenters, particularly individuals, expressed concerns that if their community did not obtain a Watershed Permit, the Title 5 system upgrade requirements would be very costly.**

The Department recognizes the cost of the I/A systems is a major consideration for homeowners and business owners and has looked to address this both in the regulation and through funding resources. First, as noted previously, the final regulations have a modified definition for Best Available Nitrogen Reducing Technology (“BANRT”). 310 CMR 15.002 (definition of BANRT). This new definition allows for a range of nitrogen removal which allows for multiple technologies to be considered BANRT. This change along with a new provision at 310 CMR 15.215(2)(g) that allows the Department to make available for use technologies that do not meet the definition of BANRT, will help to address the concern of one supplier dominating the market and raising prices. Allowing for multiple technologies to be utilized should help reduce prices, increase supply, and provide system owners with a choice of technologies.

In addition to these regulatory changes, the Department has pursued – and is committed to continuing to pursue - other measures that would increase the availability and amount of a tax credit for septic system upgrades. The Department has been supportive of other measures that would help to alleviate costs of upgrades, like supporting wider availability of the Community Septic Management Loan Program to include mandatory upgrades. The Department has also advocated for and been supportive of the legislature providing more funding to address nitrogen pollution in embayments and estuaries. More information about funding sources can be found at the Department’s Title 5 website: [310 CMR 15.000: Septic Systems \("Title 5"\) | Mass.gov](https://www.mass.gov/info-details/310-cmr-15.000-septic-systems-title-5)

**12. Many commenters questioned what happens if a community does not seek a Watershed Permit but the mandatory Title 5 upgrade requirements are insufficient to attain necessary nitrogen load reductions?**

**Many commenters, including municipalities and individuals, were concerned that if their community chose the Title 5 septic system upgrade requirement, instead of obtaining a Watershed Permit, they may still not achieve the necessary nitrogen load reductions to meet the applicable TMDL and comply with the Massachusetts Surface Water Quality standards.**

The installation of Best Available Nitrogen Reducing Technology for the Title 5 system upgrade requirement (if a Watershed Permit is not obtained) *may* achieve the necessary reduction of nitrogen for some watersheds but not for other watersheds. The outcome would depend, among other things, on the sources of nitrogen in the watershed and how much nitrogen must be removed from the watershed in order to meet any applicable TMDL and ultimately the Massachusetts Surface Water Quality Standards.

Neither the Title 5 upgrade requirement nor a Watershed Permit relieves any federally regulated party of their responsibility to comply with the federal Clean Water Act. The United States Environmental Protection Agency is responsible for determining whether the Federal Clean Water Act has been satisfied under those circumstances.

**13. Commenters’ desire for the Title 5 system upgrades to be implemented in a phased approach can be most effectively accomplished through a Watershed Permit.**

**Some commenters stated that in situations where communities did not apply for or obtain a Watershed Permit and the mandatory Title 5 upgrade requirements applied, the Department should require the upgrades in a phased approach. They believed that upgrades should be prioritized in phases, focusing first on systems closest to the waterbodies, and then moving landward gradually from there.**

Such a phased approach would be very difficult to create and implement through the mandatory Title 5 upgrade requirement because of significant variations with development and factors that affect the rate of attenuation among watersheds. For these reasons, this type of approach could be

more effectively implemented through a Watershed Permit, which could allow for an iterative implementation strategy.

**14. Some commenters requested that the Department consider composting and urine diversion toilets for use as Best Available Nitrogen Reducing Technology.**

**Some commenters suggested that composting toilets/greywater systems and urine diversion systems be considered a Best Available Nitrogen Reducing Technology that would fulfill the system upgrade requirements of Title 5 if their community did not apply for and obtain a Watershed Permit.**

Composting toilets have General Use certification for use in Massachusetts. The use of a composting toilet requires the use of a septic system for greywater disposal. Title 5 provides a loading rate of 660 gpd/acre for residential greywater systems utilized with a composting toilet. This equates to a 19 mg/l nitrogen performance value. In order to change this performance value, an evaluation of greywater disposal system nitrogen values would need to be made to determine the amount of nitrogen “removed” using a compost toilet. Urine diversion systems have not been evaluated with a greywater system but can also be reviewed to determine the performance value. This evaluation is necessary for any technology to be considered for use as BANRT, including urine diversion toilets.

**List of Commenters (Written and Oral)**

In response to draft regulations at 310 CMR 15.000 & 314 CMR 21.00

<b>Submitter</b>	<b>Affiliation</b>
Aaron Souza	Dartmouth
Adna and Mark Wienzek	Dartmouth
Alan Perry	Acushnet
Albert and Jeanne Loranger	Dartmouth
Alberto Tavares	Dartmouth, Songbird Acres Board of Trustees
Alden Anderson	Cuttyhunk
Alexander and Jayne Klein	Bourne
Alexander Zollo	Mashpee
Alexandra Dumas	Westport
Alexandra Lancaster	East Falmouth
Alice Gerard	Waquoit Bay
Alice Mercer-Medeiros	Dartmouth
Alison Bowden	The Nature Conservancy
Alison Counsell	Not Stated
Alison Dixon	Pittsfield
Alison Ferrante	Falmouth
Allen Shaw	Dartmouth
Allison Argo	Brewster
Allison Dixon	Pittsfield
Americo Rodrigues	Dartmouth
Amy Fleming	Newton
Amy Gordon	Acushnet
Amy Lawton	Westport
Anca Vlasopolos, PhD	Centerville
Andrea Finnerty	Dartmouth
Andrea Prigaro	Westport
Andres Hammerman	Rochester
Andrew	Not Stated
Andrew Felix	Truro
Andrew Gottlieb	Association to Preserve Cape Cod
Andy Hammerman	Rochester
Angela Martin	North Dartmouth
Angie and Dana Leonardo	Dartmouth
Anita McCarthy Drew and John Otis Drew	Osterville
Ann Fleck-Henderson	South Orleans
Ann Marie and Marcel Gautreau	Dartmouth
Anna Edey	Martha's Vineyard
Anne	Falmouth
Anne Ford	Bourne
Anne Malone	Not Stated
Anne Miller	Eastham
Anne Remick	Dartmouth
Anne Robertson	Marion

Appendix: List of Commenters

Anne Rogers	Not Stated
Anne Salas	West Hyannis
Anneli Karniala	Centerville
Annmarie Gould	Mattapoisett
Anthony Arena	Cotuit
Anthony George	Hingham
Arthur and Kathleen Lyons	Marion
Arthur and Maureen Harlow-Hawkes	Falmouth
Avery Revere	Barnstable village
Barb Lambdin	South Dennis
Barbara Conolly	Mashpee
Barbara McDowell	Dartmouth
Barton and May Matsumoto	Dartmouth
Ben Cook	Eastham
Benjamin Hood and Anne Miller	North Eastham
Beth Nadeau	Centerville
Betsy Smith	Brewster
Bill Blunt	Dennis
Bill Thompson	Pocasset
Bob Hinkley	Acushnet Official
Bonnie Furtado	Dartmouth
Boone Porter	Cuttyhunk
Brain and Deborah LeFevre	Acushnet
Brenda & Bob Croteau	Dartmouth
Brian Boyle	Docs for Truro Safe Water
Brian Braginton-Smith	Not Stated
Brian Paradise	Cape Cod
Bruce and Donne Blackman	Cotuit
Bruce Gordon	Barnstable
Bruce Gordon	Not Stated
Bruce Walton	Centerville
Bryan Horsley	Cape Cod
Bryan P	Brewster
Captain Martin Kelly, MD	Westport
Carl and Ann Moberg	Westport
Carl Persson	Milton
Carol Geithner	Orleans
Carol Goslant	Cambridge
Carol McIntyre	Lakeville
Caroline Simmons	Dartmouth
Carolyn Fontes	Not Stated
Carolyn M. Basler	Dennis
Carter Patrick	Not Stated
Cary Wolinsky	Norwell
Cassey LePage	Westport
Catherine Ford-Daly	Dover
Cathy Fox-Alfono	Not Stated
Catie Blake Burnett	Bourne

Appendix: List of Commenters

Chris Abdow	Not Stated
Chris and Kate Greeding	Dartmouth
Chris Bade	Pocasset
Chris Collings	Not Stated
Chris Fay	Cotuit
Chris Jackson	Cotuit
Chris Morris	Dartmouth
Chris Shanahan	Falmouth
Christine Torpey	Dartmouth
Christopher and April Nye	Marion
Christopher and Diane Abbot	Westport
Christopher and Mary Fay	Dartmouth
Christopher Bogie	Dartmouth
Christopher Clark	Docs for Truro Safe Water
Christopher Hall	Dartmouth
Christopher Michaud	Dartmouth Health Department
Christopher Mines	Orleans
Christopher Mowatt	East Falmouth
Christopher O'Neil	Dartmouth Planning Board
Christy Sanatori	CCC Executive Director
Chuck Michaud	Westport
Chuck Wagner	Eastham
Claire Gallagher	Not Stated
Claire Labrode	Acushnet
Coleen Magalhaes	Dartmouth
Constance Gee	Westport
Constance Murphy	Pocasset
Corey DaSilva	Dartmouth
Craig Ferrari	Cape Cod Septic Designer
Cynthia Davis Jackson	Cotuit
Dake Henderson	Cotuit
Dale Edmunds	Cotuit
Dale Heisler	Hyannis
Dan Turner	Not Stated
Daniel Hazen	Sagamore Beach
Danielle Dolan	Deputy director of Mass Rivers Association
Darrell Correia	Dartmouth
Daryl Beardsley	BOH Member
David Churbuck	Cotuit
David Clark	Chatham
David Diamond, MD	Mashpee
David Duncan Dow	East Falmouth
David Fernandes	Dartmouth
David Fredette	New Bedford
David Kay	Harvard
David Kelly	Osterville
David Langan	Dennis
David Mark Welch	Teaticket
David Pinto	Dartmouth

Appendix: List of Commenters

David Ray	Massachusetts
David Vasconcelos	Dartmouth
David Wilson	Marion
Deb Giblin	Dartmouth
Deb Hennessey	East Falmouth
Debbie Ferreira	Dartmouth
Debbie Jones	Dartmouth
Deborah Field	Not Stated
Deborah Medeiros	Not Stated
Deborah Shea	Not Stated
Deborah Vieira	Waquoit
Deborah Ward	Mattapoisett
Debra and Mark Hartman	Dartmouth
Debra and Russell Girard	Rochester
Debra McRoberts	Bourne
Deirdre Nickerson	Cotuit
Delmer Borah	Brewster
Denise Belanger	Dartmouth
Derek DeMelo	Dartmouth
Diana Sousa	Dartmouth
Dianne and Michael Walsh	West Barnstable
Dick and Pam Boden	Hyannis
Don McCormack	Dartmouth, Songbird Acres Trust
Donald and Christine Roy	Barnstable
Donald Gifford	Westport
Donald Law	Cotuit
Donald Maynard	Not Stated
Donald McCormack	Dartmouth
Donn Charpentier	South Dartmouth
Donna and Joe Farias	Dartmouth
Donna Contardo	South Dennis
Donna Heino	Dartmouth
Donna Roy	Westport
Donna Twardzik	Dartmouth
Doreen McKinley	Dartmouth
Dot Brown	Marion
Doug Balder	Dartmouth
Doug Balder and Joan DeCollibus	Dartmouth
Doug Jones	North Dartmouth
Doug Wolff	Cape Cod
Dr. Annette Hodess	Marion
Dr. David Dow	East Falmouth
Dr. Katherine Hanson	Wellesley
Dr. Peter Bentivegna	Osterville
Dr. Steve Waller	Centerville
dsviera	Dartmouth
Earle Barnhart	East Falmouth Green Center
Ed Maguire	Mashpee
Ed McManus	Harwich



Appendix: List of Commenters

Edgar Pereira	Dartmouth
Edmund Hafner	Orleans
Edward Allen	Rochester
Edward Baker	Pocasset
Edward DaCosta	Dartmouth
Edward Dion	Dartmouth
Eileen Marum	Marion
Elizabeth	Hyannis
Elizabeth Murphy	Orleans
Elizabeth Pratt	Not Stated
Elizabeth Ramsdell	South Yarmouth
Elizabeth Walker	Chatham
Ellen C. Cavanaugh	Dartmouth
Ellen Driscoll	Mattapoisset
Ellen Heffernan	Osterville
Ellen Pildis	Waquoit
Elliot Wheelwright	Cotuit
Eloise Biscoe	Chestnut Hill
Elvio Rodrigues	South Yarmouth
Emily Nordhoff	Waltham
Eric J. Duphily	Dartmouth
Eric Mastrodo	Eastham
Eric Mistretta	Eastham
Eric Schwaab	West Hyannis
Eric Turkington	Falmouth Official
Erik and Shawna Fontaine	Dartmouth
Erik KIELTYKA	Not Stated
Erin Williams	Mashpee
Errin Chapin	Marion
Esther Finkielsztejn	Centerville
Evan Davenport	Westport
Fernanda Gonsalves	Dartmouth
Francis and Joyce Cichowski	Pocasset
Francis and Kathleen Corbett	Hyannis
Frank Gasson	Pocasset
Frank King	Brewster
Frank Leal	Dartmouth
Frank Viera	Acushnet
Fred Jaffre	Falmouth
Frederic Jaffre	Falmouth
Frederick Ruymann	Docs for Truro Safe Water
G Hollands	West Hyannisport
Gabbie DiNardi	Barnstable
Gabrielle Dennison	Cuttyhunk
Gail Poliquin	Not Stated
Gail Roderigues	Westport
Gail Roderigues	Westport Bike and Walking Committee
Gary Markowitz	Save Our Shoestring Bay
Gary McNaughton	Falmouth

Appendix: List of Commenters

Gene Sorbo	Centerville
George	Not Stated
George Dimakarakos	Not Stated
George Henderson	Cotuit/Jamaica Plain
George Oleyer	Yarmouth
George Pimental	Not Stated
George Seaver, PhD	Cataumet
Gerald Cerasale	Eastham Select Board
Gerard Grenache	Dennisport res
Gilbert Perry	Dartmouth
	Mashpee Clean Waters, Citizens for the Protection of Waquoit Bay
Glen McCarthy	Bay
Glenn McCarthy	Mashpee
Greg Clear	Dartmouth
Greg McPherson	Not Stated
Gregg Fraser	Mashpee
Gregg McPherson	Not Stated
Gregory Lauer	East Falmouth
Gretchen Wollerscheis	Mashpee
Grove Harris	West Hyannisport
Harry Graff	Dennis HOA
Heather Fischer	Mashpee
Henri Brandzen	Dartmouth
Hilda Maingay	East Falmouth Green Center
Hillary Greenberg-Lemos	Wellfleet Health and Conservation Agent, Dennis Resident
Ilda and Jose Soares	North Dartmouth
Jack Ahern	Osterville
Jack Fracasso	Brewster
Jaimie Pickering	Not Stated
James Costa	North Dartmouth
James Danforth	Barnstable
James Durocher	Falmouth
James Fracasso	Brewster
James Gaffney	Dartmouth
James Jensen	Cape Cod
James Margato	Dartmouth
James Mathes	South Dartmouth
James Reed	Hyannis
James Ward	Not Stated
Jan & Keith Barber	Pocasset
Jane Anderson	Carlisle
Jane Austin	Cotuit
Jane Folkman	South Dartmouth
Jane Goguen Baronas	Falmouth
Jane Mogayzel	Dartmouth
Jane Sherwood	Dartmouth
Jane Vose	Falmouth
Jane Ward	Centerville
Janet Edmonds	Barnstable

Appendix: List of Commenters

Janeth Eby	Sandwich
Janice Davis	Cotuit
Janice Gildawie	East Falmouth
Janice Rejto	Not Stated
Janine Jenny	Dartmouth
Jason Bowie	Not Stated
Jason Phillips	Dartmouth
Jay Herther	Pocasset
Jay Kruger	Dartmouth
Jean Fisher	Not Stated
Jean Leidenfrost	Not Stated
Jeanne Concannon	Not Stated
Jeanne Wyand	Westport
Jeannine Jenney	Dartmouth
Jeff Costa	Rochester
Jeff Dobro, MD	Centerville
Jeffrey Brem	Mashpee
Jeffrey Kevorkian	Middleton
Jeffrey Roy	Westport
Jennifer and Scott Barber	Dartmouth
Jennifer Bergen	Eastham
Jennifer Goncalves	Province Mortgage
Jennifer Kinder	South Dennis
Jennifer Loughran	Cotuit
Jennifer Valentine	Forestdale
Jerry Struzik	Pocasset
Jessica	Not Stated
Jim Rollins	Acushnet
Jim Ward	Mattapoisett
Joan Hutchings	Truro
Joan Lederman	Woods Hole
Joan Menard	Dartmouth
JoAnn Cornell	Dartmouth
Joanne Cadieux-Szala	Westport
JoAnne O'Leary	Westport
Jodi Boulds	Dartmouth
John and Cynthia Azevedo	Westport
John and Sharon Chavez	Duxbury and Yarmouth
John and Terry Crowley	Westport
John Andrade	New Bedford
John Bunibuth	Bourne
John Downey	Mass Water Environment Assoc.
John Eldert	Teaticket
John Freidman	Truro
John Julius	Hyannis
John Linker	Osterville
John Mulkeen	Bourne
John Phillips	Dennis
John Riemer	Truro

Appendix: List of Commenters

John Silver	Not Stated
John Taylor	Beverly
Jolanda Ferguson	Hyannis
Jon Frank	Pocasset
Jonathan Lash	Dartmouth
Jonathan Linker	Osterville
Jonathon Fleming	Newton
Jonathon Small	Mashpee
Jordan Hitch	Dartmouth
Jorge Garcia	Dartmouth
Joseph and Susan Lasky	Marion
Joseph Erwin	Westport
Joseph Ingoldsby	Westport
Joseph Mello	Dartmouth
Joseph Salvucci	East Falmouth
Joseph Sciuto	Dartmouth
Joseph Sullivan	Brewster
Judi Alvares	Westport
Judith Bruce	Orleans
Judy Schachner	Mashpee
Julia Hopkins	Not Stated
Julie Peterson	Dartmouth
Kaethe Maguire	Bourne
Karen Caffrey	Dartmouth
Karen Coyne	North Dartmouth
Karen Gonsalves	Westport
Karen Malkus-Benjamin	Brewster
Karen Peterson-Dagnell	Acushnet
Kate and Paul Ouellette	Dartmouth
Katharine Lange	Massachusetts Rivers Alliance
Katherine Hanson	Wellesley
Katherine Weeks	Not Stated
Kathy Fox Alfano	Bourne Wastewater Commission Advisory Committee
Kathy Saulnier	South Dartmouth
Katie Cochran	Not Stated
	Pocasset Water Quality Coalition, Bourne Wastewater Advisory
Keith Barber	Committee
Keith Olcott	Not Stated
Kelly and Matthew Moniz	Dartmouth
Kelly Dacosta	Dartmouth
Kelly Swain	Dartmouth
Kenneth Loranger	Dartmouth
Kenneth Piva	Not Stated
Kenneth Spear, PE (VA, MD & DE)	East Harwich
Kevin Fay	Chatham
Kevin Galligan	Select Board Member Orleans
Kevin Keuchler	Truro
Kevin Lemieux	Swansea
Kevin Loranger	Dartmouth

Appendix: List of Commenters

Kevin Mendozza	Not Stated
Kjell Berg	Hampden
Korrin Peterson	Buzzards Bay Coalition
Kristen Viera	Acushnet
Kristin Alexander	Falmouth
L Michael Hagar	Eastham
Laudalino & Olga M. Correia	Westport
Laura Hadley	Not Stated
Laura Weatherup	Eastham
Laure MacLachlan	Pocasset
Laurie Hammontree	Not Stated
Laurie Hutton-Corr	South Dennis
LaVar Williams	Dartmouth
Lawrence Carr	Yarmouthport
Lawrence Perry	Stoughton BOH Agent and Town Sanitarian
Leslie Spencer	East Falmouth
Leslie Weslecker	Acushnet
Leslie Wing	Bourne
Leyla Day	Gosnold
Linda Hunt	East Freetown
Linda Tolman	Yarmouth
Lindi Higgins	Not Stated
Lindsey Counsell	Not Stated
Lisa Habosian	Not Stated
Lisa Riley	Not Stated
Lisa Velazquez Cunningham	North Dartmouth
Lorraine Medeiros	Dartmouth
Lou-Anne Conroy	West Barnstable
Lynn E. Garnett	Dartmouth
Lynn Harris	Mashpee
Lynne Turner	Dartmouth
Lynne Whelan	Not Stated
Madeline Bedard	Not Stated
Maggie Megaw	Waquoit
Maggie Nivison	Conservation Law Foundation
Maggie Theroux Fieldsteel	Marion
MAJ Stephen Caravana	North Dartmouth
Malcolm Carley	Cotuit
Marc Garrette	Dartmouth Environmental Affairs Coordinator
Marcia and David Alves	Dartmouth
Marcia Ciro	Not Stated
Marcus Nese	Osterville
Margaret Call-Conley	Dartmouth
Margaret Van Deusen	Not Stated
Maria DeFelice	Framingham (Lake Wequaquet)
Maria Pino	Marstons Mills
Maria Reed	Dartmouth
Marina Lent	Aquinnah Health Agent
Marion Stoddart	Ayer

Appendix: List of Commenters

Marjorie Greville	Not Stated
Marjorie Hecht	Envision Mashpee
Mark	Not Stated
Mark and Heidi Silverstein	South Dartmouth
Mark Burgess	Dennisport
Mark C Gianni	Dartmouth
Mark Ells	Barnstable Official
Mark Lacombe	Dartmouth
Mark Medeiros	Dartmouth
Mark Gianni	Not Stated
Martha Craig	Not Stated
Martha Hoefler	Pocasset Water Quality Coalition
Martha Roberts	Not Stated
Mary Adams Oleksak	Mashpee Clean Waters
Mary Ann Benner	Monument Beach
Mary Ann Morris	Dartmouth
Mary Evans	Not Stated
Mary Jane Mastrangelo	Bourne Board of Selectmen, Board of Sewer Commissioners
Mary Metzger	Not Stated
Mary Mullany	Brewster
Mary Oleksak	Mashpee
Mary Pearl	Docs for Truro Safe Water
Mary Waygan	Mashpee
Maryann and Matthew Sorensen	Dartmouth
Matt Scarborough	South Yarmouth
Matthew Bach	Westport
Matthew Elia	Not Stated
Matthew Enokson	Dartmouth
Maura O'Keefe	Falmouth Town Counsel
Maureen Floyd	West Barnstable
Maurice Lemieux	Dartmouth
Maurice Roberts	Marston Mills
Melanie Martinez	Not Stated
Melanie Pine	Dartmouth
Melinda Loberg	Tisbury Waterways
Melissa Kochan	North Dartmouth
Melissa Sylvia	Dartmouth
Meredith Harris	Mashpee Sewer Commission
Michael and Michelle Gonsalves	Dartmouth
Michael and Susan Letourneau	North Dartmouth
Michael Boucher	Acushnet Finance Committee Chairman
Michael Camara	Not Stated
Michael Dalio	Dartmouth
Michael Finegold	Falmouth
Michael Lenihan	Foxboro
Michael Letourneau	Dartmouth
Michael Leverett	Dartmouth
Michael Reynolds	North Dartmouth
Michael Santos	South Dartmouth

Appendix: List of Commenters

Michaela Wyman-Colombo	Mashpee
Michele Gray	Dartmouth
Michele Silva	Not Stated
Michelle and Steven Piva	Dartmouth
Michelle Keith	Dartmouth Board of Health
Michelle Kirby	Rochester, Snows Pond Association
Michelle LeBlanc-Gaffney	Dartmouth
Michelle Olean	Dartmouth
Michelle Peixoto	Westport
Mike Costa	Rochester
Muriel Gulacsi	Not Stated
Nancy Church	West Barnstable
Neil Jacobson	Cotuit
Nicholas Bono	Appraisals On-Cape
Nicholas Porter	Cuttyhunk
Nicole DaSilva	Dartmouth
Nicole Goldman	Woods Hole
Nicole Plante	Westport Realtor
Nicole Silva	Not Stated
Noah Clement	East Falmouth
Noah Clements	Waquoit
Oliver Resca	Lee, MA
Pamela Alvares	Westport
Pamela Brewster	Westport
Patricia Dumin and David Ray	Dennis
Patricia Pierre	Dartmouth
Patricia Tocci	Rochester
Patricia Waltner	Mashpee
Patrick D. Quinlan	Westport
Patrick Jackson	Cotuit
Patrick Otton	East Harwich
Patti DeMello	Dartmouth
Paul Bibo	Mashpee
Paul Blecharczyk	Dartmouth
Paul Champlin	Not Stated
Paul Haley	Not Stated
Paul L Rosenberg	Falmouth
Paul Lindo	New Bedford
Paul Naiman	Marion
Paul Rosenberg	Waquoit
Paula Aschettino	Eastham
Paula Filipe-Peek	Dartmouth
Paula J. Simmons	Dartmouth
Paula Mota	Not Stated
Paula Schnepf	Barnstable Town Councilor
Paula Tredeau	Falmouth
Peggy Gildersleeve	Dartmouth
Peter Bentivegna	Osterville
Peter Bullard, Attorney	Dartmouth/NewBedford

Appendix: List of Commenters

Peter Doyle	Not Stated
Peter M. Prygocki	Cotuit
Peter Mackiewicz	Sandwich
Philip and Virginia Cole	Wellfleet
Philip Cole	Wellfleet
Philip Odence	Cotuit
Philip Weinberg	Westport Board of Health
PM	Not Stated
Prudence Montgomery	East Orleans
Rachel Lynn	Not Stated
Rachel Madeiros	Dartmouth
Rachel Smith	Not Stated
Randal Mello	Dartmouth
Randall DeMello	Marion
Randall Medeiros	North Dartmouth
Raquel Rodriguez	Marstons Mills
Raymond Jack	East Falmouth
Richard and Annie Ibara	Dartmouth
Richard and Julie DeSorgher	Mashpee
Richard Angelo	Not Stated
Richard Arruda	Dartmouth
Richard Charon	Rochester
Richard Holmes	Sandwich
Richard Otis	Citizens for Protection of Waquoit Bay
Richard York	Not Stated
Rick Angelo	Not Stated
Rick Otis	Citizens for the Protection of Waquoit Bay
Robert B. Almy	Dartmouth Public Works Board
Robert Baker	Cataumet
Robert Brown	Docs for Truro Safe Water
Robert Dee	Cotuit
Robert Dutra	Dartmouth
Robert Dwyer	Pocasset Water Quality Coalition
Robert Feinberg	Dartmouth
Robert Gauvin	Dartmouth
Robert Golder	East Falmouth
Robert Oberkoetter	Westport
Robert Patten	Not Stated
Robert Perotti	Dartmouth
Robert Peterson	Canton
Robert Sarmanian	Vendor of I/A General Use Approvals
Robert Simpson	Docs for Truro Safe Water
Robert Swanson	Orleans
Robert Thompson	Harwich
Robert Tuchmann	West Newton
Robert Whritenour	Yarmouth Official
Roberta Mauch	Not Stated
Robin Beach	South Dartmouth
Robin delaFuente	Dartmouth



Appendix: List of Commenters

Roger Cournoyer	North Dartmouth
Ron Alvares	Westport
Ron Foster	Not Stated
Ronald Fichtner	Docs for Truro Safe Water
Ronald Medeiros	Dartmouth
Rosemarie Bigsby	Dartmouth
Ryan Castle	Cape & Islands Association of Realtors
Sally Brotman	Truro
Sally Edmonds	Not Stated
Sally Edmonds	Osterville
Sally Gunning	Brewster
Sam and Amita Bhatt	Cotuit
Samantha Nikula	Cape Construction Company
Sandra Medeiros	Dartmouth
Sara Molyneaux	Not Stated
Sarah Dury	Dartmouth
Sarah LeClaire	Wellfleet
Sarah Martins	North Dartmouth
Sarah Thornington	West Yarmouth
Sarah Thornington-Cericola	West Yarmouth
Scott Horsely	Engineer
Scott Pfeniger	Westport
Scott Schroeder	Cape Cod
Scott Simmons	Dartmouth
Sean Meagher	USMM/Bass River
Sergio Finkielsztein	Centerville
Sharon Brownfield	Stow
Sharon Cerretani	Cape Cod
Sharon Holloway	East Falmouth
Shawn McDonald	Dartmouth Board of Selectmen
Sheila A. Kelleher	Dartmouth
Sheila Kelleher	Dartmouth
Sheila Pereira	Dartmouth
Shelby Frazier	North Dartmouth
Shelley Dawicki	Falmouth
Shelly Dawicki	Falmouth
Sheryl Ervin	Infiltrator Water Technologies
Shilo Porter	Not Stated
Shirley Ng	Dartmouth
Sonja Bono	Not Stated
Stanley Kaczynski	Fall River
Stephanie Bach	Dartmouth
Stephen Hegarty	Westport
Stephen Monas	Waquoit
Stephen Remick	Dartmouth
Steve Bliven	South Dartmouth
Steve Carr	Not Stated
Steve Howe	Southeast Mass
Steve Stock	Rochester

Appendix: List of Commenters

Steve Waller and Jane Ward	Centerville
Steve Warner	Dartmouth
Steven Carr	Not Stated
Steven Hegarty	Westport
Steven Hoch	Osterville
Steven Love	Love Sanitation
Stuart Armstrong	Not Stated
Susan Bouley	Dartmouth
Susan Casey	Dartmouth
Susan Dangle	Save Mashpee Wakeby Pond Alliance
Susan Dominick	Cape Cod
Susan Jackson	Cotuit
Susan Jenkins	North Dartmouth
Susan Lemont	Arlington
Susan Rohrbach	Centerville
Susan Sheehan	West Barnstable
Suzanne Catraio	Dartmouth
Sxott Norum	Harwich
Sydney Moyer	Somerville
Tally Garfield	Dartmouth
Tami Fougere	Carver
Terri Babcock	Westport
Terry	Westport
Thad Eldredge	Surveying and engineering firm
Theophilos Collins	Not Stated
Theresa	Not Stated
Theresa Rudin	Cape Cod
Therese Bilodeau	Mashpee
Thomas Burgess and Annelies	
Burgess-Berbee	Cotuit
Thomas Davenport	Westport
Thomas Fudala	Mashpee Water District Elected Commissioner
Thomas Quinn	Dartmouth
Thomas Taylor	East Falmouth
Thomas Waltner	Mashpee
Tim and Sue Casey	Dartmouth
Tim Hayes	Dartmouth
Tim Smith	Not Stated
TJ Salvidio	Dartmouth
Tom Bassett	Not Stated
Tom Burgess	Cotuit
Tom Burgess and Annelies Burgess-Berbee	
Tom Cambareri	Cotuit
Tom Klein	Centerville
Tom Swan	Barnstable
Torrey Adams	Osterville
Tricia Tappen	Dartmouth
Trish Duman	Westport
	Not Stated

Appendix: List of Commenters

Unknown Sender Name	Not Stated
Vasiliki Limberis	Brewster
Verlaine Brandzen	Dartmouth
Vicki Tremblay	North Dartmouth
Victor and Joyce Andersen	Dartmouth
Vincent Dziezyk	Not Stated
Ward Ghory	Orleans
Will Dillingham	North Dartmouth
William and Karen Giesecke	Dartmouth
William Bade	Pocasset
William Brotherton	Orleans
William Farnham	Orleans
William Fredericks	Mattapoissett
William Grant	Cataumet
William O'Connell	Not Stated
William Raposa	Boston
William Van Spaulding	Cuttyhunk
William Veno	Pocasset
Zelda MacGregor	North Falmouth
Zenas Crocker	Barnstable Clean Water Coalition

Appendix: List of Commenters

**Stakeholder Commenters:**

Joseph Correia	Town of Acushnet Board of Health
Dr. Michael R. Boucher	Town of Acushnet Finance Committee Chair
Thomas Carbone	Town of Andover Public Health
Andrew Gottlieb	Association to Preserve Cape Cod
Mark Ells	Town of Barnstable, Town Manager
Dan Santos	Town of Barnstable DPW Director
Mark Forest	Barnstable County Commissioners Chair
Ronald Bergstrom	Barnstable County Commissioners Vice Chair
Sheila Lyons	Barnstable County Commissioner
Brian Baumgaertel	Barnstable County Director Department of Health & Environment
Korrin Peterson, Esq.	Buzzards Bay Coalition
Zee Crocker	Barnstable Clean Water Coalition
3 signatures, no printed names	Town of Bourne Board of Health
Peter J. Meier	Town of Bourne Board of Selectmen
Melissa Ferretti	Town of Bourne Board of Selectmen
Mary Jane Mastrangelo	Town of Bourne Board of Selectmen
Jared MacDonald	Town of Bourne Board of Selectmen
Judith McLeod Froman	Town of Bourne Board of Selectmen
Paul Anderson	Town of Brewster Water Resources Task Force
David Bennett	Town of Brewster Water Resources Task Force
Ned Chatelain	Town of Brewster Water Resources Task Force
Jon Idman	Town of Brewster Water Resources Task Force
John Keith	Town of Brewster Water Resources Task Force
Peter Lombardi	Town of Brewster Water Resources Task Force
Chris Miller	Town of Brewster Water Resources Task Force
Kim Pearson	Town of Brewster Water Resources Task Force
Amy von Hone	Town of Brewster Water Resources Task Force
Shareen Davis	Cape and Islands Municipal Leaders Association
Paul Niedzwiecki	Cape Cod Chamber of Commerce
Kristy Senatori	Cape Cod Commission
Ryan Castle	Cape Cod and Islands Association of Realtors
Jonathon Shefftz	Conservation Law Foundation
Chris Michaud	Town of Dartmouth Board of Health
Thomas Hardman	Town of Dartmouth Board of Health
Michelle Keith	Town of Dartmouth Board of Health
Christian Pope	Town of Dartmouth Board of Health
David Tatelbaum	Town of Dartmouth Select Board
Stanley Mickelson	Town of Dartmouth Select Board
Frank Gracie	Town of Dartmouth Select Board
Shawn MacDonald	Town of Dartmouth Select Board
Heidi Silva-Brooks	Town of Dartmouth Select Board
Robert Almy	Town of Dartmouth DPW
Marc Garrett	Town of Dartmouth Environmental Affairs
Christopher Lambton	Town of Dennis
Jon Terrio	Town of Dennis
Paul McCormick	Town of Dennis

Appendix: List of Commenters

Christopher Flanagan	Town of Dennis
James Plath	Town of Dennis
Jerry Cerasale	Town of Eastham Select Board
Jacqueline Beebe	Town of Eastham
Kevin Gallagher	Town of Fairhaven
Heidi Hacking	Town of Fairhaven
Michael Ristuccia	Town of Fairhaven
Charlotte Harris	Town of Falmouth Planning Board
Peter Johnson-Staub	Town of Falmouth Manager
Jared Zager	Town of Freetown
Trevor Matthews	Town of Freetown
Carlos Lopes	Town of Freetown
Keven Desmarais	Town of Freetown
Michael MacAskill	Town of Freetown
Mary Anderson	Town of Freetown
Donald Howell	Town of Freetown
Larry Ballantine	Town of Freetown
Julie Kavanaugh	Town of Harwich Selectmen
Jeffrey Brem	Home Builders and Remodelers Association of MA
Sheryl Ervin	Infiltrator Water Technologies
Pine du Bois	Jones River Watershed Association
Cheryl Sbarra	Mass. Association of Health Boards
Michael Hugo	Mass. Association of Health Boards
Justin Davidson	Mass. Association of Realtors
Randy Parker	Town of Marion Select Board
Norman Hills	Town of Marion Select Board
Carleton Burr	Town of Marion Select Board
John Howard	Town of Marion Board of Health
Edward Hoffer	Town of Marion Board of Health
Albin Johnson	Town of Marion Board of Health
Susan Dangel	Save Mashpee-Wakeby Pond Alliance
Meredith Harris	Save Mashpee-Wakeby Pond Alliance
Jonathon Small	Save Mashpee-Wakeby Pond Alliance
Carla Mullen	Save Mashpee-Wakeby Pond Alliance
Linda Smith	Save Mashpee-Wakeby Pond Alliance
Marc Blesoff	Save Mashpee-Wakeby Pond Alliance
Paul Valentine	Save Mashpee-Wakeby Pond Alliance
Don MacDonald	Save Mashpee-Wakeby Pond Alliance
Tyler Macallister	Town of Mattapoisett Select Board
Jodi Bauer	Town of Mattapoisett Select Board
Jorden Collyer	Town of Mattapoisett Select Board
Dennis W. Farias	City of New Bedford City Council
Jamie Pointe	City of New Bedford
Fred McNeill	New England Water Environment Association, Inc.
Mary Barry	New England Water Environment Association, Inc.
Patrick Hickey	Town of Oak Bluffs Wastewater Department
Nicholas Noble	Orenco Systems, Inc.
Andrew Shaw Reed	Town of Orleans Select Board
Carol Ridley	Pleasant Bay Alliance

Appendix: List of Commenters

David Golden	Town of Plymouth Board of Health
Keith Barber	Pocasset Water Quality Coalition
Robert Dwyer	Pocasset Village Association
Alex Morse	Provincetown Manager
Paul Chasse	Realtor Association Southeastern MA
Representative Paul Schmid III	MA Legislator
Representative Christopher Markey	MA Legislator
Karen Walega	Town of Rochester Health Director
Greenwod Hartley III	Town of Rochester Select Board
Paul Ciaburri	Town of Rochester Select Board
Bradford N. Morse	Town of Rochester Select Board
George Dunham	Town of Sandwich
Senator Mark Montigny	MA Legislator
Senator Susan Moran	MA Legislator
Chris Powicki	Sierra Club, Cape Cod Group
Keith Lewison	Sierra Club, Cape Cod Group
Morgan Peck	Sierra Club, Cape Cod Group
Allyson Schmidt	Sierra Club, Cape Cod Group
Mary Waygan	Sierra Club, Cape Cod Group
Deb Pasternak	Sierra Club, MA Chapter
	Town of Swansea Board of Health Director (3 signatures with no printed names)
Alexandra Nicolosi	Town of Tisbury Board of Health
Maura Valley	Town of Tisbury Board of Health
Michael D. Loberg	Tisbury waterways, Inc.
Melinda Loberg	MA Rivers Alliance
Katherine Lange	Greater Boston Chapter of Trout Unlimited
Rui Coelho	Green Newton
Marcia Cooper	Friends of the Ten Mile Rvier Watershed
Benjamin Cote	Hoosic River Watershed Association
Arianna Collins	Ipswich River Watershed Association
Wayne Castonguay	Neponset River Watershed Association
Kerry Snyder	Mass Audubon Society
Heidi Ricci	North and South River Watersheds Association
Samantha Woods	Muddy Water Initiative
Caroline Reeves	Ocean River Institute
Rob Moir	Mystic River Watershed Association
Patrick Herron	Parker River Clean Water Association
George Comiskey	Taunton River Watershed Alliance
Joseph Callahan	The Trustees of the Reservation
Linda Orel	Westport River Watershed Alliance
Roberta Carvalho	The Nature Conservancy
Alison Bowden	The Citizens for the Protection of Waquoit Bay
Rick Otis	Town of Wellfleet Select Board
Ryan Curley	Town of Wellfleet Select Board
John A. Wolf	Town of Wellfleet Select Board
Kathleen Bacon	Town of Wellfleet Select Board
Michael DeVasto	Town of Wellfleet Select Board
Barbara Carboni	Town of Wellfleet Select Board
Matthew Armendo	Town of Westport

Appendix: List of Commenters

Tanja Ryden	Town of Westport
Philip M. Weinberg	Town of Westport
Donna M. Amaral	Town of Westport
Shana Shufelt	Town of Westport
Jim Whitin	Town of Westport
Michael Sullivan	Westport River Watershed Alliance
Michael Stone	Town of Yarmouth Selectmen
Curtis Sears	Town of Yarmouth Water Resources
Alyssa Rusiecki	Yankee Onsite Wastewater Association

# 2023 Pleasant Bay Watershed Permit Annual Report





# Pleasant Bay Watershed Permit

- Issued August 2018
- 20-year renewable permit
- Sets forth nitrogen removal responsibilities agreed to by towns
- Removals based on measures identified in Targeted Watershed Management Plan as may be updated by adaptive management
- Annual progress reports prepared by Wright-Pierce

# Nitrogen Removal Responsibility

- Attenuated Nitrogen load removal req'ment in Pleasant Bay  
= 17,700 kg/yr (100%)
- Requirement by Town:
  - Brewster— 2,300 kg/yr (13%)
  - Chatham— 4,100 kg/yr (23%)
  - Harwich— 4,400 kg/yr (25%)
  - Orleans— 6,900 kg/yr (39%)

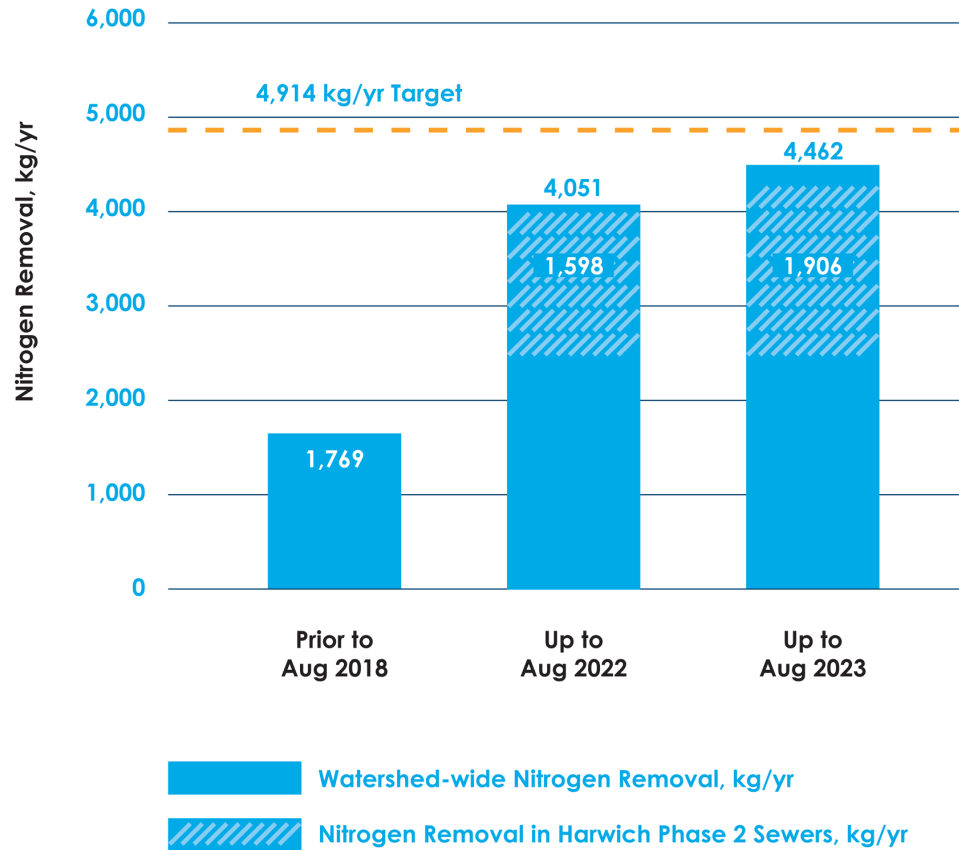
**Table 3. Summary of Nitrogen Removal Achievements and Goals**

	Brewster		Chatham		Harwich		Orleans		Total Load Removal
	Activity	Load	Activity	Load	Activity	Load	Activity	Load	
<b>Nitrogen Load Removals Accomplished Prior to Watershed Permit, kg/yr</b>	Res fertilizer controls	121	Res fertilizer controls	247	None	-	Res fertilizer controls	241	1,769
	GC fertilizer controls	1,160							
<b>New Nitrogen Load Removals Accomplished in FY 2019 to FY 2023, kg/yr</b>			Frostfish Ck and Muddy Ck sewers	520	E. Harwich sewers * Res fert. controls	1,906 200	Lonnie's Pond pilot shellfish harvest **	67	2,693
<b>Cumulative Nitrogen Load Removals Accomplished by end of FY 2023, kg/yr</b>		1,281		767		2,106		308	4,462
<b>2023 Goals, kg/yr</b>		1,281		247		2,872		514	4,914
<b>Accomplished by 2022, %</b>		100%		262%		63%		63%	82%
<b>Accomplished by 2023, %</b>		100%		311%		73%		60%	91%
<b>20-yr Goal (2038), kg/yr</b>		2,262		4,076		4,399		6,980	17,717

\* Sewers are constructed; tie-ins expected over next 2+ years

\*\* Harvest data may change pending results of pilot project

\*\*\* Attenuated loads removals may be adjusted by ongoing re-evaluation of attenuation rates



Summary of Brewster Permit Requirements & Credits	
Nitrogen removal required under 2018 permit	2,262 kg/yr
Removal credits granted through 2023	1,281 kg/yr (57% achievement)
Benefit to Brewster of dis-aggregating Pleasant Bay subwatershed	308 kg/yr reduction in removal required
*Benefit to Brewster of 60% attenuation in Tar Kiln Sub-watershed	350 kg/yr reduction in attenuated load
Total New Benefit	658 kg/yr
New Nitrogen removal required	1,604 kg/yr (2,262-658)
*However, because 54% of Golf Course load is in Tar Kiln Subwatershed, some current credit is lost	54% of 350 kg/yr is 189 kg/yr
New Removal Credits	1,092 kg/yr (1,281-189) (68% achievement)

Thank you



**WRIGHT-PIERCE**   
Engineering a Better Environment



PLEASANT BAY  
ALLIANCE

August 1, 2023

Bonnie Heiple  
Commissioner  
MassDEP  
One Winter Street  
Boston, MA 02108

Kristy Senatori  
Executive Director  
Cape Cod Commission  
3225 Main Street  
Barnstable, MA 02630

Re: Pleasant Bay Watershed Permit 2023 Annual Report

Dear Executive Director Senatori and Commissioner Heiple:

I am pleased to submit the enclosed Pleasant Bay Watershed Permit 2023 Annual Report. This report encompasses activities undertaken during the fifth year of the Pleasant Bay Watershed Permit issued by the Massachusetts Department of Environmental Protection to the Towns of Brewster, Chatham, Harwich and Orleans (August 3, 2018).

The annual report is intended to respond to the reporting requirements of section VI.J of the Permit, as well as the Determination of Consistency with the Cape Cod Area Wide Water Quality Management Plan Update issued by the Cape Cod Commission (June 21, 2018).

This report was prepared by Wright-Pierce in consultation with staff and technical consultants from the four towns. The activities described in the report reflect the Towns' ongoing work to meet the milestones set forth in the Permit. These actions also demonstrate the importance of flexibility in the Watershed Permit implementation process, to account for changing natural conditions and administrative factors that could affect local decision-making over the twenty-year permit term.

Thank you for your review and consideration of this annual report. Please let me know if additional information or clarification is required.

Sincerely,

Carole Ridley  
Coordinator

Cc (via email):

Massachusetts DEP

Millie Garcia-Serrano  
Gerard Martin  
Andrew Osei  
Ian Jarvis  
Mary Beth Chubb  
Lealdon Langley

Cape Cod Commission

Erin Perry  
Tim Pasakarnis

Town of Brewster

Peter Lombardi  
Chris Miller  
Kimberley Crocker Pearson

Town of Chatham

Jill Goldsmith  
Robert Duncanson  
DeeDee Holt  
Janet Williams

Town of Harwich

Joseph Powers  
Dan Pelletier  
Allin Thompson  
Dorothy Howell

Town of Orleans

Kimberly Newman  
George Meservey  
Mike Solitro  
Walter North  
Drusy Henson

US EPA

Mary Jo Feuerbach

Wright-Pierce

Michael Giggey



# PLEASANT BAY ALLIANCE

## 2023 Annual Report pursuant to MassDEP Watershed Permit dated August 3, 2018

### SUMMARY AND CONCLUSIONS

Under the terms of the 2018 Watershed Permit, the four towns in the Pleasant Bay watershed are required to report to MassDEP annually on their collective progress toward meeting their individual commitments for nitrogen removal to protect Pleasant Bay water quality. This document is the fifth annual report and summarizes progress through mid 2023.

Annual reports are called for in the Watershed Permit to track progress toward nitrogen removal goals, document findings related to monitoring of non-traditional technologies, summarize special-purpose studies, and facilitate the adaptive management approach that will enhance the overall nitrogen management program.

In the first five Annual Reports, the Alliance towns have documented these removals of attenuated nitrogen loads:

- Prior to permit issuance: 1,769 kg/yr
- First year: 60 kg/yr
- Second year: 115 kg/yr
- Third year: 1,622 kg/yr
- Fourth year: 485 kg/yr
- Fifth year: 411 kg/yr
- Total 4,462 kg/yr

The cumulative to-date load removal of 4,462 kg/yr represents 91% of the five-year removal commitment of 4,914 kg/yr.

The four watershed towns have benefited from funding from U.S. EPA Southeast New England Program (SNEP) Watershed Grants. In the first five years of the Permit, important information on non-traditional technologies has been gathered:

- *On-site denitrification*: Through a SNEP-funded investigation, the towns learned more about the performance and cost of a municipal I/A program and that knowledge will allow Brewster to modify its nitrogen removal plans.
- *Shellfish harvesting*. Orleans used SNEP funding to better understand the technical and business issues related to oyster harvesting in Lonnie's Pond and to be able to explore opportunities to expand this program elsewhere.

- *Permeable reactive barriers.* Through a town-funded investigation of a PRB outside the Pleasant Bay watershed, Orleans made progress toward the possible use of this technology in the watershed.

SNEP funding has also allowed the updating of the Massachusetts Estuaries Project (MEP) linked watershed-embayment model to reflect growth in watershed loads, better estimates of natural attenuation, new information on benthic loads, improved hydrodynamics, and recent water quality data. The model update has shown that the current favorable hydrodynamics nearly offset a small increase in watershed loads. Projected growth through build-out will result in unfavorable water quality impacts unless additional nitrogen removal measures are undertaken by the towns experiencing growth. There is an ongoing assessment of the model update results and the implications for potential modifications to town plans.

Funding from SNEP also allowed the watershed towns to explore other issues:

- *Nitrogen credit trading:* Through a SNEP-funded investigation, the towns have identified potential cost savings through credit trading, where one town could remove more than its designated share of nitrogen load on behalf of another town which would remove less. The second town would pay the first town for its added removal, and both towns could save money.
- *Nitrogen credits for stormwater management.* The four watershed towns are making improvements to their stormwater management systems, in part to comply with the Massachusetts MS4 general permit. SNEP funds were used to set up a mechanism for measuring nitrogen removals from these activities. Although the magnitude of the credits is expected to be small, the towns may be able to use information collected under their MS4 programs to obtain these credits.
- *Natural attenuation.* A consultant addressed the levels of natural attenuation in three subwatersheds, where town nitrogen removal plans are dependent on the level of attenuation. The study confirmed prior estimates in one sub-watershed and recommended further investigation in two sub-watersheds. Those further studies are underway.
- *Growth in Watershed Loads.* Updating the watershed loading model to reflect build-out conditions has predicted a 17% increase in watershed loads, even with some load removal projects already in place.

These initiatives add measurably to the watershed towns' ability to adjust their removal plans in a true adaptive management approach. Plans in Harwich, Brewster and Orleans will be modified to account for these new findings. Chatham continues its whole-town sewerage approach.

Possible revisions to the nitrogen removal requirements for several sub-watersheds, and/or proposed technologies, will necessitate modifications in the Watershed Permit's implementation schedule. This issue will be the focus of the Alliance's work in the upcoming year, so towns' nitrogen management plans can be modified before key projects are implemented. Prior year's annual report anticipated that the next phase of Harwich's sewer

program would allow the Year-5 nitrogen removal goal to be met. As possible changes in Harwich's plan are assessed, it is expected that over the next year the towns will have achieved slightly more than 100% of the Year-5 goal.

In addition to these important topics, this report summarizes current water use data, water quality monitoring programs, town capital commitments, growth in watershed nitrogen loads, and stakeholder involvement in the Bay restoration program.

Three basic goals of this fifth annual report have been accomplished:

- Compliance documentation
- Compilation of information to inform adaptive management
- Identification of key steps needed to ensure compliance with nitrogen removal goals.

At the end of Year 5, it is appropriate to conclude that:

- The four towns are proceeding under the terms of the permit.
- Collectively, the towns have been on track to meet the nitrogen removals stipulated under the permit, having accomplished 91% of the Year-5 goal in the first five years of the permit.
- Ongoing studies must be completed to define potential changes in load removal requirements and to enable towns to consider responsive plan changes.
- If studies are completed and revised load removal requirements are known by late 2023, then towns should be prepared to revise their plans by August 2024.

This program of annual reports allows the presentation of a snapshot of current data and an update of how new findings are being used to inform the towns' adaptive management approaches. Progress to date reflects the considerable effort and investments expended by the towns to address nitrogen contamination in Pleasant Bay, and the recognition that new technical information, changes in system dynamics and community needs must all be factored into local decisions.

## **BACKGROUND**

The Pleasant Bay Alliance has prepared this fifth annual report in accordance with the August 3, 2018 Pleasant Bay Watershed Permit issued to the Towns of Brewster, Chatham, Harwich, and Orleans. This report is intended to address the annual reporting requirements identified in the Watershed Permit, the Pleasant Bay Targeted Watershed Management Plan (TWMP) and the Cape Cod Commission 208 Consistency Determination on the TWMP. This report was authorized by the four towns.

The Watershed Permit sets forth aggressive goals for achieving nutrient reductions over the twenty-year term of the permit. Adaptive management is one of the fundamental aspects of the Watershed Permit. It was expected that every five years there would be an updated permit that reflects progress already made toward nitrogen removal goals, as well as changes in the watershed and Bay that may modify those goals.

An annual report is required under the permit so that key data are assembled as the five-year period unfolds. As noted in the Year-4 Annual Report, for many reasons, including the need to complete ongoing technical investigations and the issuance of new DEP regulations, the update of the Pleasant Bay Watershed Permit has been deferred until the end of Year 6.

The technical heart of the Watershed Permit is the May 2018 Targeted Watershed Management Plan. Section 15 of the TWMP Plan lists 10 items that were recommended be included in the annual report. When the Cape Cod Commission issued its Certificate of 208 Compliance for the TWMP, it requested information in 8 areas, some of which are the same as contained in the TWMP. The 14 items contained in one or both documents are discussed here.

A key part of the Watershed Permit is the one-page Implementation Schedule, which is reproduced in this report as Table 1. It shows the specific nitrogen removal projects included in each Town's plan, and the associated nitrogen removal expectations.

The projects are shown in each of four five-year segments of the 20-year term of the agreement. This annual report covers the fifth year of the first five-year segment and includes information on how the Table 1 implementation schedule might change at the end of Year 6.

The Annual Report required by the Watershed Permit is due to DEP on or before the anniversary date of the Permit, August 3. Each annual report is to contain information and data for the previous calendar year. Given the fact that significant actions are typically taken at annual town meetings in May, this report includes such information even though it is several months beyond the end of the previous calendar year. Further, some data are regularly reported on a fiscal year basis, that is, through the end of June. Therefore, this annual report contains information spanning from August 2022 to July 2023.

## **WATER CONSUMPTION**

Water consumption is the most important indicator of septic nitrogen load. Table 2 presents water consumption data for the four towns in a format that shows the total metered water in any year between 2014 and 2022, along with the per-service residential and commercial use.

The current version of Table 2 contains town-wide data. In future years, the Alliance will work with town water departments to explore the feasibility of reporting watershed-specific water consumption data. (Such data are not intended to be the basis for a new estimate of watershed nitrogen load each year, but instead should be a straightforward way to identify trends in the largest sources of nitrogen load (residential and commercial septic flows).

**Table 1  
Implementation Plan as Contained in the 2018 TWMP  
(Expected Project Completion and Potential Annual Nitrogen Removals)**

Phase	Years		Brewster		Chatham		Harwich		Orleans		Total kgN/yr*
			Activity	kgN/yr*	Activity	kgN/yr*	Activity	kgN/yr*	Activity	kgN/yr*	
	up to 2018		Res. fertilizer control Capt GC fertigation Capt GC fert. reduction	121 230 930	Res. fertilizer control Muddy Creek Bridge	247	Muddy Creek Bridge		Res. fertilizer control	241	1,769
All towns: develop TWMP; demonstrate 208 consistency; execute IMA; obtain Watershed Permit											
1 **	1 to 5	2019 to 2023	Develop denit plan Devel. conting. plan Strengthen GC plan		Harwich connection		Ph 2 sewers Res. fertilizer control	2,672 200	Amended CWMP Lonnie's Pond aqua. PRB evaluation	273	3,145
All towns: update monitoring data, re-model Bay, evaluate nitrogen trading options, prepare plan for next 5 yr											
2 ***	6 to 10	2024 to 2028	On-site denit systems	118			Ph 3 sewers	1,565	MtgHouse Pond sewers Other aquaculture On-site denit systems	2,014 1,516 674	5,887
3 ***	11 to 15	2029 to 2033	On-site denit systems	118	Frostfish Creek sewers Ryders Cove sewers	803 2,605			On-site denit systems Other aquaculture	675 906	5,107
4 ***	16 to 20	2034 to 2038	On-site denit systems	118	Muddy Creek sewers	1,597			On-site denit systems	675	2,390
	after year 20	after 2038	On-site denit systems	236	Crows Pond sewers Bassing Harbor sewers Pleasant Bay sewers Chatham Harbor sewers	1,214 511 901 5,181	Ph 8 sewers Harwich eff. disposal	970 (867)	****		8,146
			<b>Total</b>	<b>1,871</b>	<b>Total</b>	<b>13,059</b>	<b>Total</b>	<b>4,540</b>	<b>Total</b>	<b>6,974</b>	<b>26,444</b>

\* Removals pertain to current nitrogen loads without growth, and represent estimates of removal potential.  
 \*\* First Phase (Years 1 to 5) includes activities that are firm commitments by the towns and are necessary to gain DEP enforcement discretion.  
 \*\*\* Phases 2 through 5 (Years 6 to 20) include activities that are now planned and considered enforceable until such time as they may change depending on the outcomes of Phase 1 and application of each town's adaptive management program, as per the Watershed Permit.  
 \*\*\*\* The discharge of Harwich effluent within the Pleasant Bay watershed may become necessary if alternative disposal sites are not developed.

**Table 2  
Summary of Water Consumption Data**

	2014	2015	2016	2017	2018	2019	2020	2021	2022	Avg
<b>Number of Water Services</b>										
Brewster	7,403	7,421	7,426	7,491	7,249	7,287	7,281	6,958	6,816	
Chatham	7,083	7,143	7,200	7,236	7,236	7,277	7,469	7,210	7,798	
Harwich	9,805	9,858	9,890	9,929	9,969	9,983	10,012	10,050	10,098	
Orleans	5,266	5,279	5,249	5,262	5,257	5,266	5,287	5,377	5,295	
<b>Total</b>	<b>29,557</b>	<b>29,701</b>	<b>29,765</b>	<b>29,918</b>	<b>29,711</b>	<b>29,813</b>	<b>30,049</b>	<b>29,595</b>	<b>30,007</b>	
<b>Total Metered Water, Mgal/yr</b>										
Brewster	395	475	454	381	402	382	452	433	405	420
Chatham	413	481	473	408	464	422	487	415	410	441
Harwich	673	781	810	670	706	677	803	725	633	720
Orleans	303	334	340	299	303	279	348	314	300	313
<b>Total</b>	<b>1,784</b>	<b>2,071</b>	<b>2,077</b>	<b>1,758</b>	<b>1,875</b>	<b>1,760</b>	<b>2,090</b>	<b>1,888</b>	<b>1,748</b>	<b>1,895</b>
<b>Per-Service Residential Use, gpd</b>										
Brewster	129	157	149	119	138	132	167	167	157	146
Chatham	143	172	170	140	169	140	169	151	136	154
Harwich	175	205	212	174	185	177	214	190	164	188
Orleans	142	158	163	140	144	130	176	156	147	151
<b>Average</b>	<b>147</b>	<b>173</b>	<b>174</b>	<b>143</b>	<b>159</b>	<b>145</b>	<b>182</b>	<b>166</b>	<b>151</b>	<b>160</b>
<b>Per-Service Commercial Use, gpd</b>										
Brewster	393	423	375	419	451	391	207	310	276	361
Chatham	336	296	331	382	266	252	253	259	294	297
Harwich	394	440	468	396	378	367	337	374	340	388
Orleans	252	271	280	272	251	240	194	200	206	241
<b>Average</b>	<b>344</b>	<b>358</b>	<b>364</b>	<b>367</b>	<b>337</b>	<b>313</b>	<b>248</b>	<b>286</b>	<b>279</b>	<b>322</b>

The calendar years 2016, 2020 and 2022 were very dry years. A review of water consumption data indicates that summer (June through September) rainfall below 15 inches may be correlated with higher water use for irrigation. Using summer rainfall below 15 inches as an indicator, the deficits in these three very dry years were 8.2, 10.8 and 8.2 inches respectively. (The 5-year period of water consumption data being used in the SMAST update of nitrogen loads---2011 to 2015---has an average deficit of 2.8 inches. The bases for the TWMP and Watershed Permit are 1.3 inches of deficit for Brewster, Chatham, and Orleans, and 4.8 inches for Harwich.)

All four towns implemented water use restrictions in 2022. For all of 2022, the four towns together billed for about 1.75 billion gallons in town-wide water use, nearly 8% less than 2021, and about 16% less than the previous very dry years of 2016 and 2020. Average per-service residential use in 2022 was 151 gpd, about 15% lower than those previous very dry years. Commercial water use per service was also well below the long-term average, but consistent across the 2020-to-2022 period. The 2022 water use restrictions varied by type and duration, but overall made a significant difference.

While the data reported here are town-wide, and not specific to the Pleasant Bay watershed, the impacts of the 2022 water use restrictions give some indication that dry-year irrigation is well above the 10% average widely used in nitrogen loading estimates. Water use in very dry years is not a good indicator of average septic nitrogen load in the absence of water use restrictions.

## STATUS OF NITROGEN REMOVAL ACTIVITIES AND ESTIMATES OF REMOVALS TO DATE

The 2006 and 2010 MEP/SMASST reports estimated that a load removal of 17,717 kg/yr is needed to restore water quality in Pleasant Bay. In the Watershed Permit implementation table, Table 1, the four towns have committed to a total load removal of 4,914 kg/yr in the first 5 years of the permit, that is, through mid 2023.

Table 3 summarizes the nitrogen removals accomplished to date for each town. Watershed-wide, the four towns removed 1,769 kg/yr prior to the Watershed Permit issuance. In the first five years of the Watershed Permit, an additional 2,693 kg/yr removal has been accomplished. The single largest nitrogen removal project was a portion of Harwich's sewer program accounting for 1,906 kg/yr of removal. In addition:

- Orleans removed 67 kg/yr in the Lonnie's Pond shellfish harvesting demonstration.
- Chatham facilitated the Harwich sewer project with the connection of the Harwich sewers to the Chatham system.
- Chatham accomplished 520 kg/yr of removal through sewer construction in the Muddy Creek and Frostfish Creek sub-watersheds; and
- Harwich enacted a residential fertilizer control regulation with an associated credit of 200 kg/yr.

Compared to the long-term target load removal of 17,717 kg/yr, the overall status of TMDL compliance is:

Load removed prior to Watershed Permit issuance:	10.0% (1,769 kg/yr)
Additional load removed through FY 2023:	<u>15.2%</u> (2,693 kg/yr)
Total load removed through FY 2023	25.2% (4,462 kg/yr)
Targeted load removal through FY 2023	27.7% (4,914 kg/yr)

The load removal through 2023 is 411 kg/yr higher than that documented in the 2022 Annual Report. That increase is the net effect of:

- Updated water use data for the Harwich sewered area (91 kg/yr less)
- Sewering in the recharge area of Harwich's Muddy Creek Well (399 kg/yr more)
- Revised estimate of removals in the Orleans shellfish harvesting project (17 kg/yr less), and
- New sewers in Chatham associated with its Morton Road and Crowell Road projects (120 kg/yr more).

As discussed below, significant changes in the estimated attenuation in the upper Muddy Creek watershed may result in revisions to the Harwich sewer program, and Harwich has deferred further sewerage there until its nitrogen removal needs are clarified. Past annual reports had projected that the Year-5 target would be met, on the strength of that next phase of the Harwich sewer project.

**Table 3  
Summary of Nitrogen Removal Achievements and Goals**

**Table 3. Summary of Nitrogen Removal Achievements and Goals**

	Brewster		Chatham		Harwich		Orleans		Total Load Removal
	Activity	Load	Activity	Load	Activity	Load	Activity	Load	
<b>Nitrogen Load Removals Accomplished Prior to Watershed Permit, kg/yr</b>	Res fertilizer controls	121	Res fertilizer controls	247	None	-	Res fertilizer controls	241	1,769
	GC fertilizer controls	1,160							
<b>New Nitrogen Load Removals Accomplished in FY 2019 to FY 2023, kg/yr</b>			Frostfish Ck and Muddy Ck sewers	520	E. Harwich sewers * Res fert. controls	1,906 200	Lonnie's Pond pilot shellfish harvest **	67	2,693
<b>Cumulative Nitrogen Load Removals Accomplished by end of FY 2023, kg/yr</b>		1,281		767		2,106		308	4,462
<b>2023 Goals, kg/yr</b>		1,281		247		2,872		514	4,914
<b>Accomplished by 2022, %</b>		100%		262%		63%		63%	82%
<b>Accomplished by 2023, %</b>		100%		311%		73%		60%	91%
<b>20-yr Goal (2038), kg/yr</b>		2,262		4,076		4,399		6,980	17,717

\* Sewers are constructed; tie-ins expected over next 2+ years  
 \*\* Harvest data may change pending results of pilot project  
 \*\*\* Attenuated loads removals may be adjusted by ongoing re-evaluation of attenuation rates



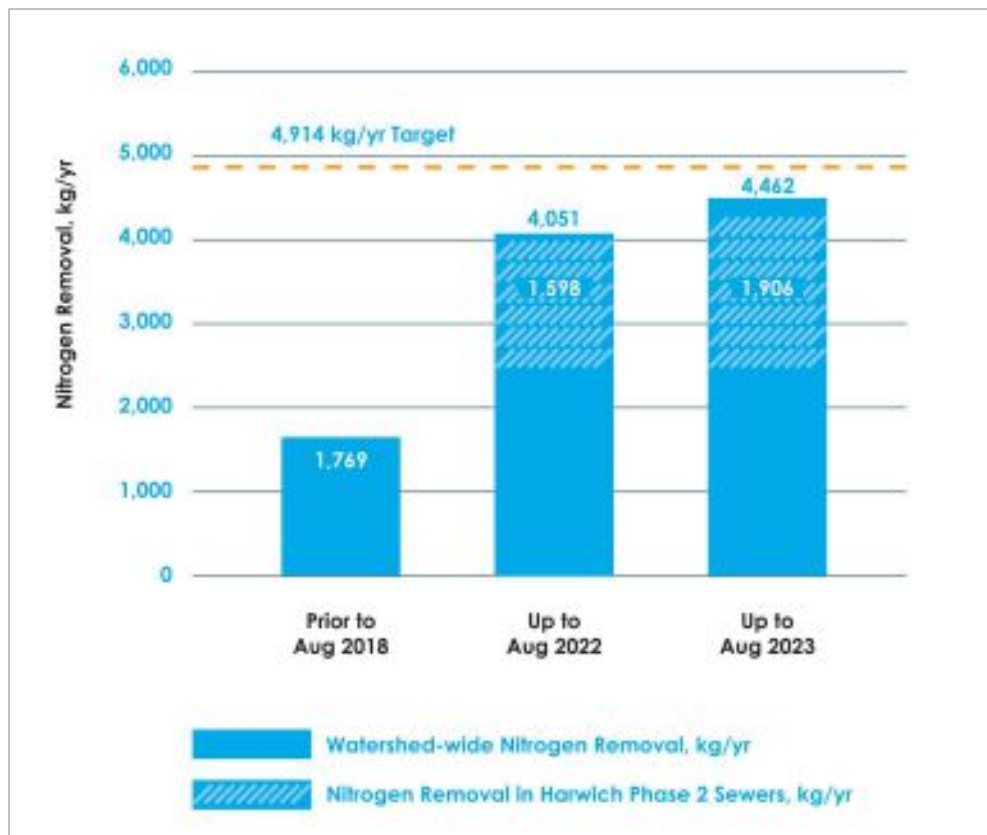
The nitrogen removals reported above must be viewed in the context of ongoing discussions related to natural attenuation. Specifically,

- Harwich could be credited with an additional 1,109 kg/yr of nitrogen removal in the Upper Muddy Creek sub-watershed if its attenuation rate is changed from 57% to 10%.
- Brewster’s nitrogen removals at the Captains Golf Course could be reduced by 376 kg/yr if the attenuation in the Tar Kiln Stream sub-watershed is increased to 60% where no attenuation was assumed in the past.

If these changes are made, the cumulative nitrogen removal will increase by 733 kg/yr and allow the total to climb to 5,195, or 6% higher than the Year-5 goal. If none of these changes are made, only 91% of the Year-5 goal will have been achieved. It is expected that these changes will be clarified in the coming year and updated nitrogen removal data will be included in the 2024 Annual Report. Recent additional fertilizer reduction at the Captains Golf Course, and progress with fertigation there, could allow an additional 400 kg/yr credit for Brewster, pending additional studies in support of that effort.

Figure 1 illustrates the progress to date and shows the importance of Harwich’s sewerage project to date.

**Figure 1**  
**Pleasant Bay Nitrogen Removal Progress**



Individual town performance toward the 2023 goal is listed in Table 3 and summarized as follows:

- **Brewster:** With residential and golf course fertilizer controls in place at the time of Watershed Permit issuance, Brewster had already accomplished its share of the 2023 watershed-wide goal. Additional reductions in fertilizer use on fairways and roughs at the Captains Golf Course have occurred and the estimate of nitrogen removal via fertigation is being refined.
- **Chatham:** Its existing residential fertilizer control ordinance addressed all of Chatham's goal for the first 5 years of the permit. In constructing the connection with Harwich, and addressing neighborhoods in the Frostfish Creek area, Chatham has provided sewer service to about 200 homes in the Muddy Creek and Frostfish Creek subwatersheds, accomplishing another 520 kg/yr, allowing it to exceed its 2023 goal.
- **Harwich:** To accomplish its share of the required nitrogen removal, Harwich needed to enact a residential fertilizer controls ordinance and complete Phase 2 of its proposed sewer system (East Harwich). On January 22, 2021, the Harwich Board of Health adopted the Town of Harwich Fertilizer and Nutrient Control Regulation. Harwich has now completed the first two contracts of its Phase 2 sewer construction and is taking advantage of its agreement with Chatham to receive the wastewater collected from the Pleasant Bay Watershed. Contracts 1 and 2 provide sewer service to about 500 parcels in the Muddy Creek (Upper and Lower), Mill Pond, and Muddy Creek Well subwatersheds; these sewers provide for 1,906 kg/yr nitrogen removal.
- **Orleans:** Through its residential fertilizer control ordinance and the Lonnie's Pond shellfish harvesting demonstration, Orleans has addressed about 60% of its 2023 target. Orleans has moved ahead in its planning for its Phase 2 sewers (Meetinghouse Pond) and Phase 3 sewers (Lonnie's Pond and vicinity) that will accomplish over 2,000 kg/yr of nitrogen removal in upcoming years.

Nitrogen removal progress reported in Table 3 and Figure 1 is based on prior estimates of natural attenuation, as established in 2006 and 2010. Based on recent evaluations of these attenuation estimates, Harwich and Chatham may have gained more credit for their plans than previously thought, and the Brewster may have achieved less. However, if these better estimates of attenuation had been known previously, different thresholds and removal requirements may have been established. The Alliance has developed a plan to re-assess watershed thresholds and load removal requirements. That new information will be available in late 2023 and may allow revisions in the nitrogen removal credits reported herein. These potential credit revisions are noted above and should be confirmed by the time of the 2024 annual report. They are very important to inform possible changes in town plans, particularly in Harwich.

## **PERFORMANCE OF SPECIFIC NITROGEN REMOVAL TECHNOLOGIES**

Each town's plan is based on a set of nitrogen removal technologies. The nitrogen removal associated with each technology is determined by a few key parameters, as outlined in the appendices to the TWMP. Findings to date are reported below. Monitoring and reporting these key factors are an important part of the towns' adaptive management programs.

### **Shellfish Harvesting**

Orleans is evaluating the regulatory, ecosystem, and private business issues of using aquaculture to remove nitrogen and improve water quality. Issues have included size and age of oysters, their marketability, the nitrogen removal in shell and flesh, nitrogen removal rates, sediment denitrification, scalability and transferability to other sites, and overall water quality impacts. After three years of using a pilot project in Lonnie's Pond to identify and evaluate these parameters, the Town contracted with an aquaculture firm to move this effort to the next step. Monitoring has shown that approximately 0.67% of oyster harvest weight is nitrogen (combined shell/flesh). In its report on 2022 activities, SMAST corrected nitrogen removal estimates for past years and presented 2022 performance. With those new data, the Town has documented 60 kg of nitrogen removal in 2019, 85 kg in 2020, 51 kg in 2021, and 64 kg in 2022. The three-year average removal is 66 kg/yr, 17% less than the estimate presented in the 2022 version of this report.

On-going monitoring will quantify the nitrogen removal and water quality improvements, as well as continuing to develop information on denitrification in the sediments below the aquaculture beds. Based on past years' monitoring, the additional nitrogen removal through denitrification has been about 5 to 6 kg/yr. Further discussions are necessary with DEP to determine the amount of that removal that can be applied to the overall goals. Technical assistance to the Lonnie's Pond project was partially supported by the funding from EPA's Southern New England Program (SNEP).

The total nitrogen removal requirement for Lonnie's Pond is 286 kg/yr (272 kg/yr from Orleans and 14 kg/yr from Brewster). If the 2020-2021 performance continues, the shellfish harvesting project will accomplish about one-third of Orleans's responsibility in this sub-embayment.

### **Public Sewering**

For determining nitrogen removal credits for sewerage projects in Chatham and Harwich, the operative variables are the measured water use at a given home or business, the estimated 10% consumptive use (water used outside the building that does not become wastewater), and the 26.25-mg/l estimate of septic system impact on the embayment (adjusted for natural attenuation). No adjustment is needed for the nitrogen in the Chatham treatment plant effluent, since the discharge location is outside the Pleasant Bay watershed.

Harwich has measured the water use at homes and businesses in East Harwich within the Phase 2 sewer service area to be able to compute the nitrogen load removed from the watershed. Construction activities under Phase 2 (Contracts 1 and 2) in East Harwich continued throughout 2021, making the public sewer system available to 496 parcels in the Upper and Lower Muddy Creek watersheds. Annual water use data from 2020 to 2022 were used to compute the anticipated unattenuated N load removal in both the Upper and Lower Muddy Creek subwatersheds. The Upper Muddy Creek sub-watershed includes 347 parcels generating an average wastewater flow of 66,337 gpd which results in an unattenuated N load removal of 2,398 kg/yr. The Lower Muddy Creek sub-watershed includes 149 parcels generating an average wastewater flow of 24,428 gpd resulting in an unattenuated N load removal of 883 kg/yr. Overall, these estimates translate to an average wastewater flow of 183 gpd per parcel and an average nitrogen removal of 6.6 kg/yr per parcel. These estimates will be reconciled with load removal estimates in the recent SMAST model update.

A wastewater flow measuring device exists at the Harwich connection point into the Chatham sewer system. Flow measurement can be used as a check against the computation above, once adjusted for infiltration/inflow and the nitrogen removal that would have occurred in the abandoned septic system.

A sensitivity analysis has been discussed for the future MEP modeling to address how several key input variables might change the estimated septic load and the overall watershed load. Those input variables include the 26.25-mg/l recharge concentration and the assumed consumptive use.

Prior estimates of attenuated nitrogen removal via East Harwich sewerage were based on the SMAST's 2010 estimate of 57% attenuation in Upper Muddy Creek and 2% in Lower Muddy Creek. The 2021 model update by SMAST uses different attenuation estimates (10% and zero, respectively). Since the attenuation could be lower, Harwich's sewer program in these sub-watersheds could actually remove significantly more attenuated nitrogen load than first thought. With the prior attenuation estimates, Harwich's attenuated load removal is 1,906 kg/yr, compared with 3,015 kg/yr with the new estimates. See discussion above in the report section Status of Nitrogen Removal Activities and Estimates of Removals to Date.

### **On-Site Denitrification**

For estimating nitrogen removal credits, the key variables are the measured water use at a given home or business, the estimated consumptive use (water used outside the building that does not become wastewater), and the effluent concentration compared to the 26.25-mg/l estimate of septic system impact on the embayment (adjusted for natural attenuation).

Research conducted under the SNEP grant on behalf of Brewster has determined that on-site denitrification systems would need to produce an effluent nitrogen concentration no greater than 12 mg/l to achieve the TMDL for the major subwatersheds in the Town. For systems that could potentially be used in Brewster, this indicates a potential removal credit of 14.25 mg/l.

As discussed in the 2021 annual report, the Barnstable County Department of Health and Environment completed an analysis of performance data for more than 15 proprietary treatment systems in use across the US as of 2020. That analysis found no system with general approval in Massachusetts able to reliably reach the 12-mg/l goal established by Brewster. Since then, Brewster has been reviewing data from an ongoing study of the NitROE technology being tested in the Shubaels Pond watershed in Marstons Mill, through a project led by the Barnstable Clean Water Coalition. The NitROE system has provisional approval from DEP for an effluent nitrogen concentration of 11 mg/L. Data from the Shubaels study are showing that the system has been able to produce an effluent with a nitrogen concentration at or below 11 mg/l. Based on the outcomes of the golf course projects discussed below, Brewster will continue to monitor the data from the Shubaels Pond program; the use of on-site denitrification systems could still be useful, depending on their performance and their installation and ongoing maintenance costs. Based on additional reductions in fertilizer use at Captains Golf Course, the number of Brewster homes needing to install on-site denitrification systems may be less than first thought.

### **Captain’s Golf Course Fertilizer Reduction**

MEP modeling in 2006 established baseline conditions for calculating golf course fertilizer impacts, including application rates and nitrogen leaching. Nitrogen removals from that baseline are computed based on the reduction in applied nitrogen and the assumed 20% fertilizer leaching rate. Brewster previously documented the 930-kg/yr removal already taken by Brewster for fertilizer reductions at the Captain’s Golf Course that occurred before issuance of the Watershed Permit.

In 2020, Brewster conducted further studies that indicate fertilizer applications could be reduced by lowering the amounts applied to golf course fairways and roughs and switching from granular fertilizers to sprayed fertilizers during the spring and summer that have lower nitrogen application rates and are applied in a manner that promotes uptake by the golf course turf. This is followed by one granular application in the fall. The new practices were initiated in the fall of 2020 and continued throughout all of 2021 and 2022.

The Captains Golf Course Superintendent provides an annual report to the Town that shows specific fertilizer application rates for greens, tees, fairways and rough areas. Summarized below are the annual nitrogen loads and the associated load reductions from the basis of the Watershed Permit.

	Nitrogen Load, kg/yr	Nitrogen Load Reduction from Permit Basis, kg/yr	Avg. Nitrogen Load Reduction in Previous 3 Years, kg/yr
2006 MEP report	2,420		
2011-2015 Avg. Fert. Use	1,440	980	980
2020 Fertilizer Use	1,301	1,120	
2021 Fertilizer Use	760	1,660	
2022 Fertilizer Use	770	1,650	1,476

In 2022, the golf course's unattenuated load to Pleasant Bay was 1,650 kg/yr less than estimated in the 2006 MEP report, which formed the basis for the Watershed Permit. This reduction in nitrogen load corresponds with reductions in fertilizer applications to the fairways and rough areas, and a reduction in rough areas from 70 acres to 41 acres.

These are reductions in unattenuated load, and do not reflect the proposed increase in attenuation rate in the Tar Kiln Stream sub-watershed. In 2022, the nitrogen applications to the Tar Kiln Stream sub-watershed were 418 kg/yr, about 54% of the total golf course nitrogen application. The remainder of the nitrogen applications at the golf course fall in the Pleasant Bay main and Little Pleasant Bay sub-watersheds.

Brewster is continuing to study the fertilizer leaching rate at the golf course, sampling six lysimeters and six monitoring wells quarterly for nitrogen and phosphorus compounds. The installation of a few additional monitoring wells is proposed for the summer of 2023 to help refine the current information and better establish a local leaching rate through the turf. Information on this study will be available for the next annual report.

In addition, a few more years of data on the fertilizer applications and associated health of the turfgrass are needed to confirm the long-term average fertilizer application rates that can be used as a credit in the Watershed Permit. There may be a need to apply fertilizers to the fairways and rough areas every three to four years and therefore an average loading rate will need to be confirmed for long-term compliance with the Permit.

### **Captain's Golf Course Fertigation**

To estimate the nitrogen removal credit for fertigation, the key variables are the annual volume of groundwater withdrawn for golf course irrigation, the average nitrogen concentration of that groundwater and the nitrogen leaching rate. Brewster originally estimated that an annual load reduction of 230 kg was accomplished with this approach and that figure is included in the Watershed Permit as having occurred prior to permit issuance.

Brewster has compiled the following data to update that original estimate:

- 2018: 44.429 million gallons pumped @ 2.1 mg/l: 282 kg/yr removed
- 2019: 41.999 million gallons pumped @ 2.3 mg/l: 293 kg/yr removed
- 2020: 50.866 million gallons pumped – no nitrogen sampling conducted
- 2021: 40.146 million gallons pumped @ 3.4 mg/l: 413 kg/yr removed
- 2022: 48.174 million gallons pumped @ 3.0 mg/l: 438 kg/yr removed.

Due to an oversight, the irrigation well was not sampled for total nitrogen in 2020, but testing was resumed in 2021. Given the data above, an average of 381 kg/year of nitrogen was removed by the irrigation well over the last three years that were measured. This takes into account a 20% leaching rate for nitrogen in the irrigation water applied onto the course that is assumed to reenter groundwater flowing towards Pleasant Bay. This three-year average represents a 151-kg/yr increase over the original credit of 230 kg/yr.

Brewster has committed to review nitrogen data from monitoring wells at and around the golf course to reconcile an apparent increase in nitrogen concentrations after many years of reduced fertilizer use and several years of fertigation. A summary of this evaluation is expected to be available in the 2024 Annual Report.

### **Permeable Reactive Barriers**

PRB performance is determined by the groundwater nitrogen load entering and leaving the reactor, as measured from multiple monitoring wells.

Orleans has installed a PRB at the Nauset Middle School (located in the Town Cove watershed) and has monitored its performance through an on-going demonstration project; preliminary performance has indicated total nitrogen concentrations of 1 to 2 mg/l on the downgradient side of the PRB. Additional monitoring is necessary to resolve other related issues, such as quantification of overall nitrogen removal, predominant groundwater flow directions, and the portion of wastewater nitrogen flowing through the PRB. Orleans has established a long-term target removal of 80% as the trigger for the renewal of the injected carbon source.

Based on the success of the Middle School demonstration project, the 5-year Capital Improvement Plan includes \$10.5 million beginning in FY 2027 for construction one or more PRBs in the Pleasant Bay watershed.

## **WATER QUALITY MONITORING DATA AND HABITAT ASSESSMENTS**

### **Embayment Monitoring**

The focuses of ongoing monitoring programs are:

- **Water column nitrogen and dissolved oxygen:** The Alliance's Water Quality Monitoring Program is currently conducting its 24th monitoring season in 2023. Monitoring occurs at approximately 24 stations selected to track TMDL compliance. A DEP-approved Quality Assurance Project Plan (QAPP) is in place and includes the following parameters: nitrogen (DON, PON, DIN, TON, TN), oxygen, temperature, salinity, and phytoplankton pigments. Sample collection occurs five times annually from July through September. Water samples are analyzed by the Coastal Systems Analytical Facility at the UMass Dartmouth School for Marine Science and Technology (SMAST) and results are reported to the Alliance. The Alliance issues periodic reports reviewing the sampling results and conducts in-depth statistical trend assessments. The most recent statistical trend assessment was further evaluated by SMAST to recommend assessment improvements to better address ecological and regulatory implications. The Alliance monitoring program is funded annually by the towns and will continue.

The most current report on statistical trends in water quality data is the Cadmus Group report, July 2015 (*Pleasant Bay Alliance Water Quality Monitoring Program: Statistical Analysis of 2000-2014 Water Quality Monitoring Data*). Water quality data

are being further reviewed as part of the updating of the SMAST linked model as funded by a grant from SNEP. Subsequent to this model update, the Alliance plans to resume updating of the statistical trend assessment.

Alliance-generated water quality data for the period 2015 to 2019 were used by SMAST in its 2021 update of the linked watershed-embayment model.

- **Eelgrass coverage and vitality:** Eelgrass coverage is a key parameter for TMDL compliance. The Alliance and its member communities have utilized eelgrass surveys conducted by the MassDEP Eelgrass Mapping Project. The project conducted mapping using aerial imagery and field verification methods. Data are available for the following years: 1994, 2001, 2006, 2010, 2012 and 2019. The MassDEP reports for 1994 to 2012 can be found at:

[https://docs.digital.mass.gov/dataset/massgis-data-massdep-eelgrass-mapping-project?\\_ga=2.170582688.1209249591.1560872870-1878295305.1557759152](https://docs.digital.mass.gov/dataset/massgis-data-massdep-eelgrass-mapping-project?_ga=2.170582688.1209249591.1560872870-1878295305.1557759152)

The 2019 report is not yet available at this site.

The Alliance will work with the MassDEP and others to identify the schedule and extent of future mapping needed to effectively monitor future changes in Pleasant Bay eelgrass beds and to gauge restoration needs.

An analysis of eelgrass coverage from 1951 to 2019 is presented in the 2021 SMAST update of the linked watershed-embayment model.

- **Benthic infauna health and diversity** – The diversity and species in the sediment animal population is a key indicator of ecosystem health in Pleasant Bay. As part of the integrated MEP assessment, quantitative sediment sampling for benthic animals was completed at 34 locations throughout the Bay and this information was compared with water quality and eelgrass measurements. This information was utilized in the characterization of ecosystem health and the development of Pleasant Bay TMDLs. In 2008, as part of the Muddy Creek inlet improvement plan, SMAST conducted an updated assessment of benthic infauna at six locations. In 2014, the Center for Coastal Studies (CCS) collected benthic infauna samples at all MEP locations except Muddy Creek. (The samples were collected at a different time of year, using different protocols from prior MEP work.) This effort was undertaken in concert with a benthic mapping project for the Cape Cod National Seashore. The results of this CCS study are provided in a report entitled *Below the Surface of the Bay, Marine Ecosystem Assessment of Pleasant Bay, Cape Cod, MA*, and is available at:

<https://fopb.wildapricot.org/resources/Documents/FCRV/FoPB-Below%20the%20Surface-CLEAN.pdf>



The SNEP-funded SMAST 2021 model update was based on assessments of water quality and eelgrass and includes the appropriate benthic infauna data needed for assessing ecological health in Pleasant Bay. The model update is available at:

[https://pleasantbay.org/wp-content/uploads/PBA\\_Updated-MEP-2020-Modeling-Rpt-FINAL-063021.pdf](https://pleasantbay.org/wp-content/uploads/PBA_Updated-MEP-2020-Modeling-Rpt-FINAL-063021.pdf)

### **Project-Specific Monitoring**

Monitoring programs related to mitigation measures for specific projects are:

- **Orleans** worked with SMAST to develop a management plan and monitoring program for an oyster growing pilot project in Lonnie’s Pond. Orleans’ latest reporting of monitoring data related to the last three years of the Lonnie’s Pond oyster growing project is contained in an SMAST report dated February 2023.
- **Brewster** agreed to monitor groundwater irrigation water quality at the Captains Golf Course and to evaluate the ongoing reductions from fertilizer management at the golf course. This includes a two-year study to confirm the leaching rate for nitrogen applied in fertilizers at the course. Funding for this study was approved in May 2021, and the project is underway following the installation of monitoring wells and pan lysimeters to measure nitrogen in water leaching through the golf course turf.
- **Chatham and Harwich** are undertaking bacterial and nitrogen water quality and vegetation monitoring to evaluate changes in water quality resulting from the Muddy Creek Restoration Bridge Project. Muddy Creek monitoring reports are available at:

<http://pleasantbay.org/programs-and-projects/wetlands-protection/muddy-creek-restoration/muddy-creek-restoration-monitoring-results>.

Copies of Alliance-sponsored reports are available on the PBA website, [www.pleasantbay.org](http://www.pleasantbay.org).

### **CAPITAL COMMITMENTS AND EXPENDITURES**

The four towns’ financial commitments and intentions are summarized in Table 4. The high points are as follow:

**Table 4  
Summary of Capital Commitments**

**Table 4. Summary of Capital Commitments**

	Brewster	Chatham	Harwich	Orleans
<b>Prior to July 2018</b>				
Funds expended	\$0.75 M for IWRMP	\$75 M for sewers and WWTF	\$2.265 M paid to Chatham for capacity	>\$1 M for planning
Funds appropriated but not expended		\$47.5 M for sewers	\$22.45 M for sewer project (ATM 2018)	\$2.7 M for sewer and WWTF design
<b>FY 2019 to FY2023</b> <i>Permit Yr 1 to 5</i>				
Funds expended	\$0.40 M for permit implementation and GC leaching study	\$1M for sewers	\$22.45 M for sewer project (Phase 2)	\$6 M for downtown sewers \$59 M for sewer and WWTF constr.
Funds appropriated	\$0.075 M for on-site program (ATM 2019) \$0.14 M GC leaching study	2019--\$7.1 M for sewers 2021--\$7 M for sewers 2021--\$4.5 M for SW	\$4.50 M to be paid to Chatham for capacity \$2.45 M Phase 3 design	2022--\$33.6 M Mtghse constr. 2023--\$2.3 M Phase 3 sewer design
<b>FY 2024 to FY 2028</b> <i>Permit Yr 6 to 10</i>				
Anticipated future appropriations		\$15 to 20 M every 2 to 3 years for sewers	\$50 M --Phase 3 sewers	2025--Phase 3 sewer constr. 2027--\$10.5M PRB constr.

*Note: Chatham expenditures and appropriations are town-wide, not just Pleasant Bay*

## **Brewster**

Since 2011 Brewster has invested approximately \$1,300,000 in the development and implementation of the Town's Integrated Water Resource Management Plan (IWRMP). The IWRMP evaluates all the water resources in town, including management of the nitrogen load to Pleasant Bay from Brewster's portion of the watershed. The funding includes the golf course leaching rate study approved in May 2021 for \$140,000 that is currently underway. The results of this study will help guide what additional nitrogen removals will be needed using either onsite denitrification systems or a neighborhood wastewater treatment plant. At that point funding for additional steps needed to meet the permit obligations will be requested.

Brewster is also developing a preliminary concept plan for a traditional neighborhood wastewater treatment facility as required under the watershed permit. Over the next few years this plan will be updated once more information is developed at the golf course and a better estimate of the facility's size can be developed.

The option of using this traditional facility to manage future nitrogen loads under buildout will be considered and will be evaluated in context with the onsite denitrification option recognizing that new information on these systems' performance will likely be available at the five-year point in the watershed permit.

## **Chatham**

The Town of Chatham has an approved CWMP that partitioned the Town into two phases; Phase 1 includes areas to be sewered to achieve TMDL compliance including in the Pleasant Bay watershed, and Phase 2 calls for sewerage of the remainder of the Town not needed to meet TMDLs. To date, the Town has appropriated over \$140 million dollars toward these goals, and most recently appropriated approximately \$4.5 million to address areas targeting the Pleasant Bay watershed, including stormwater improvements to the Frostfish Creek subwatershed.

The Chatham-Harwich Regionalization Connection Project is complete. This serves as the connection for East Harwich wastewater to be conveyed to the Chatham Water Pollution Control Facility for treatment, in addition to serving 60 properties within the Muddy Creek sub-watershed of Pleasant Bay. The Phase 1C 3&4 project that includes a neighborhood in the Frostfish Creek subwatershed is also complete, as is the Phase 1E Stony Hill/Crowell Road Infrastructure Improvements Project.

The Town also has other sewer projects in design or construction: Phase 1D-2A: Route 137 – Morton Road Sewer Extension Project began construction in June of 2022 with completion expected in Fall 2023. The Phase 1D-2A project will sewer 30 properties within sub-watersheds to Pleasant Bay (whereas the bulk of this project addresses the Town's southern facing estuaries). The Town completed the Crowell Road Phase 2 Stormwater Improvements project that addresses stormwater needs at the head of Frost Fish Creek and includes a portion

of dry sewer that eventually will serve adjacent neighborhoods in both Pleasant Bay and Stage Harbor watersheds.

## **Harwich**

The Town of Harwich has an approved Comprehensive Wastewater Management Plan (CWMP) that calls for sewerage large sections of the Pleasant Bay watershed located in East Harwich. Implementation of Phase 2 of the CWMP is complete and was funded by a 2018 Town Meeting appropriation of \$22.45 million. The Phase 2 construction included two contracts and serves 440 parcels in the Upper and Lower Muddy Creek sub-watersheds. Due to field modifications that occurred during construction, the Town was able to reduce the total project cost allowing for the execution of a change order in the amount of \$1.5 million which resulted in the inclusion of an additional 57 parcels for a total of 497 parcels served by Phase 2. Harwich was successful in obtaining a state revolving fund (SRF) loan at a 0% interest due to its nitrogen removal efforts as well as regional cooperation with Chatham.

At the Special Town Meeting in Fall of 2021 Harwich funded two wastewater-related articles associated with Pleasant Bay watershed, including revisions to the CWMP in the amount of \$250,000, and \$2.1 million to complete the design of the Phase 3 collection system within the Pleasant Bay and Round Cove sub-watersheds. Both design projects are now underway, and the Town has submitted an application to the SRF program for the Phase 3 collection system and was listed in the 2023 Intended Use Plan. Construction is anticipated to begin late 2023 or early 2024. In addition to the 2021 Special Town Meeting appropriations, the Town also recently signed a contract to conduct effluent recharge investigations in the amount of \$60,000. The Fall town meeting also approved \$200,000 for the Route 28 sewer design outside the Pleasant Bay watershed.

At the 2022 Fall Special Town Meeting residents approved a wastewater article in the amount of \$105,000 to support the acquisition of easements associated with the Phase 3 pump stations and collection system. In March of 2023 Harwich was awarded an ARPA funding grant by the Barnstable County Commissioners for \$616,255 to complete the design of the Great Sand Lakes Collection System which is located just outside the Pleasant Bay watershed. At the most recent 2023 Annual Town Meeting Harwich approved the creation of a new Assistant Wastewater Superintendent position. Also approved was a Proposition 2½ debt exclusion in the amount of \$50M to fund the construction of the Phase 3 collection system which will serve approximately 662 parcels in the Pleasant Bay Main and Round Cove watersheds, as well as an additional \$6.5M to install a dry sewer pipe along Route 28 in West Harwich.

As revisions to the CWMP are ongoing, the Town maintains its effort to find a regional solution for wastewater generated outside the Pleasant Bay watershed. With the prospect of the Dennis-Harwich-Yarmouth Clean Waters Partnership now off the table, Harwich has engaged in preliminary discussions with the Town of Dennis who recently appropriated over \$7 million to design a wastewater treatment plant.

## Orleans

Prior to the Watershed Permit issuance, Orleans spent \$3.4M on the design and installation of downtown sewers in the area of a Mass DOT construction project to avoid a road opening prohibition. Another \$2.7M was spent on the design of a new WWTF. At the 2019 and 2020 Annual Town Meetings, voters approved a total of \$59.1M for the construction of downtown sewers and the wastewater treatment plant. Construction began in September 2020. While these expenditures do not immediately accrue to the benefit of Pleasant Bay, they are part of the infrastructure that will eventually serve portions of Orleans in the Pleasant Bay watershed.

In May 2021, the Town Meeting authorized \$658,000 for final design of sewers in the Meetinghouse Pond sub-embayment of the Pleasant Bay system. That design was completed in FY 2022. The May 9, 2022 Annual Town meeting authorized \$32.9 million, enabling the construction to begin in FY 2023. Upon completion in FY 2025, septic nitrogen from households in the Meetinghouse Pond sub-watershed will be removed from this area and treated/disposed outside the Pleasant Bay watershed, at the WWTF mentioned above. The goal is the removal of an annual load of 2,015 kg, or about 30% of Orleans' share of the TMDLs. Under the current plan, those removals would begin in the second 5-year segment of the Implementation Schedule, consistent with the Watershed Permit.

The May 2023 Town Meeting authorized \$2.3 million for survey and design of a third phase of sewers, for the Lake and Ponds sewer service area. This project will protect two freshwater bodies, Crystal Lake and Pilgrim Lake, as well as removing nitrogen from the Lonnie's Pond watershed and areas upgradient of the River. Construction funding will likely be requested in FY25. Upon completion, the project will annually remove 274 kg, or 4% of Orleans share of the Pleasant Bay TMDLs. The project will sewer areas upgradient of the freshwater bodies to reduce phosphorus loads, consistent with approved management plans for those waters.

The 2023 Annual Town Meeting also authorized \$275,000 to close out the Phase 1 Downtown Sewer Project, including the wastewater treatment facility which came online in March 2023.

Orleans has continued with its shellfish harvesting demonstration project in Lonnie's Pond. The Town has established an initial nitrogen removal target of 75 kg/yr through the Lonnie's Pond Management Plan. The Plan is implemented through an aquaculture contractor and a monitoring contractor. Ward Aquafarms of Buzzards Bay was selected as the aquaculture contractor, while SMAST was selected as the monitoring contractor. The Plan provides the option to place 5.5 million small oysters or 2.1 million larger oysters in the Pond to achieve the nitrogen removal target. The oysters are grown for the summer and removed by the end of the growing season in the same year. Oysters are then grown to market size in another location. In 2020, 2021 and 2022, the demonstration project removed an average of 66 kg/yr of nitrogen from the Pleasant Bay Watershed. This represents about 2.4% of the Town's overall goal for multiple shellfish harvesting operations in the Pleasant Bay watershed. The Watershed Permit's Implementation Schedule calls for 272 kg/yr removal in place by the end of FY 2023, which translates to three other harvesting areas of comparable size to the Lonnie's Pond

operation. The results of the Lonnie's Pond demonstration are being considered in upcoming revisions to Orleans' plans.

Based on the results of a successful PRB demonstration at the Middle School, Orleans is now planning to add this technology to its plan. The 5-yr Capital Improvement Plan includes \$10.5 million beginning in FY 2027 for constructing one or more PRBs in the Pleasant Bay Watershed.

The Orleans Amended CWMP is in draft form and the Town plans to complete it before the end of FY 2024. The Town is involved in ongoing evaluations as part of its adaptive management strategy that includes shellfish harvesting, PRBs, and other non-traditional nitrogen removal technologies. Refinements of the Orleans plan are expected to be available in the upcoming year and will be reported in the 2024 annual report.

(The Commission has requested annual documentation of each town's ability to support the level of funding that is proposed, as well as the financial impact on users. That request will be addressed in subsequent annual reports.)

## **PROGRESS IN NON-STRUCTURAL AND NON-SEWERING OPTIONS**

Non-structural options include such techniques as residential lawn fertilizer controls, land set-asides, rezoning, etc. Non-sewering approaches include on-lot denitrification, inlet widening, etc. Progress through FY 2022 includes:

### **Brewster**

Brewster initiated a fertilizer leaching rate study at Captains Golf Course in 2021. Six lysimeters and six monitoring wells were installed below the fairways at the golf course. Quarterly sampling of water captured in the lysimeters and water from the monitoring wells began in November 2021, with additional samples taken in March 2022 and June 2022. Further sampling and analysis are planned in 2023 and 2024 to help refine the data collected to date and to document the current leaching rate for fertilizer.

At the November 2021 Town Meeting, the Town adopted a town-wide stormwater management bylaw that requires a permit for any project disturbing over 10,000 square feet of land or creating more than 500 square feet of impervious cover. The bylaw requires the utilization of best management practices for stormwater to minimize nutrient inputs to groundwater and surface waters. An update to the Town's Water Quality Review Bylaw was also approved, clarifying the methods to calculate nitrogen loading and meet the 5-mg/l nitrogen performance standard for new development and redevelopment projects in the Pleasant Bay watershed. Subsequently, the Board of Health adopted a new regulation providing the requirements for developing nitrogen loading calculations to comply with the Water Quality Review Bylaw.

Since 2008, the Town, along with the Brewster Conservation Trust, has permanently preserved approximately 250 acres of open space in the Pleasant Bay watershed, removing land from development that would impact the buildout nitrogen load to the Bay. Preserving this land reduces the impact of buildout development on the future nitrogen load to Pleasant Bay.

## **Chatham**

Chatham continues to investigate opportunities to address stormwater infrastructure improvements throughout the town as part of its MS4 program. The Town adopted its Fertilizer Regulation in November 2014 and continues to support and enforce these requirements.

The Town, in cooperation with Harwich, completed construction of the Muddy Creek Bridge several years ago. The two towns in coordination with the Pleasant Bay Alliance are monitoring the success of that project. The project changed out small culverts which limited flow with a clear span bridge to allow for increased tidal flow during each tide cycle.

Chatham completed purchase of 4.17 acres of open space on the shore of Goose Pond within the Pleasant Bay Watershed.

The Town is cooperating with the Chatham Conservation Foundation (a private land conservation organization), MassDOT, USDA Natural Resource Conservation Service (NRCS) and Massachusetts Division of Ecological Restoration (DER) to evaluate alternatives to under-sized culverts where Rt. 28 crosses Frost Fish Creek.

Chatham is also working with MassDOT and NRCS on a new (enlarged) culvert where the herring run from Lovers Lake discharges to Ryders Cove.

## **Harwich**

In 2016, the Town, in cooperation with the Town of Chatham, removed an earthen dike and culvert structure that blocked tidal flow between Muddy Creek and Pleasant Bay, and replaced it with a new Muddy Creek Bridge. The two towns in coordination with the Pleasant Bay Alliance are monitoring the success of that project. As a result of the project, the tide range in Muddy Creek has increased and is nearly the same as for the main basin of Pleasant Bay.

The Harwich Board of Health adopted its Fertilizer and Nutrient Control Regulation in January 2021 to provide a regulatory framework that results in reducing nutrient loadings from the application of fertilizers. In October 2021, the Town was advised that the Attorney General determined that Chapter 262 of the Acts of 2012 preempts local regulation of fertilizer application, as such the Board of Health rescinded the regulations and adopted Town of Harwich Fertilizer Policy Guidelines for Nutrient Control in February 2022.

The Town of Harwich, working through its Board of Selectmen and its Conservation Commission, works closely with Harwich Conservation Trust to purchase property or obtain the necessary conservation restrictions to protect environmental resources throughout the

town. Over the past fifteen years this partnership has led to the purchase of the 43-acre Monomoy River Woodlands and the 49-acre Pleasant Bay Woodlands properties in the Pleasant Bay watershed. More recently this partnership led to the protection of the 17-acre Muddy Creek Headwaters Preserve adjacent to Muddy Creek in the Pleasant Bay Watershed.

## **Orleans**

In 2020, the Town Meeting voted to acquire a 2.6-acre parcel fronting Arey’s Pond, preventing development of the parcel. There are no current zoning changes anticipated in the Pleasant Bay watershed, although 2017 rezoning in the downtown area is expected to help concentrate growth there, outside the Pleasant Bay watershed. The Town, in conjunction with the Orleans Conservation Trust, has purchased two existing homes in the Pleasant Bay watershed and modified the parcels to eliminate future septic loads there.

Orleans continues to make improvements to its stormwater system and is in compliance with its MS4 stormwater permit.

## **GROWTH IN NITROGEN LOAD**

Growth in the watershed nitrogen loads, to the extent not already accounted for in a town’s plan, represents both a financial burden and the need to expand/modify that plan. Growth is defined as increased nitrogen load since the baseline years that are part of the 2006 MEP report and the 2010 update related Harwich water use. Those baseline years are:

Brewster:	2002 to 2004
Chatham:	2002 to 2003
Harwich:	2004 to 2007 (updated from 2004 in MEP-2006 report)
Orleans:	2002 to 2003

A broad assessment of growth trends is possible through analysis of the water use data described above and in Table 2. That assessment will be included in later-years’ annual reports once watershed-specific data are available.

In their CWMPs or other planning studies, the towns have projected nitrogen loads out to either build-out or to an earlier planning horizon. Those projections are for a 27% increase in nitrogen load watershed-wide, with individual town projections ranging from 19% to 41%. The towns have not clearly laid out their plans for accommodating the growth in load that has already occurred since the MEP load estimates or the further growth anticipated through their planning horizons. Accommodating growth in watershed loads is an important task that the towns must address. Accordingly, funds from the 2018 and 2020 SNEP grant are being used to update towns’ growth projections and to predict the impacts of that growth on receiving water quality.

In its June 2021 report “2020 Update”, SMAST presented estimates of watershed loads based on water use data from 2011 to 2015, a period approximately 10 years later than the loading estimates included in the 2006 MEP report. Termed “existing conditions”, those loading



estimates include load reductions accomplished by the towns since the MEP report, and revised attenuation percentages for certain sub-watersheds. The “existing conditions” attenuated loads are about 4% higher than the bases for the TWMP and Watershed Permit.

The June 2023 SMAST technical memo on buildout scenarios presents the results of land use planning exercises conducted by SMAST for the four towns. That memo indicates a 13% increase in attenuated loads over the “existing conditions” estimate (reported in 2020 Update) until buildout. That report is now being finalized to address town comments.

The June 2021 SMAST report and the June 2023 SMAST technical memo, taken together, predict a 17% growth in attenuated load from the TWMP basis until buildout, in addition to the town removals in place since 2010.

The towns are in the process of setting appropriate planning horizons for their nitrogen management programs based on the recent SMAST reporting and their own analyses. Orleans has made a preliminary decision to plan for a 5% growth in watershed loads over the TWMP loads. Harwich has conducted an independent growth analysis that shows an 8% load increase between 2007 and 2020, and another 6% from 2020 to 2040 (14% in total).

The four towns have confirmed prior commitments related to responsibilities for growth in watershed loads. Each town is fully responsible for the increase in watershed loads in that town which have occurred or will occur beyond the loads that are the basis for the TWMP.

## **MODELING OF WATERSHED LOADS AND EMBAYMENT WATER QUALITY**

The SMAST/MEP technical report on Pleasant Bay was completed in 2006 and was supplemented with further analysis in 2010. That report formed the basis for the Pleasant Bay TMDLs, and with the updated information allowed the establishment of the nitrogen load removal requirements of each by towns. The Alliance has used funding from the EPA SNEP program to conduct additional modeling to better understand the impacts of watershed nitrogen loads on the water quality in the Bay.

### **Modeling Under SNEP-18 Grant**

With funding from the 2018 EPA SNEP grant, the Alliance has able to complete the updating of the watershed loads and a re-modeling of receiving water quality under current hydrodynamic conditions. This effort has allowed the input of additional water quality data and the consideration of habitat data accumulated since the early 2000s. This remodeling was completed in June 2021 and is summarized in the SMAST report *Linked Watershed-Embayment Model to Determine Critical Nitrogen Loading Thresholds for the Pleasant Bay System, Orleans, Chatham and Harwich, Massachusetts*.

The 2021 SMAST study updated all the key components of the Pleasant Bay MEP assessment including:

- An update of watershed water use and nitrogen loads

- Updating nitrogen recycling from Bay sediments to reflect large changes in benthic flux
- Assessment of status of eelgrass habitat based on MassDEP surveys
- Revised estimates of attenuation of two sub-basins (Muddy Creek and Tar Kiln Stream/Salt Marsh)
- Updated system tidal hydrodynamics, including new inlets (post-2006) and new bathymetry
- Scenarios to predict changes in water quality under current town nitrogen removal plans.

There are three fundamental variables considered in the 2021 SMAST study, and their impacts on predicted water quality provide insight into potential changes in the Watershed Permit:

- An increase in watershed loads
- Better estimates of attenuation and benthic recycling, and improved hydrodynamics
- Implementation of town nitrogen removal plans, full and partial.

The “Composite Scenario” considered by SMAST reflects full sewerage in Chatham (removing much more than Chatham’s responsibilities under the Watershed Permit) and removals in Brewster and Orleans that are significantly less than their commitments. The “TMDL Scenario” considers just the specific nitrogen removal requirements of the Watershed Permit.

The SMAST study involved these two primary future scenarios, which are compared here with the 2010 work which is the basis for the Watershed Permit.

	<b>SMAST-2010 (basis for Permit)</b>	<b>SMAST-2021 Composite Scenario</b>	<b>SMAST-2021 TWMP Scenario</b>
Un-attenuated load, kg/yr	54,460	54,894	56,389
Attenuation, kg/yr	5,960	4,623	5,104
Attenuated load, kg/yr	48,500	50,271	51,285
Load removal, kg/yr	17,720	25,947	17,720
Remaining load, kg/yr	30,780	24,324	33,565
Sentinel station compliance			
Primary stations	2 of 2	2 of 2	2 of 2
Secondary stations	8 of 8	6 of 8	7 of 8

Comparing the first 2021 SMAST model run (Composite Scenario) with the 2010 evaluation shows the effect of increased watershed loads and a partial, unbalanced set of town load removals in the face of improved hydrodynamics. In this scenario, two of the secondary stations are predicted not to meet the target concentrations, even though the remaining load (after town removals) is only 79% of the threshold loads. This is because the load removals, although larger than required under the Watershed Permit, are heavily influenced by larger-than-required removals in Chatham. The less-than-required removals in Brewster and Orleans do not allow two of the northerly secondary stations to reach their target concentrations.

Comparing the second 2021 SMAST model run (Composite Scenario) with the 2010 evaluation shows the effect of increased watershed loads and the balanced set of town load removals that the towns have committed to in the Watershed Permit. In this scenario, the Watershed Permit removals (17,720 kg/yr) result in a remaining attenuated load (after town removals) of 33,565 kg/yr, 7% higher than the threshold load. In this scenario, only one of the secondary stations is predicted not to meet the target concentrations. The near full compliance at the sentinel stations indicates that the improved hydrodynamics nearly offset the 5.7% increase in attenuated watershed load if the town remove their 17,720 kg/yr commitments.

Neither scenario considers the effect of future growth on any town's ability to meet nitrogen reduction targets.

### **Modeling Under SNEP-20 Grant—Build-Out**

SMAST estimated future watershed loads based on its estimate of build-out conditions in all four watershed towns (see the Growth in Nitrogen Load section of this Annual Report) and used the water quality model to predict how nitrogen concentrations would change at the sentinel stations. The SMAST Technical Memorandum dated June 5, 2023 summarizes the modeling results for two scenarios with those build-out watershed loads. Scenario 1 is based on more favorable hydrodynamic conditions (post-breach outlets and presence of the Muddy Creek bridge), coupled with updated bathymetry and benthic loads. Scenario 2 is based on the less favorable pre-breach conditions, but with the Muddy Creek bridge and the significantly lower benthic loads that were the basis of the MEP model.

In Scenario 1, the water quality model predicts that the increased watershed loads through build-out will result in only one of the two primary sentinel stations meeting the threshold concentration of 0.16 mg/l bioactive nitrogen, and only one of the eight secondary stations meeting the 0.21 mg/l secondary threshold concentration.

In Scenario 2, the water quality model predicts that the increased watershed loads through build-out will prevent any of the primary or secondary sentinel stations from reaching their respective threshold concentrations.

This study shows the significant water quality impacts of increased watershed loads through build-out.

### **Modeling Under SNEP-20 Grant—Sensitivity to Attenuation Estimates**

To help gauge the importance of natural attenuation in the Upper Muddy Creek and Tar Kiln Stream sub-watersheds, SMAST completed a sensitivity analysis under the SNEP-20 grant; see the SMAST Technical Memorandum dated June 5, 2023. Two scenarios were considered to determine the sensitivity of the predicted water column nitrogen concentrations to the level of attenuation in these two sub-watersheds.

In Scenario 1, the attenuation in the Tar Kiln Stream watershed was adjusted to zero and compared with the SNEP-18 predictions based on 60% attenuation. The existing conditions loadings were used as a basis, including the post-breach hydrodynamics. SMAST found that reducing the Tar Kiln Stream attenuation from 60% to zero (an increase in attenuated load of about 1,300 kg/yr) had little or no impact on predicted nitrogen concentrations throughout the Bay.

In Scenario 2, the change to no attenuation in the Tar Kiln Stream watershed was coupled with a reduction in Upper Muddy Creek attenuation from 10% to 4%. Again, the SNEP-18 existing conditions loadings were used as a basis, including the post-breach hydrodynamics. SMAST found that reducing the Upper Muddy Creek attenuation from 10% to 4% (a further increase in attenuated load of about 300 kg/yr) appreciably impacted the predicted water quality in both Upper and Lower Muddy Creek as well as causing small changes at five stations elsewhere. In the upcoming year, it is proposed that the SMAST model will be run to help estimate possible new threshold loads to account for all of watershed and benthic loading changes determined since the 2006/2010 basis for the Watershed Permit.

## **REVIEW OF ATTENUATION ESTIMATES**

The TWMP showed that natural attenuation reduces the unattenuated nitrogen load across the watershed by about 11%. In some watersheds, the role of natural attenuation is greater than average. Those sub-watersheds are the ones shared by Brewster and Orleans, and the Muddy Creek sub-watersheds shared by Chatham and Harwich.

SNEP-funded studies by SMAST in 2021 allowed re-estimation of attenuation percentages. Compared with the 2006 MEP report and SMAST updates in 2010, this more current SMAST work revised the attenuation estimates significantly downward in upper Muddy Creek and significantly upward in Tar Kiln Stream. Further, SMAST recommended that Orleans consider the possible attenuation in the salt marshes in the Pochet Neck sub-watershed where attenuation was not previously addressed. These new estimates could result in significant changes in the nitrogen removal requirements for Harwich, Brewster and Orleans, with significant impacts on the towns' costs for nitrogen control.

Given the importance of attenuation in determining towns' removal responsibilities, the Alliance retained HydroAnalysis in 2021 to conduct a review of prior and new estimates of attenuation in the Muddy Creek, Tar Kiln and Pochet Neck sub-watersheds. HydroAnalysis' February 2022 report generally agreed with the new attenuation estimate for Tar Kiln Stream and recommended further investigations to refine or confirm the estimates for Muddy Creek and Pochet Neck. HydroAnalysis emphasized that future nitrogen management planning should recognize the high degree of uncertainty associated with any attenuation estimate.

Further analysis of the attenuation in these sub-watersheds, based on new field work, is underway by SMAST under the SNEP-20 grant. In March of 2023, SMAST issued a draft report on its nitrogen mass exchange investigations in the Muddy Creek and Pochet Neck sub-embayments. Those investigations are expected to be complete in the summer of 2023.

Also under the SNEP-20 grant, SMAST conducted a sensitivity analysis of attenuation rates in the Muddy Creek and Tar Kiln Stream sub-watersheds; see the Modeling section of this report.

Based on a diagnostic study of Bakers Pond in Orleans, SMAST may also provide new data on attenuation there, some of which impacts Brewster's and Orleans' nitrogen loads to Pleasant Bay.

## **GROUNDWATER DISCHARGE PERMITS AND I/A SYSTEMS**

There are 16 Groundwater Discharge Permit holders in Brewster, Chatham, Harwich, and Orleans. There are four facilities with GWD permits located in the Pleasant Bay watershed:

- Pleasant Bay Health & Living Center (Brewster), 26,500 gpd permitted maximum
- Chatham Bars Inn (Chatham), 60,000 gpd permitted maximum
- Wequasset Inn (Harwich), 45,000 gpd permitted maximum
- Nickerson State Park (Brewster), 50,900 gpd permitted maximum

Each of the first three facilities has a total nitrogen discharge limit of 10 mg/l of total nitrogen. From January 2022 to April 2023, all three of these facilities routinely met their permit requirements with only infrequent exceedances. The average effluent nitrogen was below 7 mg/l. All three facilities received wastewater flows at or near their permitted flow limits in the summer months, indicating the need for capacity expansions. The SMAST 2021 model update reports that the aggregate nitrogen load from these three facilities is 705 kg/yr.

At the time of permit renewal for these facilities, it is expected that DEP will add limits for total annual nitrogen load.

The permit for Nickerson State Park allows Title 5 discharges up to the stated maximum flow and limits total nitrogen recharge to 2,120 kg/yr. Not all of the permitted activities are in the Pleasant Bay watershed.

As of May 2023, there are no applications pending for new GWD permits in the watershed.

There are two other GWD permits of note in the region. The municipal wastewater treatment facility in Chatham discharges outside the Pleasant Bay watershed and in 2023 began to receive wastewater and nitrogen load from the Pleasant Bay watershed in Harwich. Similarly, the Town of Orleans holds a GWD permit for the Orleans municipal WWTF with its discharge at a site off Lots Hollow Road outside the Pleasant Bay watershed. That Orleans facility began to receive and treat wastewater and nitrogen load from the Nauset Harbor watershed in 2023 and is planned to remove nitrogen load from at least the Meetinghouse Pond and Lonnie's Pond sub-watersheds of Pleasant Bay in the next few years.

SMAST has reported that there are now 119 I/A systems in the Pleasant Bay watershed (3 in Brewster, 84 in Chatham, 5 in Harwich and 27 in Orleans). Analysis of reported effluent data indicates an average total nitrogen concentration of 21.9 mg/l, or an average 17% reduction from the 26.25 mg/l baseline for traditional septic systems.

## **DATA FROM BUILDING DEPARTMENTS AND ASSESSORS**

In future annual reports, town departments will provide information on development and redevelopment as derived from the towns' traditional annual reports that are released before Town Meetings. The Commission has also requested data on the location and square footage of new structures and the number of new bedrooms in the watershed. The Alliance and the towns will work with Commission staff to develop a practical cost-effective approach toward meeting this reporting goal for future annual reports.

## **EVALUATION OF NITROGEN TRADING OPPORTUNITIES**

The Alliance has investigated “nitrogen trading”, whereby one town could remove more than its share of nitrogen load on behalf of another town that would remove less than its share. The second town would pay the first town for the nitrogen load removed on its behalf. That investigation was funded in part by the 2018 EPA SNEP grant.

In early 2021, data were obtained from the towns to compute overall costs for nitrogen control and to estimate expected annual nitrogen removals. These costs and removal estimates were adjusted for a common set of assumptions to allow comparison of each town's plans on a “dollar per pound of nitrogen removed” basis. Of the five technologies being used or considered by the towns (sewers, I/A systems, permeable reactive barriers, golf course fertilizer controls and shellfish harvesting), these unit costs were found to vary from less than \$10/lb to over \$700/lb. The cost differentials among technologies can provide the impetus for nitrogen trading.

The investigation identified three trading scenarios, wherein some towns would scale back their use of the relatively more expensive technologies (I/A systems and permeable reactive barriers) and other towns would increase their use of relatively less technologies (principally sewers). The identified scenarios would result in savings in equivalent annual costs of \$660,000 to the “buyers” and an equivalent cost benefit to the “sellers”.

The report summarizing this investigation was issued September 24, 2021; it is entitled *Report on Nitrogen Trading Opportunities Among Watershed Towns*. The towns now have this tool available to them as they refine and update their nitrogen management plans. Should towns elect to pursue trading opportunities, a change in the Watershed Permit would be needed to modify towns' nitrogen removal commitments. It is unlikely that nitrogen-trading-related changes would be known until the second 5-year segment of the current Permit.

## **NITROGEN REMOVAL CREDITS FOR STORMWATER MANAGEMENT ACTIVITIES**

None of the watershed towns has yet proposed to gain nitrogen removal credits from their stormwater removal activities, on the premise that such removals are apt to be small. The attenuated nitrogen load from impervious surfaces estimated in the 2006 MEP report is 3,796 kg/yr (9% of the total load from all sources), and only about one-third of that load originates from town roadways. Nonetheless, towns are required to address stormwater issues under the EPA General Permit for Municipal Small Storm Sewer Systems (the MS4 Permit) and the nitrogen removal from those activities may be worth documenting. Using funds from the 2020 EPA SNEP grant, the Alliance has estimated the nitrogen removals from several Best Management Practices (BMPs), including non-structural practices (such as street sweeping and catch basin cleaning) and structural facilities (such as grassed swales and rain gardens).

The nitrogen removal capabilities of some BMPs can be estimated from EPA performance curves, largely for structural BMPs. (If those BMPs include infiltration of stormwater, the EPA performance curves should be adjusted for Cape Cod conditions.) A computational procedure has been developed by the Alliance to also account for nitrogen removals from non-structural BMPs. Initial investigations, based on a sample sub-watershed, show that current non-structural practices may remove about 5% of the total impervious nitrogen load, and that about 15% removal may be possible with enhanced practices. A draft report on this investigation was reviewed by the SNEP Technical Assistance Network and the final report was issued March 24, 2003 (see *Report on Feasibility of Nitrogen Removal Credits Related to Stormwater Management*). Once the towns have more fully compiled data on the amount of street sweepings and catch basin cleanings that are collected, then they will be able to estimate the associated nitrogen removals and gain a small credit in upcoming Annual Reports.

## **POSSIBLE CHANGES IN THE IMPLEMENTATION PLAN AND PERMIT**

The Watershed Permit anticipates “mid-course corrections” at the end of each 5-year segment of the permit term. Those adaptive management adjustments might include revised nitrogen removal requirements due to changing conditions in the Bay, changes in the technologies that towns propose to manage nitrogen loads, and the timing of the implementation of those technologies.

Over the last two years, significant new information has been obtained: updated watershed load estimates, build-out populations, remodeling of water quality impacts, and further investigations of natural attenuation. Given the complexity of these ongoing studies, the towns requires more time to update their nitrogen removal plans, so Year 6 is the new goal for updating the Watershed Permit.

In addition, DEP has issued new watershed permitting regulations and revisions to Title 5. These regulations became effective on July 7, 2023, and the towns must review the regulations and coordinate with DEP to determine their impact on this Watershed Permit.

In light of those recent findings, the towns in the Pleasant Bay watershed expect to accomplish the following tasks in Year 6, as a basis for possible permit modifications:

1. Decide on the level of growth that will increase watershed loads over those in the TWMP report,
2. Adjust nitrogen attenuation estimates in Muddy Creek, Tar Kiln Stream and Pochet Neck,
3. Adopt the hydrodynamics that existed before the 2007 breach, with adjustment for the Muddy Creek bridge,
4. Determine the benthic loads that will be the basis for water quality modeling,
5. Dis-aggregate the Pleasant Bay sub-watershed to allow improved estimates of attenuated load,
6. Re-estimate threshold nitrogen loads, and
7. Recompute nitrogen removal requirements based on all of the above steps.

Studies are underway to accomplish these tasks. Once new nitrogen removal requirements are determined, and agreed to by all towns, then each town may need to adjust its nitrogen removal plan, both in load removal magnitude and in technology.

## **STAKEHOLDER INVOLVEMENT**

Over the past year, outreach activities undertaken by the towns and Pleasant Bay Alliance have been curtailed due to the Covid-19 Pandemic. It is anticipated that outreach efforts will be renewed now that public meeting restrictions have been relaxed.

Since the issuance of the Watershed Permit in August 2018, the following public meetings and hearings have been conducted related to Pleasant Bay nitrogen reductions:

### **Brewster**

Brewster developed an update to its Integrated Water Resources Management Plan in January of 2022, outlining the options being evaluated to meet the Town's nutrient reduction requirements described in the Watershed Permit. This update discussed ongoing work related to the Captains Golf Course fertilizer leaching rate study. It also described the other options to meet the nitrogen reduction goals and their potential costs. A joint meeting of the Select Board and Board of Health was held on January 27 to present this information and answer questions from the Boards and the public.

Public hearings were held with the Planning Board between August and November 2021 to review the proposed stormwater bylaw that was passed at Town Meeting in November 2021. In addition, updates to the Town's Water Quality Review Bylaw were evaluated by the Planning Board and the Board of Health in the fall of 2021, and the proposed revisions were also adopted at the November Town Meeting. These revisions clarified the requirements to meet a 5-mg/l nitrogen loading standard for any proposed development in the Pleasant Bay watershed. The Board of Health also held a public meeting to receive input on a new regulation that governs how nitrogen loadings calculations must be performed for compliance with the Water Quality Review Bylaw.



## **Chatham**

Chatham is well into implementation of Phase 1 of its Comprehensive Wastewater Management Plan that was completed in 2009. The Town has had many successful votes at Town Meetings to support multiple projects (totaling over \$130 million to date), including the most recent votes of \$7 million for wastewater and \$4.5 million for stormwater passed in May 2021. Portions of these projects include work in the Pleasant Bay watershed.

The Town also maintains a detailed site on its webpage that provides information regarding the approved plan and links to current sewer infrastructure projects.

<https://www.chatham-ma.gov/comprehensive-wastewaternutrient-management-plan>

In addition, the Town through its consultant GHD provides a construction implementation webpage to inform residents of ongoing work related to the sewer implementation that can be found at:

<https://chathamscproject.info/>

## **Harwich**

The Town of Harwich is currently in the process of revising its 2016 Comprehensive Wastewater Management Plan (CWMP). To kick off the CWMP revisions, the Town hosted two public input sessions (one in-person and one remote) to obtain stakeholder input on recommended changes. The input sessions were recorded and broadcast by Harwich Channel 18 and resulted in 38 comments on a range of categories with a strong emphasis on addressing freshwater ponds. In addition to the two public input sessions, Town staff and consultant GHD have also hosted private information/education sessions with various homeowners' associations and residents covering topics such as nutrient management, stormwater, wastewater and their impacts on fresh and salt water bodies. The Town's wastewater project is actively covered on the Town website and regularly discussed by the Board of Selectmen and Water & Wastewater Commissioners. The Board of Selectmen, Board of Health and Water/Wastewater Commission will continue outreach efforts throughout this project.

## **Orleans**

Orleans developed a Consensus Plan to move forward with wastewater management solutions through a comprehensive public process involving local boards, citizens, and regional and state officials. The public process was critical to a successful program. Since adopting a plan for limited public sewers augmented by non-traditional remediation technologies in March 2015, the Town has made all wastewater planning decisions at the Board of Selectmen level, with opportunity for public input at every step.

In May 2022, the Orleans Town Meeting approved construction funding for public sewers in the Meetinghouse Pond watershed. Further, the Town hired an engineering consultant to conduct strategic planning with regard to future sewer extensions and implementation of non-traditional technologies. In June 2022, a Wastewater Management Advisory Committee (WMAC) was established to plan future steps to address water quality needs.

The WMAC has met publicly twice a month. In May 2023, the WMAC successfully brought forward a Town Meeting article to plan for a Phase 3 sewer extension. This area includes two freshwater and one salt pond, all within the watershed of Pleasant Bay. Throughout the process, the committee has listened to and engaged the public in future infrastructure decisions.

Lonnie's Pond residents have been advised of the Town's ongoing demonstration project to grow oysters in Lonnie's Pond. All pond abutters were notified as part of the Conservation Commission approval process.

## **Alliance**

In 2022 and 2023, the Alliance participated in work groups with MassDEP staff to understand the scope of proposed modifications to Watershed Permit and Title 5 regulations. Subsequently the Alliance submitted detailed comments to MassDEP regarding the draft regulations, based in large part on the experience of the Pleasant Bay Watershed Permit. The Alliance Coordinator also was invited to participate in the Title 5 Working Group assembled by MassDEP to review outstanding issues related to draft regulations.

The Alliance has created a dedicated Watershed Permit page on the Pleasant Bay Alliance website that is a repository for historical and current documents related to the formation and implementation of the Watershed Permit. This page includes a link to a Watershed Permit Guidebook that summarizes the Alliance's experiences operating under the first Watershed Permit for nitrogen removal in the Commonwealth, and provides lessons learned for other communities to consider.

In previous years, the Alliance made public presentations on the Pleasant Bay watershed permitting approach at well-attended conferences:

- The Cape Cod Commission's OneCape conference in Harwich in August 2018 (an update presentation occurred at the 2019 OneCape conference.)
- WBNERR's Cape Coastal Conference in Hyannis in December 2018, and
- The Annual Conference of the New England Water Environment Association in Boston in January 2019.

Specific elements of the Pleasant Bay approach were shared in public forums in 2022:

- Alliance staff participated in a January 22 charette on alternative septic system sponsored by the New England Water Environment Association
- The Alliance's nitrogen trading study was presented to municipal officials, state regulators and environmental planners during a webinar on April 2022, sponsored by SNEP.

In the upcoming year, additional stakeholder involvement will occur as follows:

### **Brewster**

Additional meetings with the Select Board, Board of Health and the public are planned in 2023 and 2024 to discuss the implementation of the Watershed Permit and how Brewster will meet its nitrogen reduction goals. Interim results on the golf course fertilizer leaching rate study will be presented and will be used to help predict what other nitrogen reduction strategies will be needed to meet Brewster's nitrogen reduction goals.

### **Chatham**

The Town continues as an active member of the Pleasant Bay Alliance, the Cape Cod Water Protection Collaborative, and the Cape Cod and Islands Water Protection Fund Management Board.

In addition, the Town actively engages the public through its Select Board meetings, Town Meeting process, and Water & Sewer Advisory Committee, who provide advice and recommendations to the Water & Sewer Commissioners (Select Board) regarding the water and sewer infrastructure of the Town.

### **Harwich**

With ongoing revisions to the CWMP and design of the Phase 3 collections system underway, the Town anticipates hosting several stakeholder meetings over the next year. Stakeholder meetings will provide an opportunity for the public to review and comment on proposed changes to the CWMP and receive updates on the design of the Phase 3 collections system. The Town's past efforts will continue to be modified and improved to seek additional input from the various stakeholders involved in the Town's compliance with its Comprehensive Wastewater Management Plan. The Town continues to be an active member of the Pleasant Bay Alliance.

## **Orleans**

The Wastewater Management Advisory Committee will hold regular, formally-noticed meetings to review progress on sewer master planning. Regular reporting to the Town regarding the Lonnie's Pond oyster project will be made to the Marine & Fresh Water Quality Committee, and all reports will be posted on the Town website. The Town's engineering consultant will meet with the Board of Selectmen to report on progress of a demonstration Permeable Reactive Barrier currently installed at Nauset Middle School. An amended CWMP will be prepared and presented to the Select Board for public review and approval.

## **Alliance**

A public outreach program is part of the watershed permit implementation activities funded by EPA under the SNEP grant and continues. That outreach program was rolled out in the second half of 2021. The Alliance prepared a series of video recordings to provide a citizen-friendly summary of each task funded by the 2018 SNEP grant:

- Municipal program for I/A systems
- Orleans shellfish harvesting program
- Opportunities for nitrogen trading
- The 2021 SMAST update to the linked watershed-embayment model

These and other public outreach materials are available on the Alliance website: <https://pleasantbay.org/programs-and-projects/watershed-planning/pleasant-bay-watershed-permit>

Key issues for the public are:

- The large cost of nitrogen removal programs
- Fairness in allocation of costs among users and non-users and between residential and commercial property owners
- Proper incorporation of non-traditional approaches to nitrogen removal
- The pace of nitrogen removal activities and the need to achieve water quality goals in an accelerated fashion.

**Select Board FY24-25 Strategic Plan**

**DRAFT 08.10.23**

Vision Building Block	Goal #	Goal Description	Timeline	Vision Plan / Local Comprehensive Plan	FY23-24 SB Plan	Primary Responsible Party	Other Key Stakeholders
Sea Camps	SC-1	Provide interim public access to and activities on both Sea Camps properties	FY24-25	X	X	Town Administration and Bay & Pond Property Planning Committees	Select Board; Recreation Commission; Recreation Dept; Town Staff
	SC-2	Continue community planning process, engaging residents and stakeholders, to develop long-term comprehensive plans for both Sea Camps properties	FY24-25	X	X	Town Administration and Bay & Pond Property Planning Committees	Select Board; BPPC & PPPC Liaisons and Representatives, and Town Staff
	SC-3	Continue to explore potential partnerships and revenue generating opportunities that mitigate tax impacts and/or provide enhanced services, programs, or amenities for residents on both Sea Camps properties	FY24-25	X	X	Town Administration and Bay & Pond Property Planning Committees	Select Board; BPPC & PPPC Liaisons and Representatives, and Town Staff
Governance	G-1	Evaluate strategies to reduce tax burden on residents, including examining revenues and targeted local tax relief options, and managing school budgets	FY24		X	Finance Team	Select Board; Finance Committee
	G-2	Develop and implement communications plan, with focus on municipal finance and taxes, to best inform residents and local businesses about Town affairs	FY24-25	X		Town Administration	Select Board; Town Staff
	G-3	Identify priority areas to increase organizational capacity to meet enhanced service needs and expanded project demands and develop long-term financing plan to fund necessary personnel	FY24-25	X	X	Town Administration, Human Resources, & Finance Team	Select Board; Finance Committee; Town Staff
	G-4	Conduct assessment of community recreation needs, develop implementation plan, and provide staffing supports to deliver enhanced recreation services	FY24-25	X	X	Town Administration	Select Board; Finance Team; Human Resources; Recreation Dept & Commission; Natural Resources Dept; Department of Public Works
Community Character	CC-1	Complete Diversity, Equity, and Inclusion audit of Town policies, provide DEI training to Town officials and staff, and integrate DEI considerations into Town programs, events, and activities	FY24-25	X	X	Town Administration	Select Board; Human Resources Department; Town Staff
	CC-2	Develop and implement FY24-28 Age-Friendly Community Action Plan based on 2023 COA community needs assessment	FY24-25	X	X	Council on Aging Board & Department	Select Board; Town Administration; Social Services Team
	CC-3	Evaluate feasibility of potential childcare subsidy program, and implement in equitable and sustainable manner	FY24-25	X		Select Board	Finance Team; Finance Committee; Housing Department
	CC-4	Evaluate impacts of short-term rentals on the community and consider potential policy solutions	FY25			Select Board & Town Administration	Board of Health; Health Department; Housing Department; Building Department; Planning Department
Open Space	OS-1	Develop standard criteria and process to evaluate potential land acquisitions and consider establishing municipal land acquisition committee	FY24	X	X	Select Board	Town Administration; Open Space Committee; Affordable Housing Trust; Water Commission; Town Staff
	OS-2	Identify priority goals of 2021 Open Space and Recreation Plan and begin implementation, including making targeted accessibility improvements to Town-owned conservation land	FY24-25	X		Natural Resources Advisory Commission & Dept; Recreation Commission & Dept	Town Administration; Select Board; Conservation Commission; Water Commission & Dept

**Select Board FY24-25 Strategic Plan**

**DRAFT 08.10.23**

Vision Building Block	Goal #	Goal Description	Timeline	Vision Plan / Local Comprehensive Plan	FY23-24 SB Plan	Primary Responsible Party	Other Key Stakeholders
Housing	H-1	Promote and encourage support programs that help residents stay in their homes	FY24-25	X	X	Housing Dept	Select Board; Town Administration; Affordable Housing Trust; Human Services Committee; Council on Aging
	H-2	Continue implementing Housing Production Plan	FY24-25	X	X	Affordable Housing Trust & Housing Dept	Select Board; Planning Board; Housing Partnership; Town Administration; Planner
	H-3	Continue to provide support for Millstone Community Housing initiative	FY24-25	X	X	Town Administration & Housing Dept	Select Board; Affordable Housing Trust; Community Preservation Committee
Local Economy	LE-1	Develop Guide to Doing Business in Brewster	FY25	X	X	Town Administration	Building Dept; Health Dept; Planning Dept; Natural Resources Dept; Town Clerk; Chamber of Commerce
Coastal Management	CM-1	Identify and implement priority goals and strategies of Coastal Resource Management Plan (Phase I)	FY24-25	X		Natural Resources Commission & Dept	Select Board; Conservation Commission; Town Administration
	CM-2	Advance intermunicipal shoreline management plan initiative with Dennis and Orleans	FY24-25	X		Natural Resources Dept	Natural Resources Advisory Commission; Town Administration; Conservation Commission
Water Resources	WR-1	Continue Integrated Water Resource Management Plan implementation and update as needed to reflect current alternatives analyses, prioritize pond water quality, and identify timelines	FY24-25	X	X	Water Resources Task Force	Town Administration; Select Board; Natural Resources Commission & Dept; Water Commission & Dept; Board of Health & Health Dept; Planning Board & Dept; Finance Committee; Brewster Ponds Coalition
	WR-2	Continue to manage Pleasant Bay watershed permit, develop new watershed permits, and educate the community about changes to Title V regulations and new DEP nitrogen sensitive watershed permit regulations	FY24-25	X		Water Resources Task Force	Town Administration; Select Board; Board of Health & Health Dept; Pleasant Bay Alliance; Golf Commission & Dept; Brewster Ponds Coalition
Community Infrastructure	CI-1	Collaborate with Brewster Ladies Library Association Board to determine priorities for library renovations and possible funding options/opportunities	FY24		X	Select Board & Town Administration	Finance Team; Brewster Ladies Library Association Board & Library Dept; Community Preservation Committee; Finance Committee
	CI-2	Lead approved capital projects through to successful completion and continue to communicate and engage with residents	FY24-25	X		Town Administration	Select Board; Town staff
Climate Mitigation & Adaptation	CA-1	Identify and implement priority energy and climate mitigation/ adaptation goals and strategies consistent with the Municipal Vulnerability Preparedness Plan, Green Communities Energy Reduction Plan, and Hazard Mitigation Plan	FY24-25	X		Energy & Climate Action Committee; Energy Manager	Town Administration; Select Board
Solid Waste Management	SW-1	Establish improvement process for Department of Public Works and Recycling Center campus based on results of site assessment	FY24	X	X	DPW Director	Town Administration; Select Board; Recycling Commission

# 2023 Select Board Annual Retreat

FRIDAY JULY 21, 2023

---



# 2023 Annual Select Board Retreat Schedule

8:30 – 9:00	Opening Remarks & Overview
9:00 – 9:30	Sea Camps
9:30 – 10:00	Housing
10:00 – 10:30	Water Resources
10:30 – 11:00	Climate Mitigation & Adaptation
11:00 – 11:20	Solid Waste Management
11:20 – 11:40	Coastal Management
11:40 – 12:00	Open Space
12:00 – 12:30	Lunch
12:30 – 1:15	Governance
1:15 – 1:45	Community Character
1:45 – 2:30	Community Infrastructure
2:30 – 3:00	Local Economy
3:00 – 3:30	Recap & Next Steps



# Development of FY24-25 Select Board Strategic Plan

---

Using last year's (FY23-24) Strategic Plan as a starting point...

- Continue to track progress of Town initiatives
- Clearly identify consensus priority goals that are generally consistent with both the Vision Plan and draft Local Comprehensive Plan (LCP) and reasonably attainable within the next two years
- Communicate priorities to all stakeholders and use plan to focus our collective efforts across the organization

# Development of FY24-25 Select Board Strategic Plan

---



Ask residents to provide community input regarding the Vision Plan values and principles that are most important for the Select Board to consider in the next two years



Solicit feedback from all boards and committees (through their respective Chairs) and all Department Heads regarding progress on FY23-24 priority goals and suggested changes/additions



Reference latest draft of Local Comprehensive Plan



Goals remain organized under the 10 Local Comprehensive Plan Building Blocks + Sea Camps

# Recap of FY23-24 Select Board Strategic Plan

---

39 consensus goals identified (6 more than FY22-23), including:

- 19 for FY23
- 18 in FY23-24
- Remaining 2 for FY24 (same as FY22-23)
- 27 similar goals carried over from previous plan
- 12 new goals
- Almost 3/4 are referenced in the Vision Plan and/or draft Local Comprehensive Plan
- Added degree of complexity column last year

Primary responsible parties and key stakeholders continue to be assigned to each goal

Progress on each goal from last year's plan is represented as:

- significant/complete in green (20)
- sufficient/partially complete in orange (13)
- insufficient/planned for FY24 in red (6)

# Managing Expectations & Organizational Capacity

Draft Local Comprehensive Plan includes 100+ Action Items to be accomplished over next 10+ years

2022 Housing Production Plan includes 22 implementation strategies over next 5 years

Many recommendations from other recent strategic plans remain outstanding:

- Integrated Water Resource Management Plan
- Hazard Mitigation Plan
- Municipal Vulnerability Preparedness Plan
- Green Communities Energy Reduction Plan
- Coastal Resource Management Plan
- Open Space & Recreation Plan
- Community Preservation Plan
- Fire Department Strategic Plan
- Council on Aging Action Plan

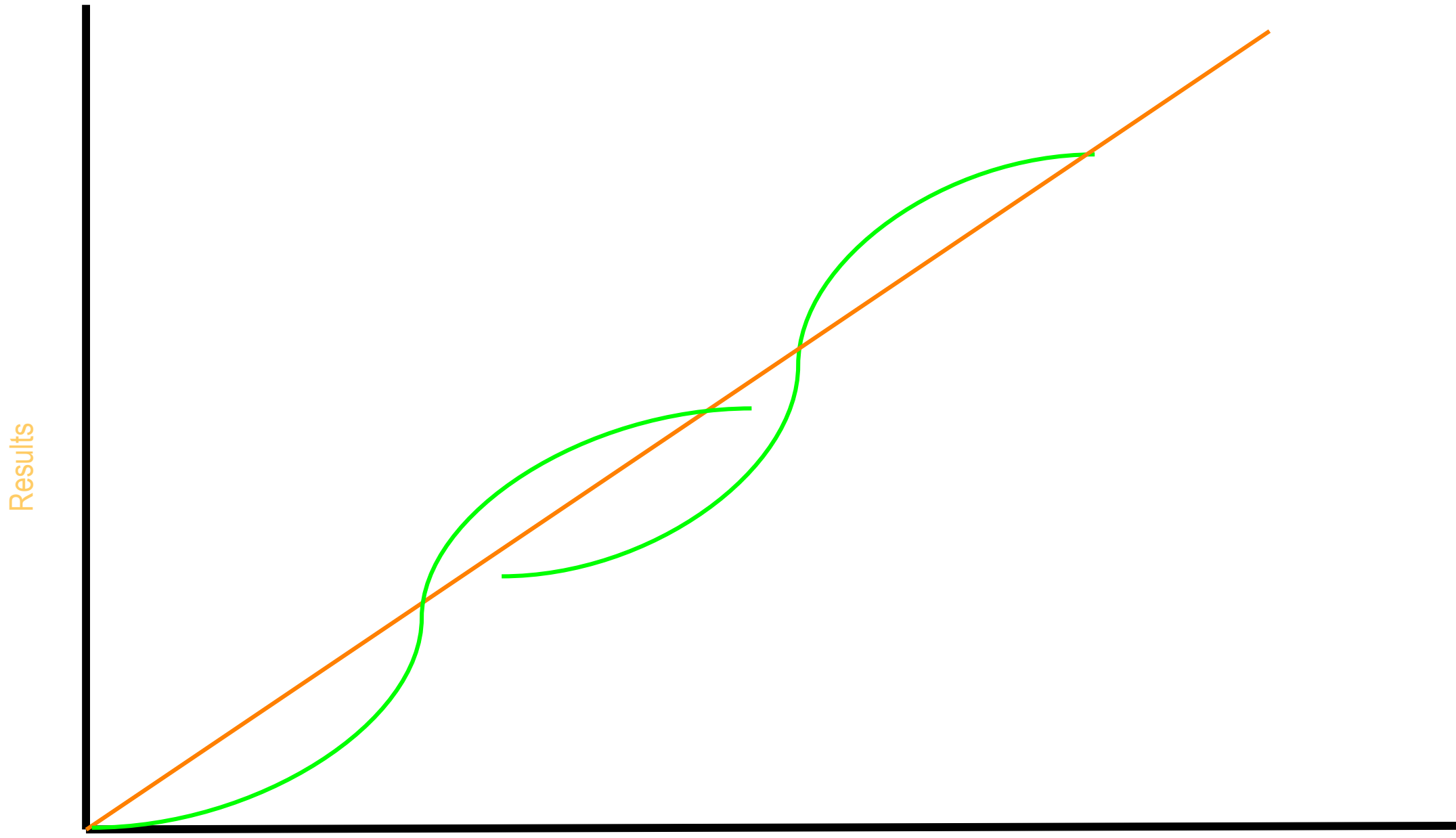
Department Head performance evaluations identified ~100 goals for FY23 (many of which were more operational - not explicitly identified in recent strategic plans)

# Managing Expectations & Organizational Capacity

Faced with convergence of several major, high-profile infrastructure projects over the next few years:

- Long Pond Boat Ramp upgrade
- Millstone Road improvements
- Stony Brook Millsite fishways improvements
- Stony Brook Elementary School upgrades (HVAC, roof, and code compliance)
- ....**Sea Camps**

Cognizant of resident feedback regarding concerns about the tax impacts of new projects (Nauset Regional High School renovation + Sea Camps purchase) and the pace/scale of change (importance of maintaining community character)



# Potential Changes to FY24-25 Plan

---

Seek to identify 1-2 goals per building block (up to 3 for most important and involved categories) – up to 25 total goals

Goals could be slightly broader in scope and mainly focused on policy outcomes – less project/task oriented

Inclusion of mission and/or vision statement(s) that are aligned with Local Comprehensive Plan, Vision Plan, and Town Charter

Clarify that decision making will continue to be guided by inclusive public processes



# Sea Camps

## Status of FY23-24 Goals

Complete discovery phase, including building inventories/assessments, and continue to implement interim property management plan

Continue to develop/refine and implement interim public access/use plans

Launch community planning process, engage residents and stakeholders, determine support for constructing new community center on bay property, and develop long-term comprehensive plans for both properties

Continue to explore potential short- and long-term partnerships that may mitigate acquisition costs or operating expenses and may provide enhanced services, programs, or amenities for residents



# Sea Camps

## Suggested Changes/Additions for FY24-25 (1 of 2)

Continue to prioritize interim public access to and activities on the properties

Continue community planning process, engaging residents and stakeholders, determining support for community center on bay property, and develop long-term comprehensive plans for both properties

Further explore potential partnerships and revenue generating opportunities that mitigate acquisition costs or operating expenses and/or provide enhanced services, programs, or amenities for residents

# Sea Camps

## Suggested Changes/Additions for FY24-25 (2 of 2)

Update committee charges once comprehensive plans have been adopted to focus on next steps in planning and implementation

Incorporate climate mitigation considerations into Sea Camps planning processes

Foster communication to residents and Town committees about latest Sea Camps developments and opportunities for participation

# Housing

## Status of FY23-24 Goals

Develop five-year financial plan for Affordable Housing Trust and determine whether additional funding streams should be explored to support housing initiatives at a range of income levels

Begin implementing updated Housing Production Plan priority strategies

Continue to provide support services to residents, including CDBG housing rehabilitation and childcare vouchers

Advance Millstone Road Community Housing project

# Housing

## Suggested Changes/Additions for FY24-25

Explore and consider various policies and funding opportunities to support a variety of housing at a wider range of Area Median Incomes (AMI)

Continue implementing the Housing Production Plan, with a particular focus on zoning strategies

Promote and encourage support programs that help residents stay in their homes

Continue to provide support for the Millstone Community Housing initiative and identify potential locations for future housing initiatives

Monitor the impacts of short-term rentals on the availability of year-round rental units and/or evaluate a (short-term) rental registration program

# Water Resources

## Status of FY23-24 Goals

Convene a new Water Resources Task Force and develop updated plan and timeline for advancing integrated water quality initiatives, to include addressing DEP's proposed changes to Title V regulations and continuing collaboration with external stakeholders

Continue to educate public about new stormwater bylaw/regulations and consider refinements as needed

# Water Resources

## Suggested Changes/Additions for FY24-25

Continue to implement Integrated Water Resource Management Plan, updating as needed to reflect current alternatives analyses, prioritizing pond water quality, and incorporating specific timelines

Develop new watershed permits and educate residents about new DEP regulations

Support development of Water Department Master Plan

Obtain Watershed Permits for the Herring River, Bass River, and Swan Pond River estuarine watersheds; continue to pursue/ satisfy obligations under the Pleasant Bay Watershed Permit

# Climate Mitigation & Adaptation

## Status of FY23-24 Goals

Develop and implement updated staffing and committee model that reflects the Town's commitment to comprehensively advancing energy, climate change, and resiliency initiatives

Develop net zero energy roadmap

# Climate Mitigation & Adaptation

## Suggested Changes/Additions for FY24-25

Identify and implement priority energy and climate mitigation/ adaptation goals and strategies consistent with the Municipal Vulnerability Preparedness Plan, Green Communities Energy Reduction Plan, and Hazard Mitigation Plan



# Solid Waste Management

## Status of FY23-24 Goals

Complete site assessment and determine next steps to improve Department of Public Works and Recycling Center property and facilities

Continue hydration station installation project

# Solid Waste Management

## **Suggested Changes/Additions for FY24-25**

Determine next steps to improve Department of Public Works and Recycling Center campus based on results of site assessment

# Coastal Management

## Status of FY23-24 Goals

Complete design and permitting of Wing Island boardwalk

Consider merits of Cape Cod Commission's model coastal resiliency bylaws/regulations and potential implementation

# Coastal Management

## **Suggested Changes/Additions for FY24-25**

Identify and implement priority goals and strategies of Coastal Resource Management Plan (Phase I)

Advance intermunicipal shoreline management plan initiative with Dennis and Orleans

# Open Space

## Status of FY23-24 Goals

Complete design and implement updated Drummer Boy Park Master Plan Phase I improvements in coordination with Wing Island Boardwalk project

Identify and resolve private party encroachments on Town land

# Open Space

## Suggested Changes/Additions for FY24-25

Develop and present recommended next steps regarding Drummer Boy Park Master Planning

Develop standard criteria and process to evaluate potential land acquisitions and consider establishing municipal land acquisition committee

Make targeted accessibility improvements to Town-owned conservation land

Identify priority goals of 2021 Open Space and Recreation Plan and begin implementation

# Governance

## Status of FY23-24 Goals (1 of 2)

Establish and communicate budget capacity to Nauset School officials based on the Town's current and long-term fiscal sustainability

Launch new Town website and identify preferred enhancements to current communications model

Establish process to revise Brewster Town seal & draft related use policy

Evaluate potential amendments to noise bylaw and/or develop entertainment license regulations

Finalize, adopt, and implement Local Comprehensive Plan and monitor progress

Develop and launch capital budget and other transparency features of new online platform to continue to improve accessibility of Town finances

# Governance

## Status of FY23-24 Goals (2 of 2)

Support Human Resource Department by: 1. Continuing to implement findings from HR audit, including development of employee handbook 2. Continuing to monitor and support employee wellness 3. Creating programs to recognize Town staff/volunteers for their community service

Identify priority areas to increase organizational capacity to meet enhanced service needs and expanded project demands and develop long-term financing plan to fund necessary personnel

Consider need for and structure of new Parks & Recreation Department responsible for management of Drummer Boy Park, former Sea Camps, Dog Park, and other existing recreational amenities/programs

Develop standard criteria and process to evaluate potential land acquisitions and consider establishing municipal land acquisition committee



# Governance

## Suggested Changes/Additions for FY24-25 (1 of 2)

Evaluate strategies that are designed to develop new sources of revenue, improve existing source income where possible, and examine existing policies that may hinder new revenue development

Educate residents about municipal finance and tax impacts of new debt

Continue to study feasibility of target local tax relief options, including potential childcare subsidy program, and implement in equitable and sustainable manner

# Governance

## Suggested Changes/Additions for FY24-25 (2 of 2)

Seek to limit Nauset School budget increases to sustainable levels and investigate possible changes to regional district agreement to mitigate financial impacts of school debt and operating expenses on Brewster residents

Develop and begin to implement communications plan

Explore reporting capabilities of electronic permitting platform

Conduct assessment of community recreation needs, develop implementation plan, and provide staffing supports to deliver enhanced recreation services

Support Fire Department Five-Year Strategic Plan and results of staffing study, and develop a funding plan for potential new hires

# Community Character

## Status of FY23-24 Goals

Adopt and implement 5-year Community Preservation Plan and seek adoption of proposed bylaw amendments to support maximum flexibility to fund projects to meet community needs

Identify and evaluate benefits of introducing/expanding targeted local tax relief options

Complete sociodemographic study to inform next steps in crafting and advancing diversity, equity, and inclusion initiatives

# Community Character

## **Suggested Changes/Additions for FY24-25**

Complete Diversity, Equity, and Inclusion audit of Town policies, provide related training to Town officials, and seek to integrate DEI considerations into community programs, events, and activities

# Community Infrastructure

## Status of FY23-24 Goals

Determine support for advancing proposed Brewster Ladies Library renovation project

Conduct a needs assessment and develop FY24-28 COA (Age Friendly) Community Action Plan

Work with Nauset School officials to clarify process and timeline of next steps regarding results of Elementary School Consolidation Feasibility Study, especially in relation to other potential Town & School capital investments

Complete Millstone Road project final design/ permitting and create Road Capital Prioritization Plan

Develop policy to clarify provision of Town services on private roads and consider potential amendments to private road betterment bylaw

# Community Infrastructure

## Suggested Changes/Additions for FY24-25

Convene Library Building planning group, determine priorities for renovations, and investigate funding options/opportunities

Based on analysis of data from the 2023 COA Community Survey/Needs Assessment, develop and implement FY24-28 Age-and Dementia-Friendly Community Action Plan

Work with state officials to complete design and installation of sidewalks on Route 6A from Dennis to Orleans

Lead previously approved capital projects through to successful completion while continuing to communicate and engage with residents

# Local Economy

## Status of FY23-24 Goals

Define and provide necessary supports to effectively implement electronic permitting and invest in phased digitization of Town records

Continue to host semi-annual roundtable with Town officials, Chamber of Commerce, and local business community to build on increased outreach and communication developed during pandemic

Develop Guide to Doing Business in Brewster

# Local Economy

## Suggested Changes/Additions for FY24-25

Evaluate potential amendments to noise bylaw and/or develop updated entertainment license policies



# Next Steps

---

Town Administration will assemble a summary document for the Select Board's consideration, providing more detail regarding responsible parties and anticipated timelines

Select Board will review, discuss, and adopt final updated Plan at upcoming meeting

Once formally adopted, the Plan will be distributed to all Town boards/committees and staff, and will also be posted for residents on the homepage of the Town's website

Select Board agendas will frequently include goals for discussion, action, and/or status updates to ensure we maintain focus – any changes in approach from previous years?

Iterative annual process that will be aligned with Local Comprehensive Plan (once adopted)



## Town of Brewster

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

Office of:

Town Administrator  
Housing Coordinator

### MEMORANDUM

**TO:** Brewster Select Board  
**FROM:** Jill Scalise, Housing Coordinator & Donna J. Kalinick, Assistant Town Manager  
**RE:** Spring Rock Village (0 Millstone Road) Local Preference Request  
**DATE:** August 18, 2023

---

**Purpose:**

For the Select Board to decide the level of local and/or regional preference, if any, the Town would like to request from EOHLC during the fair housing lottery performed prior to the initial lease up of Spring Rock Village (0 Millstone Road). If local and/or regional preference is requested, authorization for the preparation, signing, and submittal of the local and/or preference request to EOHLC.

**Background:**

Spring Rock Village (0 Millstone Road) received a Comprehensive Permit from the Zoning Board of Appeals on June 13, 2023. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) plan to develop a compact, energy efficient neighborhood with 45 affordable rental homes on approximately 5 acres of a 16+ acre Town-owned parcel. The POAH will be managing the property which also includes ten multifamily residential buildings, a community building with laundry and other amenities, driveways, parking, wastewater and stormwater facilities.

This has been a Town led process. The attached timeline provides an overview of the process as well as current and next steps. In short, the Town, under the oversight of the Affordable Housing Trust, drafted a Request for Proposals (RFP) with community input and then accepted POAH and HAC's proposal to develop the property.

The development will include fifteen 1-bedroom units, twenty-five 2-bedroom units, and five 3-bedroom units. The units will be available at a mix of income levels:  
Eight units at 30%- 50% AMI (with project based Section 8 vouchers)  
Twenty-seven units at 50%- 60% AMI  
Ten units at 60%- 80% AMI (moderate income units).

POAH and HAC are in the process of obtaining funding for the construction of the development. The main funding is expected to come from Low Income Housing Tax Credit (LIHTC) program. POAH and HAC received a Project Eligibility Letter (PEL) in August 2022 and will be applying for LIHTC in the upcoming MA funding round. The Town has received a \$500,000 request for Community Preservation Act funds. The Housing Trust also anticipates a request for \$500,000.

As part of Spring Rock Village's affirmative fair housing marketing and resident selection plan, Brewster may request local and/or regional preference.

**Local Preference:**

A municipality may request a maximum of 70% local preference for the initial fair housing lottery. Local preference applies to people presently living or working in Brewster or who have a child attending a Brewster public school. There is also the possibility of requesting a regional preference, the region would be Barnstable County. When making a local and/or regional preference request to EOHLC, a municipality must provide documentation, such as data from the Housing Production Plan, to support the request. The EOHLC makes the decision on any approval of local and/or regional preference. The Town has 90 days from the Comprehensive Permit approval to request local preference from EOHLC.

**Possible Motion:**

Move that the Town of Brewster request EOHLC allow a \_\_\_% local and/or \_\_\_% regional preference for the initial fair housing lottery for Spring Rock Village (0 Millstone Road) and to both authorize Assistant Town Manager Donna Kalinick and Housing Coordinator Jill Scalise to draft a request letter to EOHLC and for Chair Chatelain to sign the letter.

Included with this memo are the following attachments:

1. Perspective view of Spring Rock Village
2. Timeline of the 0 Millstone Road parcel
3. Comprehensive Permit 0 Millstone Road
4. MA Affirmative Fair Housing Marketing and Resident Selection Guidelines, Section III, including Local Preference Guidelines
5. Local Preference Information Session Slides 8.17.23
6. Housing Lottery Memo 2.15.23
7. Sample Local Preference request letter including supporting documentation
8. Sample Local/Regional Preference request letter including supporting documentation



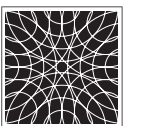
# MILLSTONE ROAD | BREWSTER

PROPOSED SITE LAYOUT - PERSPECTIVE VIEW

DECEMBER 14, 2021

NOT TO SCALE

PAGE 7



UNION STUDIO  
ARCHITECTURE & COMMUNITY DESIGN



# Millstone Road Land Parcel Property Timeline through 2020

## 16+ ACRES OF TOWN-OWNED LAND DESIGNATED FOR COMMUNITY HOUSING

**Timeline prior to the drafting of the Request for Proposals (RFP) for development of the property which began in January 2021 and continued through September 2021 with the guidance of MHP.**

1996

2000

2004

2008

2012

2016

2020

**6/2004:** Court judgment transfers the property to Town of Brewster.

**2006-2013:** Work done includes survey, investigation of deed, and possible access to Millstone land parcel.

**10/2019-6/2020:** Community engagement includes 3 community input sessions, and 2 online surveys. The Trust, with guidance from the Housing Plan and help from MHP & Barrett Planning, determines community housing goals for the property. **9/2020:** Completion of Bohler Feasibility Study. **12/20:** Watershed Study.

1994

1998

2002

2006

2010

2014

2018

**6/1994:** Town of Brewster files Tax Lien Conversion Case in Land Court.

**11/2005:** Special Town Meeting vote authorizes Board of Selectmen to investigate ownership of the Town's interests in 8 parcels of land (including 98-12) for the purpose of constructing affordable housing, or for the sale with proceeds reverting to the town's Affordable Housing Fund. \$10,000 is allocated for professional services.

**5/2018:** Brewster residents approve the transfer of Millstone land parcel 98-12 for community housing purposes, and the use of CPA funds to purchase 0 Millstone Road (99-1) for community housing purposes.

**7/2018:** Town purchases 0 Millstone Road (access parcel).

**12/2018:** Select Board signs grant agreement with MHP for pre-development feasibility study and assigns management of the project to the Brewster Affordable Housing Trust.

**7/2019:** An initial report by Bohler Engineering states that "an affordable housing development appears to be a feasible project at this location with limited constraints."



## Completed steps & potential next steps for Spring Rock Village as of July 2023

The development of the 0 Millstone Road parcel, Spring Rock Village, for Brewster's housing needs has been an intentional process overseen by the Brewster Affordable Housing Trust (BAHT). The following is a general timeline highlighting actions after the parcel was designated for Community Housing at the May 2018 Town meeting.

### Completed Steps (2019 – July 2023)

#### **Feasibility study on land (2019- 2020)**

In December 2018, the Select Board signed a grant agreement with Mass Housing Partnership (MHP) to provide a pre development feasibility study to help determine the potential community housing options for this parcel. In July 2019, Bohler Engineering released the initial stage of the study, the Due Diligence Report.

#### **Determine community housing goals for the property (Fall 2019- Spring 2020)**

This involved public input, financial realities, and feasibility study information as well as Brewster Housing Plan data, needs, and strategies. Barrett Planning Group led the community engagement process, including interviews, three public sessions, and two online surveys. MHP and the Housing Trust also participated in information gathering, sharing, and presentations. Taking this accumulated knowledge and feedback into account, the Trust worked diligently over several meetings to provide guidelines and goals around the Millstone property.

#### **Completion of Bohler Engineering's Feasibility Study (September 2020)**

With input from the community engagement process and guidance from the Housing Trust, Bohler developed a Master Plan to be used to assist in the creation of the RFP. The Feasibility Study, including the Master Plan, was presented by Bohler and MHP to the Trust at the televised, and recorded, September 2020 Virtual Trust meeting. In response to abutter concerns, the Trust engaged Bohler to perform an additional Watershed Analysis in Fall 2020.

#### **Develop Criteria and Create a Request for Proposals (RFP) (January 2021- September 2021)**

At public Housing Trust meetings over a span of eight months, the BAHT developed criteria and drafted an RFP with guidance and assistance from MHP. The RFP included the development objectives, property description, proposal submission requirements, developer selection criteria and selection process. The RFP was approved by the Select Board and issued in October 2021. Proposal responses were due in December 2021.

#### **Designate a Developer (January – August 2022)**

After reviewing proposals, the Town selected Preservation of Affordable Housing and Housing Assistance Corporation to develop 45 affordable rental homes on the parcel. A land development agreement was signed in August 2022.

#### **File a Comprehensive Permit Application with the Zoning Board of Appeals (ZBA) (December 2022- June 2023)**

The developers applied for a Comprehensive Permit with the ZBA on December 22, 2022. The public hearing opened February 7 and public comment was received through May 9. In response to ZBA input and public comment, the plans were adjusted, and on June 13, the ZBA approved the comprehensive permit with conditions. This was considered a 'friendly 40B' as the Town created the RFP and both the town and developers worked towards a common goal.

#### **Certification of the Housing Production Plan (HPP) (July 2023)**

With the permit approved for 45 affordable rental units, the Town applied for and received certification of the HPP, confirming that the Town met the plan housing goal for the current year and placing the Town in "safe harbor".

### Current & Future Steps

#### **Request Community Preservation Act (CPA) Funding (2023)**

POAH and HAC applied for Brewster CPA funding. This involves a CPC application, review & recommendation by the CPC, and a Town Meeting vote. It is also expected that POAH and HAC will apply to the Housing Trust for funding.

#### **Local Preference (2023)**

With documentation of need, The Select Board may request up to 70% local preference for the initial unit leasing. The state's Executive Office of Housing and Livable Communities (EOHLC) makes the final decision on any local preference.

**Sign Lease:** A lease agreement for the property will be executed between the Town and developers (POAH & HAC).

#### **Finalize Funding**

The developers will apply for state funding. The state usually has one funding round every 9-12 months and it generally takes at least two tries to successfully attain funding. However, the state may have additional funding opportunities.

**Begin Construction:** This includes a final review of plans by Town officials. Construction averages 12 months.

**Lottery:** An affirmative fair housing lottery will be held for the initial leasing of the rental homes.

#### **For additional information contact:**

Donna Kalinick, Assistant Town Administrator, [dkalinick@brewster-ma.gov](mailto:dkalinick@brewster-ma.gov), 508-896-3701, X1130

Jill Scalise, Housing Coordinator, [jscalise@brewster-ma.gov](mailto:jscalise@brewster-ma.gov), 508-896-3701 X1169

**DECISION**  
**BREWSTER ZONING BOARD OF APPEALS**  
**Millstone Road Comprehensive Permit Application**

**Decision Number:** 23-04

**Date Application Filed:** December 22, 2022

**Applicant:** Preservation of Affordable Housing, Inc./Housing Assistance Corporation

**Premises Affected:** 0 Millstone Road, Assessor's Map 98 Lot 12

**Relief Requested:** Comprehensive Permit, G.L. c. 40B, §§ 20-23

**Public Notice:** January 20, 27, 2023

**Public Hearing(s) held:** February 7, 2023; March 14, 2023; April 11, 2023; May 9, 2023

**Decision of the Board:** Approved with Conditions

**Members participating:** Brian Harrison (Chair), Jeff Carter (Vice Chair), Patricia Eggers, Bruce MacGregor and Trish Metz

**Date of Decision:** June 13, 2023

Book 18897 Page 134 and Book 31410 Page 87

Millstone Road  
Decision No. 23-04

**DECISION**  
**BREWSTER ZONING BOARD OF APPEALS**  
**Millstone Road Comprehensive Permit Application**

**I. FINDINGS**

The Zoning Board of Appeals hereby finds as follows:

**Procedural History**

1. On December 22, 2023, Preservation of Affordable Housing, Inc. and Housing Assistance Corp. (“Applicant”) submitted a Comprehensive Permit application to construct 45 rental units (“Project”) in eleven buildings on approximately 16.6 acres of land at 0 Millstone Road in Brewster (Tax Assessor’s Map 98 Lot 12) (“Site”). Thirty-five units will be affordable for households with incomes at or below 60 percent of Area Median Income (AMI), and ten units will be affordable for households with incomes at or below 80 percent AMI. Upon receipt of the application, Brewster Planning Department staff distributed copies of the application to Local Boards and town departments for review and comment.
2. The Zoning Board of Appeals (“Board”) opened and held a duly-noticed public hearing on February 7, 2023, and continued the hearing to March 14, 2023; April 11, 2023; and May 9, 2023. The Applicant consented in writing to extend the opening of the hearing. The Board closed the public hearing on May 9, 2023. The Board reviewed a draft written decision and deliberated on the Project at its duly-noticed public meeting on June 13, 2023, and voted unanimously, five votes in favor, none opposed, to grant the Comprehensive Permit with Conditions.
3. At its hearing on February 7, 2023, the Board received presentations from the Applicant’s development team. Attorney Peter Freeman provided an overview of the Project and the basic requirements of G.L. c. 40B, §§ 20-23 (“Chapter 40B”) for the Board. He described the proposed development as a “friendly 40B” because the project is on land owned by the Town of Brewster and which will be ground-leased to the Applicant as a result of a Request for Proposals (RFP) process involving the Brewster Affordable Housing Trust and Select Board. After designating the Applicant as the developer of the Site, the Select Board supported a Low-Income Housing Tax Credits (LIHTC) Project Eligibility Application to the Department of Housing and Community Development (DHCD) by letter dated August 10, 2022, and on August 17, 2022, DHCD issued a Project Eligibility Letter to the Applicant. The Applicant’s design team, including Joseph Henderson, P.E., from Horsley Witten Group, and Paul Attemann, AIA, from Union Studio Architecture and Community Design., presented information about the building plans, site design, stormwater, wastewater disposal, wetlands, traffic, and other information within the Board’s purview under Chapter 40B.
4. When the hearing continued on March 14, 2023, the Applicant’s traffic consultant, Jeffrey Dirk, P.E., of Vanasse & Associates, Inc., presented the Traffic Impact Assessment (TIA) for the project.



Millstone Road  
Decision No. 23-04

5. To evaluate the plans, documents, and testimony submitted by the Applicant's development team, the Board sought technical assistance and comments from Town staff and other boards and commissions. The Board received comments and recommendations from the DPW Director, Planning Board and Planning Department, Housing Coordinator, Health Department, Assistant Town Manager, Fire Department, and Cape Cod Commission.
6. Abutters presented several questions and comments to the Board during the course of the public hearing. Their concerns covered the following topics:
  - (a) Whether the Project would disturb wildlife habitat;
  - (b) Adequacy of the proposed parking;
  - (c) Buffering and fencing as related to claimed visual, noise and privacy impacts;
  - (d) Traffic impact on Millstone Road;
  - (e) Building height;
  - (f) Project cost; and
  - (g) Whether Brewster needs more affordable housing.
7. The Board also questioned several aspects of the Project during the public hearing, specifically:
  - (a) Adequacy of the proposed parking;
  - (b) The affordability levels and income ranges to be served by the Project;
  - (c) Whether a financial impact analysis should be conducted; and
  - (d) Whether portions of the Site not currently proposed for development could be proposed for additional development in the future.
8. To respond to these questions and comments, the Applicant provided the following:
  - (a) The Site is not within a state-designated Priority Habitat Area, as noted both by the Applicant's engineering consultant and the report from the Cape Cod Commission;
  - (b) The proposed number of parking spaces was increased by the Applicant during the course of the hearing, and the plans were revised to show the additional parking, larger parking spaces, and to allow for reserve parking;
  - (c) Fencing and additional landscaping was provided where needed and as appropriate, and the plans were revised accordingly;
  - (d) The addition of vehicular traffic on Millstone Road will be a *de minimis* impact on existing traffic volumes, as reported in the TIA, and safe sight lines for the Project's access drive would be provided with the necessary clearing within the Millstone Road layout.
9. The Assistant Town Manager, the Town's Housing Coordinator, Town Planner, and Brewster Housing Partnership provided other comments as well:
  - (a) The size of the proposed Project represents what is authorized under the Town's land Disposition Agreement with the Applicant, and any additional development would violate the terms of that agreement;
  - (b) Seventy-two percent of the Site will remain undeveloped open space;

Millstone Road  
Decision No. 23-04

- (c) Affordable housing lottery information from the past two Chapter 40B developments in Brewster indicates there is a continuing regional need for affordable housing. For Brewster Woods and Serenity, 81 percent of the qualified applicants were residents of Cape Cod communities, including Brewster.
10. Sitting for the Board and present for the public hearing process were Brian Harrison, Chair, Bruce MacGregor, Pat Eggers, Jeff Carter, and Trish Metz. The first hearing session was held virtually; all subsequent public hearing and meeting sessions were held in person. Mr. MacGregor missed the first hearing session but subsequently reviewed all evidence from that missed session. Mr. MacGregor's affidavit certifying the same, pursuant to MGL Ch 39, Section 23D, has been accepted into the hearing record.
11. All documents received in connection with this application and the public hearing process are on file with the Brewster Board of Appeals.

**Governing Law**

12. The law governing this application is the Comprehensive Permit Law, Massachusetts General Laws, Chapter 40B, §§ 20-23 (the "Act"), and the regulations promulgated by the Massachusetts Department of Housing and Community Development ("DHCD"), 760 CMR 56.00 et seq. (the "Regulations").
13. The Act promotes regional distribution of low- or moderate-income housing by preventing individual cities and towns from using exclusionary zoning to block construction of such housing. Toward these ends, the purposes of the Act are satisfied if: (a) a town has low or moderate income housing in excess of 10 percent of the total number of year-round housing units reported in the latest decennial census or (b) which is on sites comprising 1.5 percent or more of the town's total land area zoned for residential, commercial, or industrial use, or (c) if the application results in the commencement of low and moderate income housing construction on sites comprising more than 0.3 percent of such total area or 10 acres, whichever is larger, in one year.
14. DHCD's Regulations expand the definition of what constitutes satisfaction of the statute to include such methods as "recent progress" toward the statutory minima or compliance with a DHCD-approved Housing Production Plan (HPP), all as described in 760 CMR 56.03(1). The Town of Brewster has an approved HPP, and as of the date of the Application, the Town's HPP was certified for one year (expiring on May 15, 2023). Accordingly, the Board issued a Reservation of Rights letter to the Applicant within 15 days of opening the public hearing. Nevertheless, the Board (and Applicant) proceeded with the public hearing process. DHCD acknowledged receipt of a copy of said letter in writing.
15. The Board's decision on a comprehensive permit must balance the regional need for low- or moderate-income housing against the Town's long-range planning goals, local requirements and regulations to the extent that they are applied equally to subsidized and unsubsidized housing, and valid concerns about the health and safety of residents of the

Millstone Road  
Decision No. 23-04

proposed housing, the surrounding neighborhood, or the Town as a whole. A board of appeals may approve a project subject to reasonable conditions to mitigate its impacts.

16. At present, the Town of Brewster does not meet the statutory minima set forth in G.L. c. 40B § 20 or 760 CMR 56.03(3).

**Jurisdictional Findings**

17. The Applicant meets the jurisdictional requirements under Chapter 40B. The Subsidizing Agency for the Project is DHCD. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1). Specifically:

- (a) Applicant's Status. The Applicant is a partnership of Preservation of Affordable Housing, Inc. (POAH, Inc.) and Housing Assistance Corp. ("HAC"), both of which are non-profit organizations, and the partnership agrees and intends to enter into a Regulatory Agreement with DHCD under the Federal Low Income Housing Tax Credit ("LIHTC") Program (the "LIHTC Regulatory Agreement"). Therefore, as found by DHCD in the Project Eligibility Letter described below, the Applicant is an eligible Applicant pursuant to 760 CMR 56.04(1)(a).
- (b) Fundable Project. The Applicant has submitted a Project Eligibility Letter from DHCD dated August 17, 2022, which confirms the project's eligibility for receiving a governmental subsidy under the LIHTC Program and the suitability of the site. Therefore, the Applicant fulfills the requirement of 760 CMR 56.04(1)(b), which states: "The project shall be fundable under a subsidizing agency under a low- and moderate-income subsidy program."
- (c) Site Control by Applicant. Housing Assistance Corporation and Preservation of Affordable Housing LLC, an affiliate of Preservation of Affordable Housing, Inc., have entered into a Land Disposition Agreement dated 8/25/22 with the Town of Brewster and Brewster Affordable Housing Trust to develop the Site. Therefore, the Applicant controls the site as required by 760 CMR 56.04(1)(c).

**Findings of Fact**

18. The Site is in the Residential Low Density (R-L) Zoning District with lot frontage on and direct access from Millstone Road. The Site meets the zoning bylaw's minimum lot width and frontage requirements.
19. The Project consists of 45 rental units with a mix of one-, two-, and three-bedroom units (80 total bedrooms) in ten multifamily residential buildings, a community building with laundry facilities and other amenities, and supporting infrastructure such as driveways, parking, and wastewater and stormwater facilities, depicted and described in the application materials, as revised and supplemented ("Project").
20. The Project will provide 45 units of affordable housing, consistent with needs identified in the Town of Brewster Housing Production Plan, which was approved by the Brewster Select Board and Planning Board in July 2022.

Millstone Road  
Decision No. 23-04

21. The Site is owned by the Town of Brewster, previously acquired and designated for community housing purposes by Brewster Town Meeting, and the Town administration together with the Affordable Housing Trust and the Town's Housing Coordinator, and other Town departments, spent considerable time developing a Request for Proposals (RFP) which called for the type of development that the Applicant is proposing. The Town received and used an MHP Technical Assistance grant to help develop the RFP. A robust, professionally facilitated community engagement process preceded drafting of the RFP. The Town had prepared a Watershed Study and Due Diligence Report by Bohler Engineering to assess and inform future development of the Site pursuant to the RFP.
22. In response to the RFP, the Applicant submitted a proposal and the Town selected the Applicant to develop the site for affordable housing consistent with the RFP.
23. The Applicant is proceeding under a Land Disposition Agreement (LDA) with the Town. The Project as described in the application, including as revised and supplemented, is consistent with the material terms of the LDA.
24. Consistent with the terms of the RFP, the Applicant intentionally clustered the proposed buildings and infrastructure on approximately 4.7 acres of the 16.6 acres of the Site in order to preserve as much undisturbed area as possible.
25. The Site is not in an Area of Critical Environmental Concern nor is it in or does it include any other environmentally sensitive areas, including without limitation a water recharge area/ Zone II, special flood hazard zone, wetlands or wetland buffer zones, and it is not upgradient of a nitrogen sensitive tidal embayment and not upgradient of any freshwater ponds.
26. The Site has no Priority Habitat Area designated by the Natural Heritage and Endangered Species Program on the Site and is not subject to any regional or state filings or determinations with respect to habitat protection.
27. The Applicant had prepared by its consultant Horsley Witten and submitted with its application an Existing Conditions Report/ Natural Resource Analysis, a Stormwater Analysis and Drainage Report, and a Phase 1 Environmental Site Assessment, all dated December 2022. The Town has a Stormwater Management Bylaw and corresponding regulations; the Applicant's Stormwater Analysis and Drainage Report complies with said bylaw and regulations, without Waiver.
28. The Site is not located in an historic district, though Millstone Road is a locally designated Scenic Road. Millstone Road is a public (town) way.
29. The Project is not located in the "District of Critical Planning Concern" Groundwater Overlay District of the Zoning Bylaw, and thus no Water Quality Certificate or review by

Millstone Road  
Decision No. 23-04

the Water Quality Review Committee is required for the Project, and no Waiver is required relative thereto.

30. The Project completed formal staff review (Brewster Code Ch. 83) prior to filing the comprehensive permit application. The Town Planner issued a staff review report to the Applicant, a copy of which was provided to the Zoning Board of Appeals for the hearing record.
31. The Project is subject to the Scenic Roads Act and Shade Tree Act, and the approval of this Comprehensive Permit includes approval of tree clearing within the Millstone Road layout as shown on the Applicant's plans.
32. The Applicant has communicated with the Cape Cod Regional Transit Authority (CCRTA) about on-call, off-route service that will be available to the Project, and the potential for a future fixed route stop at the Site.
33. The Town of Brewster Planning Board heard a presentation from the Applicant at its January 25, 2023 meeting, and the Planning Board "voted unanimously to communicate to the Zoning Board of Appeals its support of the project and of the requests for waivers relating to matters within the Planning Board's purview" (citation from Planning Board Memorandum to the Board dated January 30, 2023).
34. There is an acute rental housing shortage in the Town of Brewster and the Cape Cod region.
35. The Applicant has complied with all rules and regulations of the Board of Appeals as they pertain to the application for a Comprehensive Permit, except as waived in this decision.
36. The Applicant requested certain Waivers from the Town's applicable requirements, bylaws and regulations in the application, and revised and supplemented its request throughout the hearing process. A list of said Waivers and Board's corresponding Findings about the Waivers is attached hereto as Exhibit B.
37. No fee waivers are granted hereunder. Should the Applicant desire to pursue fee waivers related to building permits, disposal works construction permits or municipal water service, it shall pursue the same with the Select Board, Board of Health and Water Commission, respectively. The Select Board has adopted a Fee Waiver Policy, revised 12/21/20, which specifically exempts Town-sponsored projects including affordable housing development from certain applicable permit and license fees.
38. The Select Board will consider and it is anticipated that the Select Board will pursue approval of "local preference" for initial lease-up of the Project from DHCD, potentially up to a maximum 70% permitted under DHCD guidelines. The Select Board will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the

Millstone Road  
Decision No. 23-04

level of local preference requested and to obtain approval of the categories of persons qualifying for the same. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence, as requested. In no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves local preference or any aspect thereof.

39. Subject to the conditions imposed by this decision, the Project is "Consistent with Local Needs" within the meaning of G.L. c. 40B, § 20, and Section 56.02 of DHCD's Chapter 40B Regulations (760 CMR 56.02).

## **II. DECISION**

In consideration of all of the foregoing, including the plans, documents, and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit under Chapter 40B for the development described herein, subject to the Conditions set forth below. The Board notes that the Applicant has not identified any of the following conditions as requirements that will render the Project uneconomic. Said Conditions are consistent with Local Concerns.

The Board also grants the Waivers substantially as requested by the Applicant, a list of which are attached hereto and incorporated herein by reference as Exhibit B. The Waivers are Consistent with Local Needs and are required to permit the construction and operation of the Project.

## **III. CONDITIONS**

### **General**

1. The holder of this Comprehensive Permit is the Applicant, Preservation of Affordable Housing, Inc., and the Housing Assistance Corporation. The Applicant, its successors and assigns shall comply with this Decision and all applicable requirements of Chapter 40B and the regulations adopted thereunder. The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the Applicant and the successors and assigns of the Applicant, and the obligations shall run with the land, as set out in this Condition. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. Prior to substantial completion of construction, this Decision may be transferred pursuant to the provisions of 760 CMR 56.05(12)(b), subject to approval of the Subsidizing Agency with notice to this Board. After substantial completion, this Decision shall be deemed to run with the land pursuant to 760 CMR 56.05(12)(b).
2. Except as may otherwise be provided in the following Conditions, the Project shall be constructed substantially in conformance with the plans, documents and drawings listed in Exhibit A attached hereto and incorporated herein by reference, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). The Project includes all features shown on the Approved Plans or as otherwise required by this Comprehensive Permit.

Millstone Road  
Decision No. 23-04

3. Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Building Inspector who shall have the authority to approve such changes as immaterial changes. If the Building Inspector determines that the proposed changes do not conform to the requirements of this comprehensive permit, s/he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this decision or seek modification in accordance with 760 CMR 56.05(11).
4. The Project shall consist of not more than 45 units with a mix of one-, two-, and three-bedroom units in ten multifamily residential buildings as shown on the Approved Plans.
5. There shall be 79 off-street parking spaces, as well as a reserve area for possible future additional parking spaces which would result in a net gain of 8 spaces (87 in total), all as depicted in the Approved Plans (5 accessible spaces are proposed as part of the 79 spaces).
  - (a) Three years after the issuance of the last/ final Certificate of Occupancy for the Project, or earlier if identified by the Building Inspector and communicated to the Applicant, the Applicant shall submit to the Building Inspector an assessment as to whether the 79 constructed parking spaces are adequately serving the parking needs of the Project; such assessment shall include the number of vehicles owned by the tenants, the number of spaces that are assigned to the units, the number of spaces available to guests; and the average number of vacant spaces, if any.
  - (b) If in the Building Inspector's opinion additional parking spaces are needed, then the Building Inspector shall so notify the Applicant in writing and inform the Applicant of how many of the reserve parking spaces must be constructed in the area denoted for reserve parking in the Approved Plans; and the Applicant shall do so within three (3) months of such notice, subject to reasonable extension due to weather conditions or the like.
  - (c) Such construction may include any necessary grading or drainage facilities; the reserve parking area may be constructed of pervious surface adequate for parking purposes.
  - (d) Further review by the Board or modification to this Decision shall not be required to construct the reserve spaces if consistent with this Condition.
6. All dwelling units approved under this Comprehensive Permit shall be rental units.
7. The Applicant shall comply with all local regulations of the Town of Brewster and its boards and commissions unless specifically waived herein or as otherwise addressed in these conditions.
8. The Applicant shall copy the Building Inspector on all correspondence by and between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.

Millstone Road  
Decision No. 23-04

9. Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Applicant shall pay all permit application fees normally charged by the Town. The Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission and payment of application fees. For submissions that require assistance from an outside consultant, as determined by the Building Inspector or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant.
10. Nothing herein shall affect the Applicant's obligations to the Town under the LDA.
11. The sidewalks, driveways, roads, utilities, drainage systems, wastewater disposal systems, water system, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity unless otherwise agreed to and accepted in writing by the Town, consistent with all applicable laws and regulations. Subject to the foregoing, the Town of Brewster shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, trash removal, recycling, and landscape maintenance.
12. Unless the language of a Condition suggests that it is intended to have shorter duration, all Conditions in this Comprehensive Permit shall be "in perpetuity" and remain in full force and effect for the life of the Project.
13. Prior to commencement of any Project construction, the Applicant shall record this Comprehensive Permit with the Barnstable County Registry of Deeds, at the Applicant's expense, and provide proof of the same to the Building Inspector. The Board reserves the right to cause this Decision to be recorded at the Barnstable County Registry of Deeds at any time.

**Affordability Requirements**

14. All of the units on the Site shall be affordable in perpetuity: of the forty-five (45) total units, thirty-five (35) units shall be affordable to and occupied by households with incomes at or below 60 percent of AMI (the "Low Income Households") and the remaining ten (10) units shall be affordable to and occupied by households with incomes at or below 80 percent of AMI (the "Moderate Income Households"). All units required to be affordable to and occupied by Low Income Households or Moderate Income Households are referred to herein as "Affordable Units." Notwithstanding the foregoing, in the event of foreclosure, a minimum of 45% of the units on the Site shall be and remain Affordable Units: 25% of the units shall be permanently affordable to and occupied by Moderate Income Households, and an additional 20% of the units shall be permanently affordable to and occupied by Low Income Households. However, in the event of a conflict between this condition and the DHCD requirements under the LIHTC Program, the DHCD requirements shall control, including without limitation the provisions of the LIHTC Program and Regulatory Agreement concerning foreclosure.



Millstone Road  
Decision No. 23-04

15. All Affordable Units shall be eligible for inclusion in DHCD's Subsidized Housing Inventory ("SHI") in accordance with 760 CMR 56.02(2).
16. To comply with the requirements of the LIHTC Program, the Affordable Units shall be available to and restricted for rent and occupancy as required by the LIHTC Program and as approved by DHCD (which currently requires the Affordable Units to be available to and restricted for rent and occupancy to eligible households, as determined by HUD, provided that the average household income does not exceed 60 percent HUD area median income).
17. The Applicant and the Town shall enter into a Local Regulatory and Use Agreement, incorporating the provisions of Conditions 14 and 15 hereof, in form and substance reasonably acceptable to Applicant and the Town, and approved by DHCD under the relevant provisions of the Massachusetts General Laws and DHCD's regulations and Guidelines (the "Local Regulatory Agreement"), sufficient to include all the Affordable Units in the SHI, which Local Regulatory Agreement shall be recorded with the Barnstable Registry of Deeds prior to the issuance of a building permit. Notwithstanding the foregoing, the terms of the LIHTC Regulatory Agreement and any applicable rent restrictions of the federal low-income housing tax credit program under Section 42 of the Internal Revenue Code of 1986, as amended, set forth in the LIHTC Regulatory Agreement, shall take precedence over the Local Regulatory Agreement until such time as the LIHTC Regulatory Agreement expires, terminates or is otherwise no longer in effect and there is no other substitute regulatory agreement in effect. Any reference herein to a Regulatory Agreement herein shall refer to the LIHTC Regulatory Agreement or substitute regulatory agreement for so long as the same is in effect, after which all references to a Regulatory Agreement shall mean the Local Regulatory Agreement. Execution and recording of a "Restriction" approved by the Town in accordance with the LDA will satisfy the foregoing requirement for a Local Regulatory Agreement.
18. The Affordable Units shall be dispersed throughout the Project in accordance with the DHCD's Comprehensive Permit Guidelines (it being understood that the location of Affordable Units can change over time as provided in the Regulatory Agreement).
19. The Applicant shall be responsible for maintaining records sufficient with DHCD guidelines for the rental of such Affordable Units by income-eligible households.
20. The Applicant shall obtain the Subsidizing Agency's approval of an Affirmative Fair Housing Marketing Plan prior to making any of the Affordable Units available for rent. The Plan approved by the Subsidizing Agency shall be provided to the Planning Department and Brewster Housing Partnership for informational purposes.
21. The Subsidizing Agency is responsible for regulating, monitoring, and enforcement in accordance with the LIHTC Regulatory Agreement. The Applicant and successors and assigns as owners of the Project, shall pay, in perpetuity, any reasonable fees charged by the Subsidizing Agency's monitoring agent and any subsequent monitoring agent retained by the

Millstone Road  
Decision No. 23-04

Town when the LIHTC Regulatory Agreement is no longer in effect, as set forth in the Local Regulatory Agreement. The Town of Brewster shall not be responsible for paying such fees or for monitoring the Project's compliance with the Regulatory Agreement.

**Submission Requirements**

22. Prior to any construction on the Site, whether or not pursuant to a building permit, the Applicant shall:
- (a) Submit Final Engineering Drawings and Plans that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein ("Final Plans") to the Building Inspector for review and approval as to conformity with this Decision. The Final Plans shall incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Registered (Civil) Engineer of record, the Registered Landscape Architect of record, or the Registered Architect of record. No construction of buildings, structures, or improvements shall be performed on the Site unless they are substantially in accordance with the Approved Plans and the Final Plans;
  - (b) Submit a final landscaping plan consistent with the Approved Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
    - i. Overall planting plan that includes a demarcation of clearing and the limits of work; including areas where the existing vegetated buffer will be enhanced with additional plantings;
    - ii. Planting plans for drives showing shade trees and lighting fixture locations;
    - iii. Plans of walkways in open space and recreation areas;
    - iv. Prototype planting plans for each building that include shade trees, ornamental trees, shrubs, and groundcovers;
    - v. Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;
    - vi. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
    - vii. Tree protection and preservation plans;
    - viii. Construction details; and
    - ix. Location of fencing on southeast property line near the Site's access to Millstone Road, designed to shield the neighboring property from vehicular headlights in the driveway area.
    - x. All plantings shall consist of non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall be salt-tolerant as well.
  - (c) If the Project is to be phased, provide a Phasing Plan, in form and substance satisfactory to the Building Inspector, showing, among other things, construction of the access drives and utilities sufficient to serve the current phase(s) proposed, and protection of landscaping, plantings and improvements. The Phasing Plan shall be provided to the Building Inspector at least seven days prior to the start of construction;
  - (d) Obtain approval of proposed fire hydrant locations from the Brewster Fire Department.
23. The Applicant and the site general contractor shall attend a preconstruction conference with the Building Inspector and other Town department heads as the Building Inspector may determine.

Millstone Road  
Decision No. 23-04

24. Prior to the issuance of a building permit for the Project, the Applicant shall:
- (a) Submit the Final Plans for administrative review by the Board (no public hearing required) as to conformity with this Decision;
  - (b) Submit the Final Plans and specifications for the wastewater treatment facilities to the Board of Health for review and approval as to conformity with this Decision prior to the issuance of a foundation permit;
  - (c) Submit to the Building Inspector final Architectural Plans prepared and sealed by an architect with a valid registration in the Commonwealth of Massachusetts. The Architectural Plans shall be submitted in such form as the Building Inspector may require pursuant to the State Building Code;
  - (d) Obtain and file with the Building Inspector a written review from the Brewster Water Department of the Applicant's construction plans and engineering details to tie into the public water distribution system, and to undertake any work and improvements within public ways, all in a manner consistent with the Approved Plans and the Conditions of this Comprehensive Permit; provided, however, permission is granted by this Decision for the project to connect to the municipal water system;
  - (e) Submit to the Building Inspector a copy of the fully executed LIHTC Regulatory Agreement for the Project; provided, however, due to the fact that such Regulatory Agreement is not executed by DHCD until the funding closing for the Project, this Condition shall be deemed satisfied if the Building Inspector issues a "will issue" letter as to the Building Permits indicating that they will be issued upon submission by the Applicant of the fully executed LIHTC Regulatory Agreement and the payment of the applicable fess for the Building Permits;
  - (f) Submits to the Building Inspector a copy of the Local Regulatory Agreement duly signed by the Applicant, the Town, and DHCD and recorded with the Barnstable Registry of Deeds and/or the Barnstable Registry District of the Land Court. All mortgages and other liens on the Site shall be subject to the Local Regulatory Agreement.
  - (g) Obtain and file with the Building Inspector a copy of all federal, state, and local permits and approvals required for the Project;
  - (h) Obtain all necessary building, electrical, plumbing, and associated permits for the Project required by state law.

**Construction Completion; Certificate of Occupancy**

25. Prior to issuance of the first certificate of occupancy or certificate for any portion or phase of the Project, the Applicant shall:
- (a) If the Project is built in Phases, submit interim as-built utilities plan and profiles for each Phase as completed, showing actual-in ground installation of the utilities and stormwater management systems, to the Department of Public Works;
  - (b) Obtain acceptance from the Fire Department of testing of all smoke and carbon monoxide detectors within the dwelling units, for the portion or phase as applicable;
  - (c) Provide evidence in a form satisfactory to the Building Inspector that the Applicant complies with the Traffic Safety conditions listed under the Section below.
26. Prior to issuance of the last/ final certificate of occupancy for the Project, the Applicant shall:

Millstone Road  
Decision No. 23-04

- (a) Submit to the Department of Public Works (DPW), in digital file format, a final as-built utilities plan including profiles, showing actual-in ground installation of all utilities, roadway, sidewalk and associated construction, and stormwater management systems. The file format shall be in accordance with the DPW's requirements. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet (or Meters, as required by the Town);
- (b) Submit to the Building Inspector as-built plans for all buildings in the Project;
- (c) Complete all items on a site construction "punch list" that might be developed by the Department of Public Works.

**Project Design and Construction**

- 27. The Applicant shall allow the Board and Town employees, agents, and representatives to observe and inspect the Site and construction progress until such time as the Project has been completed.
- 28. The Applicant shall ensure that nuisance conditions do not exist in and around the Site during construction operations. The Applicant shall at all times use reasonable means to minimize inconvenience to businesses and residents in the surrounding area.
- 29. Soil material used as backfill for pipes, access drives, infiltration beds, porous pavement areas, and other underground drainage structures shall be certified by the Design Engineer to the Building Inspector as meeting design specifications.
- 30. Construction activities shall only be conducted between the hours of 7:00 AM., and 6:00 PM., Monday through Friday, and between 9:00 AM and 3:00 PM on Saturday. For purposes of this Condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Department of Public Works and shall not be subject to the timing restrictions set forth above. Finish work inside a structure once fully enclosed (walls, doors, windows and roof) is not restricted by this condition. Parking of all vehicles and equipment must be on site during construction.
- 31. During construction, the Site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner.
- 32. No building areas shall be left in an open, unstabilized condition longer than sixty (60) days.

Millstone Road  
Decision No. 23-04

33. As set out in more detail in Section 5 of the Applicant's Stormwater Analysis and Drainage Report, temporary stabilization on the Site shall be accomplished by hay bales, hay coverings or matting; final stabilization shall be accomplished by loaming and seeding exposed areas.
34. Exterior lighting on the Site shall be downlit, full cut-off and fully shielded in order to minimize glare or trespass onto or into any adjacent property.
35. During the pendency of construction, the Applicant shall erect barriers to prevent turtles from entering the limit of work for the Project, and conduct sweeps to remove any found turtles and move them elsewhere on-site outside said limit of work.

**Traffic Safety Conditions**

36. The Applicant shall provide a bus stop area or bench on-site and continue to work with the CCRTA on serving the Site.
37. The Applicant shall implement the "Recommendations" of Vanasse & Associates, Inc., in its Traffic Impact Assessment Report dated January 2023 (as revised by letter dated March 31, 2023) concerning on- and off-site traffic mitigation for safe, multi-modal travel into and out of the Site. Specifically:
 

The Project site driveway should be a minimum of 20-feet in width where parking will not be permitted and designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle. If the minimum driveway width is used, "No Stopping Any Time" signs shall be installed along both sides of the driveway.;

  - (a) Where perpendicular parking is proposed, the drive aisle behind the parking should be a minimum of 22 feet in width in order to facilitate parking maneuvers;
  - (b) Vehicles exiting the Project site should be placed under STOP-sign control with a marked STOP-line provided;
  - (c) All signs and pavement markings to be installed within the Project site should conform to the applicable standards of the Manual on Uniform Traffic Control Devices (MUTCD);
  - (d) A sidewalk and marked crosswalks are provided within the Project site that connect the proposed buildings to the amenity building and parking area, and extend along the driveway to Millstone Road where a future sidewalk is to be constructed by the Town. It is recommended that a widened sidewalk area be provided at Millstone Road to serve as a school bus waiting area;
  - (e) Existing trees and vegetation located along the west side of Millstone Road within the sight triangle areas of the Project site driveway shall be selectively trimmed and/or removed as necessary in order to provide the required sight lines to and from the driveway. The Applicant should continue to communicate with Brewster DPW and coordinate the Project with work that will be required to complete the proposed Millstone Road improvements, which includes sidewalks, that is being advanced by the Town independent of the Project. The Applicant shall not, pursuant to this Decision, be responsible to construct or pay for the construction of any portion of the Town's said Millstone Road improvements program;

Millstone Road  
Decision No. 23-04

- (f) Signs and landscaping to be installed as a part of the Project within the intersection sight triangle areas of the Project site driveway should be designed and maintained so as not to restrict lines of sight;
- (g) Snow accumulations (windrows) within the sight triangle areas of the Project site driveway will be promptly removed where such accumulations would impede sight lines.
- (h) Approval of the foregoing measures are granted by this Decision, provided however, the Applicant shall comply with technical requirements of the Town of Brewster DPW.

**Water, Wastewater Disposal, Stormwater Management, and Utilities**

- 38. Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit, stormwater management systems, and the like.
- 39. The water, wastewater, drainage, and stormwater management systems servicing the buildings shall be installed and tested in accordance with applicable Town of Brewster standard requirements and protocols, except as Waived by this Decision.
- 40. The Stormwater design shall function consistent with the Approved Plans, as revised, and the Applicant's Stormwater Analysis and Drainage Report. Specifically, without limitation, the Applicant shall comply with the construction period erosion and sedimentation controls set out in Section 5 of said Report, and Appendix G- the Operation and Maintenance Plan.
- 41. The Applicant shall comply with the following as to the wastewater system:
  - (a) The Leach Facility shall be pressure dosed per Title 5 requirements for flows greater than 2000 gpd unless a state approved technology is used that eliminates the requirement for pressure dosing;
  - (b) Installation of an I/A Technology under DEP General Approval;
  - (c) Quarterly effluent sampling and field testing for pH, dissolved oxygen, turbidity, and color;
  - (d) Quarterly effluent sampling for settleable solids and total nitrogen to be analyzed at a certified laboratory;
  - (e) Annual measurements of depth ponding in the soil absorption system and thickness of scum layer in the septic tanks and other process tanks;
  - (f) Preparation of annual summary reports to be submitted to the Brewster Board of Health and presented to same once per year by the system operator/consultant or more frequently as needed for noncompliance.
  - (g) After the first year of system operation, the frequency of sampling can be reduced upon written request and approval by the Board of Health, or its designated agent, without the requirement for further review by the ZBA or modification to this Decision.

**Other Conditions**

- 42. Upon submission of any documents or plans that must be submitted to the Board for administrative approval, the Board shall notify the Applicant in writing within thirty (30) days of submission either that such documents and/or plans have been approved by the Board or its designee, or that they are not approved (with a statement of the specific reasons

Millstone Road  
Decision No. 23-04

why they are not approved). If the Board does not so notify the Applicant within said thirty (30) days, such documents and/or plans shall be deemed approved.

43. This decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
44. This Comprehensive Permit prohibits the parking or storage of any unregistered vehicle on the Site, and likewise prohibits the service of any vehicles on the Site.
45. If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; (b) have access to, and inspect, examine and make copies of all of the books and records of the Applicant pertaining to the Project; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

### **CONCLUSION**

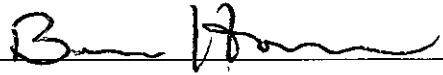
For all the reasons stated above and pursuant to the Board's authority found in G.L. c.40B, §§ 20-23, the comprehensive permit application from Preservation for Affordable Housing, Inc., and Housing Assistance Corporation for the residential Project at 0 Millstone Road, Brewster, Massachusetts is hereby APPROVED WITH CONDITIONS, along with Waivers substantially as requested.


**(Signature Page Follows)**

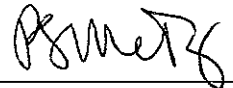
Millstone Road  
Decision No. 23-04

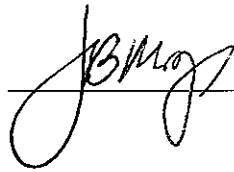
**SIGNATURES**

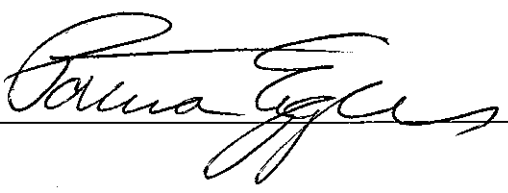
Approving ZBA Members:

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_



Millstone Road  
Decision No. 23-04

**NOTICE**

Appeals, if any, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within 20 days after the filing of the decision in the Office of the Town Clerk, Town Hall, 2198 Main Street, Brewster, Massachusetts 02631.

**CERTIFICATION**

The foregoing decision has hereby been filed with the Town Clerk of the Town of Brewster, Massachusetts on this 14<sup>th</sup> day of June, 2023.

Colette Williams  
Colette Williams  
Town Clerk  
Brewster, Massachusetts

I, Colette Williams, do hereby certify that twenty days have elapsed since the above-referenced decision of the Board of Appeals, which was filed in the office of the Town Clerk on June 14, 2023, and that no appeal has been filed with the Town Clerk.

Colette Williams  
Colette Williams  
Town Clerk  
Brewster, Massachusetts



7/6/2023  
Date

Millstone Road  
Decision No. 23-04

### EXHIBIT A

The following are the civil engineering and architectural plans submitted to the Board; to the extent that certain plans were modified since submission to the Board, the latest date of such plans constitute the "Approved Plans" per Condition (General) 3:

#### Civil Engineering Plans

Wet-stamped plan set entitled, "0 Millstone Road Comprehensive Permit Set, Brewster, Massachusetts, December 20, 2022, Revised: May 2, 2023," prepared by Horsley Witten Group, Inc. for Preservation of Affordable Housing, Inc., consisting of the following sheets:

<b>Sheet List Table</b>	
<b>Sheet Number</b>	<b>Sheet Title</b>
C-1	COVER
C-2	GENERAL NOTES
C-3	PROPERTY LINE PLAN
C-4	EXISTING CONDITIONS
C-5	DEMOLITION & EROSION CONTROL PLAN
C-6	OVERALL SITE PLAN
C-7	SITE PLAN (1)
C-8	SITE PLAN (2)
C-9	GRADING PLAN (1)
C-10	GRADING PLAN (2)
C-11	UTILITY PLAN (1)
C-12	UTILITY PLAN (2)
C-13	DETAILS (1)
C-14	DETAILS (2)
C-15	DETAILS (3)
C-16	DETAILS (4)
L-1	PLANTING PLAN (1)
L-2	PLANTING PLAN (2)
L-3	PLANTING DETAILS

#### Architectural Plans

Wet-stamped Floor Plans and Exterior Elevations Buildings 1 through 11, prepared by Union Studio for Preservation of Affordable Housing and Housing Assistance Corporation, 0 Millstone Road Comprehensive Permit, consisting of 11 sheets, dated 12/20/2023.

Millstone Road  
 Decision No. 23-04

**EXHIBIT B**

The following are Waivers approved by the Board, revised and supplemented through the review process, substantially as requested by the Applicant. Associated Board Findings accompany the Waivers, below.

**Brewster ZBA Comprehensive Permit Regulations**

The Board waives the following provisions of its Chapter 40B Regulations:

- Section 3.01(k): The Subsidizing Agency will file a Project Notification Form with the Massachusetts Historical Commission (“MHC”) in compliance with the state MHC regulations.
- Section 3.01(l): The Project does not require review by the Natural Heritage and Endangered Species Program (“NHESP”) because none of the Project locus falls within a Priority Habitat of Rare Species or an Estimated Habitat of Rare Wildlife.
- Section 3.01(m): Financial information such as a pro forma is not applicable as it is in conflict with 760 CMR 56.05(6); a pro forma is more properly within DHCD’s purview.
- Section 3.01(o) and (q): Submission of an analysis of impacts on town services is not necessary. All town boards and staff have had an opportunity to comment on the Applicant’s plans.

**Brewster Zoning Bylaw**

The Board grants the following waivers of Chapter 179 (Zoning) of the Code of the Town of Brewster:

- Sections 179-10 and 179-11, Applicability of Use Regulations and Table 1 (Article IV, Use Regulations): The Applicant proposes eleven buildings for multifamily development. Strict compliance with the Zoning Bylaw would prohibit the proposed multifamily dwellings because they are not allowed in the R-L district.
- Section 179-16, Table 2, Area Regulations, R-L zoning district, minimum side yard setback and footnote 1 (generally, only one principal structure shall be permitted on a lot):

	<b>Required</b>	<b>Proposed</b>
Side Yard Setback	25 feet	17 feet

The proposed project will consist of 10 residential buildings and a one community building to be permitted under a Comprehensive Permit. The proposed (south) side yard setback abuts undevelopable open space for the neighboring cluster subdivision development.

- Section 179-16, Table 3, Height and Bulk Regulations. 30’ maximum height limit in the R-L district. Ten of the eleven proposed buildings will exceed 30’ in height, including the tallest “Building C” which is to be constructed with a maximum height of approximately 36 feet. This height is necessary, among other things, to reduce the development footprint of the Project and to allow the proposed elevator in Building C.
- Section 179-23, Off-Street Parking and Loading. Some of the proposed parking spaces are to be 9’ by 19’ and the drive aisle width is 22’, both as shown on the Approved Plans,

Millstone Road  
Decision No. 23-04

where the required parking space dimension is 10' by 20' and drive aisle width is 24'. The reduction in parking space size and drive aisle width allows the total development footprint of the Project to be reduced.

- Section 179-34. Multifamily Dwellings not a use permitted in the R-L district. The proposed multi-family development is permitted under a Comprehensive Permit.
- Section 179-64, Site Plan Review applicability. As this is a Comprehensive Permit, all local approvals, including Site Plan Review, fall within the jurisdiction of the Zoning Board of Appeals.

### **Brewster Board of Health Regulations**

#### **Water Quality Report Regulation (Effective January 15, 1988)**

The Board grants a waiver from the applicability of this Water Quality Report Regulation. The proposed wastewater system is designed and sited to comply with Title V requirements and Board of Health requirements. The Project Site is not in a well recharge area, not upgradient of a nitrogen sensitive tidal embayment, and not upgradient of any freshwater ponds. The Applicant prepared a nitrogen loading report and submitted it as part of its application. Site-wide nitrogen loading at 3.8 ppm is substantially lower than required under any federal, state or local standard.

#### **Design, Operation, and Maintenance of Small Wastewater Treatment Facilities (Effective March 15, 2007)**

The Board grants a waiver from the applicability of this regulation pertaining to the Design, Operation, and Maintenance of Small Wastewater Treatment Facilities. The proposed wastewater system design flow is less than 10,000 gpd and is not regulated under MassDEP groundwater discharge permit regulations. The proposed wastewater system is designed and sited to comply with Title 5 requirements and Board of Health requirements. The Project Site is not in a well recharge area, not upgradient of a nitrogen sensitive tidal embayment, and not upgradient of any freshwater ponds. Without limiting the Waiver, certain sections are described below:

1.00 Disposal Works Construction Permit. Applicant will apply for a Disposal Works Construction Permit under Massachusetts DEP Title 5 and the I/A Technology DEP General Use Approval.

4.00 SWWTF Financial Assurance Mechanism. The Applicant should not be required to establish and maintain a financial assurance mechanism to provide for repair and replacement of the septic system.

5.00 SWWTF Effluent Test Frequency Parameters and Limits. The I/A system is designed to meet an effluent Total Nitrogen concentration of 19 mg/L. Rather than monthly testing, Applicant agrees to quarterly effluent field testing of pH, dissolved oxygen, turbidity, total nitrogen and color and laboratory testing of settleable solids. Annual measurements of ponding depth in the soil absorption system and thickness of scum layer in the septic tanks and other process tanks will also be performed.

6.00 Groundwater Monitoring Installation. The Applicant should not be required to install groundwater monitoring wells.

Millstone Road  
Decision No. 23-04

7.00 Reporting of all SWWTFs and Wastewater Treatment Facilities that discharge over 10,000 gallons per day. Not applicable; however, the Applicant has agreed to file an annual report with the Board of Health concerning the operations of the septic system.

8.00 Variances. Not applicable; the Board of Appeals is the permit granting authority under M.G.L. c. 40B, §§20-23.

9.00 Enforcement. Not applicable for the reason stated above. The Board of Health retains enforcement authority under Massachusetts DEP Title 5; and the Applicant agrees that the Board of Health may enforce the modified effluent testing requirement under Section 5.00 that the Applicant has agreed to as described above.

**Town of Brewster General Bylaws**

**Scenic Road Act and Public Shade Tree Act**

The Board grants a waiver from obtaining approval from the Planning Board of any tree cutting within the Millstone Road public right of way.



## **Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines**



### **III. Affirmative Fair Housing Marketing and Resident Selection Plan**

#### **A. Introduction**

The Commonwealth of Massachusetts has a compelling interest in creating fair and open access to affordable housing and promoting compliance with state and federal civil rights obligations. Therefore, all housing with state subsidy or housing for inclusion on the Subsidized Housing Inventory (SHI) shall have an Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP). With respect to rental housing and Assisted Living Facilities, *the affordable Use Restriction documents of said housing must require that the AFHMP, subject to the approval of the subsidizing or funding agency, shall be implemented for the term of the affordability restriction.*

Affirmative Fair Housing requirements apply to the full spectrum of activities that culminate with occupancy, including but not limited to means and methods of outreach and marketing through to the qualification and selection of residents. All AFHMP plans must, at a minimum, meet the standards set forth by the Department of Housing and Community Development (DHCD), as may be amended from time to time. In the case of M.G.L. c.40B projects and other projects subsidized by a Subsidizing Agency, the AFHMP must be approved by the Subsidizing Agency.

The developer (Developer) is responsible for resident selection, including but not limited to drafting the resident selection plan, marketing, administering the initial lottery process, and determining the qualification of potential buyers and/or tenants. The Developer is responsible for paying for all of the costs of affirmative fair marketing and administering the lottery and may use in-house staff, provided that such staff meets the qualifications described below. The Developer may contract for such services provided that any such contractor must be experienced and qualified under the following standards.

Note: As used in these AFHMP Guidelines, "Developer" refers to the Project Owner and/or the entity with which the Developer has contracted to carry out any or all of the tasks associated with an AFHMP.

#### **B. Developer Staff and Contractor Qualifications**

The entity as well as the individual with primary responsibility for resident selection, whether in-house staff or a third-party contractor, must have substantial, successful prior experience in each component of the AFHMP for which the party will be responsible, e.g. drafting the plan, marketing and outreach activities, administering the lottery process and/or determining eligibility under applicable subsidy programs and/or qualifying buyers with mortgage lenders.

Subsidizing Agencies reserve the right to reject the qualifications of any Developer or contractor. However, generally, Developers or contractors that meet the following criteria *for each component*, as applicable, will be considered to be qualified to carry out the component(s) for which they are responsible:

1. The entity has successfully carried out similar AFHMP responsibilities for a minimum of three (3) projects in Massachusetts *or* the individual with primary responsibility for the resident selection process has successfully carried out similar AFHMP responsibilities for a minimum of five (5) projects in Massachusetts.
2. The entity has the capacity to address matters relating to limited English language proficiency. This shall include language access planning and providing reasonable language assistance, at no cost to the applicant, so that applicants with Limited English Proficiency ("LEP") may meaningfully apply and access

the housing opportunity.<sup>9</sup> Marketing informational materials must therefore provide notice of free language assistance to applicants, translated into the languages of LEP populations anticipated to apply.

3. "Successfully" for the purposes of these Guidelines means that, with respect to both the entity and the relevant staff, (a) the prior experience has not required intervention by a Subsidizing Agency to address fair housing complaints or concerns; and (b) that within the past five (5) years, there has not been a finding or final determination against the entity or staff for violation of any state or federal fair housing law.

## **C. Affirmative Fair Housing Marketing Plan**

### **1. Duration**

The Developer and contractor, if any, or other delegated entity, shall review and update the AFHMP at least every five years, or more frequently if relevant demographics change, or as otherwise needed in order to ensure compliance with applicable law and DHCD's AFHMP guidelines, as may be amended from time to time (or any successor guidelines or directives).

*(May 2013 Update: Addition of language on duration; no change in policy.)*

### **2. Contents**

The Developer shall prepare the following materials which shall comprise an AFHMP:

- a. Informational materials for applicants including a general description of the overall project that provides key information such as the number of market/affordable units, amenities, number of parking/garage spaces per unit, distribution of bedrooms by market and affordable units, accessibility, etc.
- b. A description of the eligibility requirements.
- c. A description of the rules for applying and the order in which applications will be processed.
- d. Lottery and resident selection procedures.
- e. A clear description of the preference system being used (if applicable).
- f. A description of the measures that will be used to ensure affirmative fair marketing will be achieved including a description of the affirmative fair marketing and outreach methods that will be used, sample advertisements to be used, and a list of publications where ads will be placed.
- g. Application materials including:
  - (1) The application form.

---

<sup>9</sup> See DHCD's Language Access Plan at <http://www.mass.gov/hed/docs/dhcd/hd/fair/languageaccessplan.pdf> for information about language access planning obligations and requirements.



- (2) A statement regarding the housing provider's<sup>10</sup> obligation not to discriminate in the selection of applicants on the basis of race, color, national origin, disability, age, ancestry, children, familial status, genetic information, marital status, public assistance reciprocity, religion, sex, sexual orientation, gender identity, veteran/military status, or any other basis prohibited by law, and such a statement must also be included in the application materials.
  - (3) Information indicating that persons with disabilities are entitled to request a reasonable accommodation in rules, policies, practices, or services, or to request a reasonable modification in the housing, when such accommodations or modifications may be necessary to afford persons with disabilities an equal opportunity to use and enjoy the housing.<sup>11</sup>
  - (4) An authorization for consent to release information.
- h. For homeownership transactions, a description of the use restriction and/or deed rider.
  - i. The Developer and contractor, if any, shall sign the AFHMP document as follows:

"As authorized representatives of [Developer] and [contractor], respectively, each of us has reviewed this plan and agrees to implement this AFHMP, which shall be made effective as of the approval date. Further, by signing this form, [Developer] agrees to review and update its AFHMP as necessary in order to comply with all applicable statutes, regulations, executive orders and other binding DHCD requirements pertaining to affirmative fair housing marketing and resident selection plans reasonably related to such statutes, regulations, executive orders, as same may be amended from time to time. We hereby certify that all the information stated herein, as well as any information provided herewith, is true and accurate.

Note: The Developer shall *not* utilize the HUD AFHMP form unless required to submit an AFHMP to HUD for review and approval.

### 3. Approval

The Subsidizing Agency must approve the AFHMP before the marketing and application process commences.

### 4. Applicability

Aside from the advertising component of the AFHMP, which applies to all units, the AFHMP shall be applied to affordable units upon availability for the term of affordability and must consist of actions that provide information, maximum opportunity, and otherwise attract eligible persons protected under state and federal civil rights laws that are *less likely to apply*.

---

<sup>10</sup> Note: housing providers include owners of accessory apartments and their agents.

<sup>11</sup> It is important to remember that legal obligations with respect to accessibility and modifications in housing extend beyond the Massachusetts Architectural Access Board requirements, including federal requirements imposed by the Fair Housing Act, the Americans with Disabilities Act, and the Rehabilitation Act. Under state law, in the case of publicly assisted housing, multiple dwelling housing consisting of ten or more units, or contiguously located housing consisting of ten or more units (see M.G.L. c. 151B, § 1 for definitions), reasonable modification of existing premises shall *be at the expense of the owner* or other person having the right of ownership if necessary for the person with a disability to fully enjoy the premises. M.G.L. c. 151B, § 4(7A). See also 24 C.F.R. part 8 for Rehabilitation Act requirements of housing providers that receive federal financial assistance.

## 5. Criminal Background Checks

Criminal background checks are not required under these AFMHP guidelines. However, if criminal background inquiries and checks will be utilized during the application process, the use of such inquiries and checks are subject to the approval of the Subsidizing Agency. Criminal background screening shall not be conducted as a precondition for applicant participation in the lottery. For further guidance on criminal background screening, see the Model Policy Regarding Applicant Screening on the Basis of Criminal Records, available at <http://www.mass.gov/hed/economic/eohed/dhcd/legal/fair-housing-and-civil-rights-information.html>

*(May 2013 Update: New requirement for signature/certification of AFHMP submissions; advice on use of HUD form; and new language on CORIs but no change in policy.)*


## 6. Outreach and Marketing

Marketing should attract residents outside the community by extending to the regional statistical area as well as the state and must meet the following requirements:

- a. Advertisements should be placed in local and regional newspapers, and newspapers that serve minority groups and other groups protected under fair housing laws. Notices should also be sent to local fair housing commissions, area churches, local and regional housing agencies, local housing authorities, civic groups, lending institutions, social service agencies, and other non-profit organizations.
- b. Affordable units in the Boston Metropolitan Statistical Area (MSA) must be reported to the Boston Fair Housing Commission's Metrolist (Metropolitan Housing Opportunity Clearing House). Such units shall be reported whenever they become available (including upon turnover).
- c. Accessible<sup>12</sup> units must be listed with MassAccess (see <http://www.chapa.org> or <http://www.massaccesshousingregistry.org>) whenever they become available (including upon turnover).
- d. Affordable rental and affordable ownership units, whether or not they are accessible, must also be listed with MassAccess whenever they become available (including upon turnover). Where applicable, all MassAccess data input fields relating to accessible and adaptable status and accessibility features must be completed. Available affordable ownership units must also be listed with the Massachusetts Affordable Housing Alliance website (see <http://www.mahahome.org> or <http://www.massaffordablehomes.org>).
- e. Marketing should also be included in non-English publications based on the prevalence of particular language groups in the regional area. To determine the prevalence of a particular language by geographical area, see for example [http://www.lep.gov/demog\\_data/demog\\_data.html](http://www.lep.gov/demog_data/demog_data.html).

---

<sup>12</sup> Note: The owner or other person having the right of ownership shall, in accordance with M.G.L. c. 151B, §4(7A), give at least fifteen days' notice of the vacancy of a wheelchair accessible unit to the Massachusetts Rehabilitation Commission. Said statute also requires the owner or other person having the right of ownership to give timely notice that a wheelchair accessible unit is vacant or will become vacant to a person who has, within the past 12 months, notified the owner or person or person having the right of ownership that such person is in need of a wheelchair accessible unit.

- f. All marketing should be comparable in terms of the description of the opportunity available, regardless of the marketing type (e.g., local newspaper vs. minority newspaper). The size of the advertisements, including the content of the advertisement, as well as the dates of the advertising unless affirmative advertising occurs first, should be comparable across regional, local, and minority newspapers.
- g. All advertising and marketing materials should indicate resident selection by lottery or other random selection procedure, where applicable.
- h. All advertising should offer reasonable accommodations in the application process.
- i. Advertisements should run a minimum of two times over a sixty day period and be designed to attract attention. Marketing of ownership units should begin approximately six months before the expected date of project occupancy.
- j. Pursuant to fair housing laws,<sup>13</sup> advertising/marketing must not indicate any preference or limitation, or otherwise discriminate based on race, color, disability, religion, sex, familial status, sexual orientation, gender identity, national origin, genetic information, ancestry, children, marital status, or public assistance reciprocity. This prohibition includes phrases such as "active adult community" and "empty nesters". Exceptions may apply if the preference or limitation is pursuant to a lawful eligibility requirement.
- k. All advertising and marketing materials portraying persons should depict members of classes of persons protected under fair housing laws, including majority and minority groups as well as persons with disabilities.
- l. The Fair Housing logo () and slogan ("Equal Housing Opportunity") should be included in all marketing materials. The logo may be obtained at HUD's website at: <http://www.hud.gov/library/bookshelf11/hudgraphics/fheologo.cfm> .

*(May 2013 Update: Clarification on MassAccess requirements; the specific references to examples of prohibited phrases in 6.j; no change in policy.)*

## 7. Availability of Applications

Advertising and outreach efforts shall identify locations where the application can be obtained. **Applications shall be available at public, wheelchair accessible locations, including one that has some night hours; usually, a public library will meet this need.** The advertisements and other marketing materials shall include a telephone number, as well as the TTY/TTD telephone number, that persons can call to request an application by mail. Advertisements and other marketing materials cannot indicate that applicants must appear in person in order to receive or submit applications or that they will have an advantage over applicants who do not appear in person.

## 8. Informational Meeting

At the time of initial marketing, the lottery administrator must offer one or more informational meetings for potential applicants to educate them about the lottery process and the housing development. These meetings may include local officials, developers, and local bankers. The date, time, and location of these meetings shall be published in ads and flyers that publicize the availability of lottery applications. The

<sup>13</sup> 42 U.S.C. § 3604(c); M.G.L. c. 151B, § 4(7B).

workshops shall be held in a municipal building, school, library, public meeting room or other accessible space. Meetings shall be held in the evening or on weekend days in order to reach as many potential applicants as possible. However, attendance at a meeting shall not be mandatory for participation in a lottery.

The purpose of the meeting is to answer questions that are commonly asked by lottery applicants. Usually a municipal official will welcome the participants and describe the municipality's role in the affordable housing development. The lottery administrator will then explain the information requested on the application and answer questions about the lottery drawing process. The Developer should be present to describe the development and to answer specific questions about the affordable units. It is helpful to have representatives of local banks present to answer questions about qualifications for the financing of affordable units. At the meeting, the lottery administrator should provide complete application materials to potential applicants.

#### 9. Homeownership – Establishing Sales Prices

Sale prices shall be established at the time of the initial marketing of the affordable units. Thereafter, the prices of homes cannot be increased for lottery winners, even if interest rates and HUD income guidelines change.

For large, phased developments maximum sale prices of units sold in subsequent phases will be calculated prior to the start of marketing for each phase, or approximately 6 months prior to expected occupancy of the units. In such cases, each phase will require its own affirmative fair marketing efforts and lottery.

### **D. Local Preferences**

#### 1. Threshold Requirements

##### a. Required Supporting Documentation

If a municipality wishes to implement a local selection preference, it must:

- (1) Demonstrate in the AFHMP the need for the local preference. For instance, a community that has a subsidized rental housing or public housing waiting list with local applicants likely to apply for the project (whether or not the project provides rental assistance will be considered) *may* support a local preference for a rental development.
- (2) Justify the extent of the local preference (the percentage of units proposed to be set aside for local preference). That is, how does the documented local need, in the context of the size of the community, the size of the project and the regional need, justify the proposed size of the local preference for a given project? *Note, however, that in no event may a local preference exceed 70% of the (affordable) units in a Project.*
- (3) Demonstrate that the proposed local preference will not have a disparate impact on protected classes (see e.g., the "Avoiding Potential Discriminatory Effects" section below).

##### b. Failure to Provide Supporting Documentation

A municipality must provide to the Developer the documentation required to support a local preference within 3 months of final issuance of the Comprehensive Permit. Failure to comply with

this requirement shall be deemed to demonstrate that there is not a need for a local preference and a local preference shall not be approved as part of any AFHMP or use restriction.

## 2. Approval

The Subsidizing Agency, and in the case of LAUs, DHCD as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences should be approved by the Subsidizing Agency (or DHCD in the case of LAUs) prior to including such language in any zoning mechanism. Furthermore, a comprehensive permit shall only contain requirements or conditions relating to local preferences to the extent permitted by applicable law and this AFHMP policy.

*(May 2013 Update: Clarification on what is required to establish the local preference set-aside.)*

## 3. Local Preferences

### a. Allowable Preference Categories

- (1) Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
- (2) Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- (3) Employees of Local Businesses: Employees of businesses located in the municipality.
- (4) Households with children attending the locality's schools, such as METCO students.

b. When determining the preference categories, the geographic boundaries of the local resident preference area may not be smaller than municipal boundaries.

**c. Durational requirements related to local preferences, that is, how long an applicant has lived in or worked in the residency preference area, are not permitted in any case.**

d. Preferences extended to local residents should also be made available not only to applicants who work in the preference area, but also to applicants who have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality's schools, such as METCO students.

e. A preference for households that work in the community must not discriminate (including have a disproportionate effect of exclusion) against persons with disabilities and elderly households in violation of fair housing laws.

**f. Advertising should not have a discouraging effect on eligible applicants. As such, local residency preferences must not be advertised as they may discourage non-local potential applicants.**

#### 4. Avoiding Potential Discriminatory Effects

##### a. General.

The local selection preferences must not disproportionately delay or otherwise deny admission of non-local residents that are protected under state and federal civil rights laws. The AFHMP should demonstrate what efforts will be taken to prevent a disparate impact or discriminatory effect. For example, the community may move minority applicants into the local selection pool to ensure it reflects the racial/ethnic balance of the HUD defined Metropolitan Statistical Area ("MSA") as described below.<sup>14</sup> However, such a protective measure may not be sufficient as it is race/ethnicity specific; the AFHMP must address other classes of persons protected under fair housing laws who may be negatively affected by the local preference. For instance, a preference solely based on employment in the municipality may have a disparate impact on the elderly or some persons with disabilities. In such instance, an applicant residing in the community who is age 62 or older or is a person with a disability must be given the benefit of the employment preference.

##### b. Lottery Process

- (1) To avoid discriminatory effects in violation of applicable fair housing laws, the following procedure should be followed unless an alternative method for avoiding disparate impact (such as lowering the original percentage for local preference as needed to reflect demographic statistics of the MSA) is approved by the Subsidizing Agency. If the project receives HUD financing, HUD standards must be followed.
- (2) A lottery for projects including a local preference should have two applicant pools: a local preference pool and an open pool. After the application deadline has passed, the Developer should determine the number of local resident minority households there are in the municipality and the percentage of minorities in the local preference pool. If the percentage of minority local resident households in the local preference pool is less than the percentage of minorities in the surrounding HUD-defined area, the Developer should make the following adjustments to the local preference pool:
  - (a) The Developer should hold a preliminary lottery comprised of all minority applicants who did not qualify for the local preference pool, and rank the applicants in order of drawing.
  - (b) Minority applicants should then be added to the local preference pool in order of their rankings until the percentage of minority applicants in the local preference pool is equal to the percentage of minorities in the surrounding HUD-defined area.
  - (c) Applicants should be entered into all pools for which they qualify. For example, a local resident should be included in the local preference pool and the open pool.
  - (d) Minorities should be identified in accordance with the classifications established by HUD and the U.S. Census Bureau, which are the racial classifications: Black or African American; Asian; Native American or Alaska Native; Native Hawaiian or Pacific Islander; or other (not White); and the ethnic classification Hispanic or Latino.

---

<sup>14</sup> Note: This protective measure may not be dispositive with respect to discriminatory effects. For example, the non-local applicant pool may contain a disproportionately large percentage of minorities, and therefore adjusting the local preference pool to reflect demographics of the regional area may not sufficiently address the discriminatory effect that the local preference has on minority applicants. Therefore, characteristics of the non-local applicant pool should continually be evaluated.

## **E. Household Size Requirements**

In order to make the best use of limited affordable housing resources, household size should be appropriate for the number of bedrooms in the home. Minimum household standards shall be established and shall conform with the following requirements. A "household" shall mean two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, law or who have otherwise evidenced a stable inter-dependent relationship, or an individual.

### **1. Preferences.**

Lottery drawings shall result in each applicant being given a ranking among other applicants with households receiving preference for units based on the above criteria below.

#### **a. First Preference**

Within an applicant pool first preference shall be given to households requiring the total number of bedrooms in the unit based on the following criteria:

- (1) There is at least one occupant per bedroom.<sup>15</sup>
- (2) A husband and wife, or those in a similar living arrangement, shall be required to share a bedroom. Other household members may share but shall not be required to share a bedroom.
- (3) A person described in the first sentence of (b) shall not be required to share a bedroom if a consequence of sharing would be a severe adverse impact on his or her mental or physical health and the lottery agent receives reliable medical documentation as to such impact of sharing.
- (4) A household may count an unborn child as a household member. The household must submit proof of pregnancy with the application.
- (5) If the applicant is in the process of a divorce or separation, the applicant must provide proof that the divorce or separation has begun or has been finalized, as set forth in the application.

#### **b. Second Preference**

Within an applicant pool second preference shall be given to households requiring the number of bedrooms in the unit minus one, based on the above criteria.

#### **c. Third Preference**

Within an applicant pool third preference shall be given to households requiring the number of bedrooms in the unit minus two, based on the above criteria.

### **2. Maximum Household Size**

Household size shall not exceed, nor may maximum allowable household size be more restrictive than, State Sanitary Code requirements for occupancy of a unit (See 105 CMR 400).<sup>16</sup>

---

<sup>15</sup> Households with disabilities must not be excluded from a preference for a larger unit based on household size if such larger unit is needed as a reasonable accommodation.

## F. Lotteries and Application Process

### 1. Lottery Application

#### a. "First Come, First Served"

Resident selection for affordable units must generally be based on a lottery, although in some cases it may be based on another fair and equitable procedure approved by the Subsidizing Agency.<sup>17</sup> A "first-come, first-serve procedure," generally is not permissible as it is likely to disadvantage non-local applicants or may otherwise present an impediment to equal housing opportunity for some applicants, including some applicants with disabilities. However, first-come, first-serve may be permissible in circumstances for which a lottery or other random selection procedure would be unduly burdensome or impracticable, including for individual homeownership units after the initial lottery.

#### b. Application Period.

The application period should be at least 60 days. To ensure the fairness of the application process, applicants must not be required to deliver application materials and instead must be permitted to mail them or submit by alternative means such as fax or e-mail.

#### c. Application Contents and Verification

- (1) The lottery application must address a household's income, assets, size and composition, minority status (optional disclosure by the household), eligibility as a first-time buyer (for ownership units), and eligibility for local preference
- (2) The lottery administrator shall request verification to verify eligibility; e.g., for homeownership units, three prior year tax returns with the W2 form and for rental housing, one year prior tax return with the W2 form; 5 most recent pay stubs for all members of the household who are working, three most recent bank statements and other materials necessary to verify income or assets. **Only applicants who meet the applicable eligibility requirements shall be entered into a lottery.**

*(May 2013 update: clarification that "first come, first serve" generally is not permitted as a selection process.)*

### 2. Lottery Procedure

#### a. General

- (1) Once all required information has been received, qualified applicants should be assigned a registration number. **Only applicants who meet the applicable eligibility requirements shall be entered into a lottery.**<sup>18</sup> **The lottery shall be conducted after**

---

<sup>16</sup> Note, however, that fair housing exceptions may apply: see HUD Fair Housing Enforcement—Occupancy Standards Notice of Statement of Policy, Docket No. FR-4405-N-01 (1998).

<sup>17</sup> In the case of project based Section 8 properties where resident selection is to be performed by the housing authority pursuant to a Section 8 waiting list, a lottery procedure is not required.

<sup>18</sup> Only applicants who are eligible for a local preference, where applicable, shall be entered into a local preference lottery pool.



**any appeals related to the project have been completed and all permits or approvals related to the project have received final action.**

(2) Ballots with the registration number for applicant households are placed in **all** lottery pools for which they qualify. The ballots are randomly drawn and listed in the order drawn, by pool. If a project has units with different numbers of bedrooms, units are then awarded (largest units first) by proceeding down the list to the first household on the list that is of appropriate size for the largest unit available according to the appropriate-unit-size criteria established for the lottery. Once all larger units have been assigned to appropriately sized households in this manner, the lottery administrator returns to the top of the list and selects appropriately sized households for smaller units. This process continues until all available units have been assigned to appropriately sized applicant households.

(3) The lottery should ordinarily be held at a public, wheelchair accessible location.

b. Deposits/Fees

(1) Prohibited - Successful lottery participants cannot be required to pay any fee or deposit to hold a unit pending construction completion nor can applicants be required to pay any form of fee or deposit to be placed on a wait list.

(2) Permitted – The foregoing language shall not prevent an Owner from requiring a deposit from a home buyer upon signing an offer and/or purchase and sales agreement, nor at the time that the Owner is offering to lease a specific rental unit to the applicant household. In the latter instance, the deposit shall not exceed the amount that the Owner would otherwise be permitted to require as a security deposit.

c. Accessible Units/Units with Adaptive Features; Reasonable Accommodations

(1) If the project includes units that are fully accessible, or units that have adaptive features (also commonly referred to as “adaptable” units), for occupancy by persons with mobility impairments or hearing, vision or other sensory impairments, first preference (regardless of applicant pool) for those units shall be given to persons with disabilities who need such units, including single person households, in conformity with state and federal civil rights laws. This preference applies to fully accessible units (e.g., in projects in which 5% of the total units are to be wheelchair accessible and 2% are to be communications accessible in accordance with applicable accessibility standards).<sup>19</sup> In projects that do not have such units but that have units with adaptive features<sup>20</sup> for persons with mobility impairments and/or hearing, vision or other sensory impairments, this preference also applies to the units with adaptive features; however, such a preference is not required to exceed 5% (mobility) or 2% (sensory) of the total units under these guidelines.

(2) Fulfilling the obligation for a providing a first preference, as described above, does not limit an owner’s fair housing obligations with respect to persons with disabilities. When a person with a disability is the next eligible applicant and the development contains available units with adaptive features, the applicant must be made aware of such availability and of the owner’s obligation to adapt the unit as needed.

---

<sup>19</sup> e.g., Massachusetts Architectural Access Board (MAAB) (“Group 2 units”), Uniform Federal Accessibility Standards (UFAS), and 2010 ADA Standards.

<sup>20</sup> e.g., in accordance with the Fair Housing Act Guidelines and MAAB (“Group 1 units”) standards.

- (3) The owner also has obligations to make reasonable accommodations such as granting the request for an appropriately sized first floor unit.

d. Wait Lists

- (1) General - The lottery administrator should retain a list of households who are not awarded a unit, in the order that they were drawn from the general (non-local) pool. If any of the initial renters/buyers do not rent/purchase a unit, the unit shall be offered to the highest ranked household on that retained list.
- (2) Units with Adaptive Features - Where a person with a disability is awaiting an accessible unit and a unit with adaptive features becomes available, the owner/management agent must offer to adapt the unit.
- (3) Term of Wait List - The wait list generally may be retained and used to fill units for up to one year. However, other factors such as the number of households remaining on the list, the likelihood of the continuing eligibility of such households, and the demographic diversity of such households may inform the retention time of the list, subject to the approval of the Subsidizing Agency.
- (4) Updating - After the initial lottery, waiting lists should be analyzed, maintained, and updated (through additional marketing) so that they remain consistent with the objectives of the housing program and are adequately representative of the racial, ethnic, and other characteristics of potential applicants in the housing market region.

*(May 2013 Update: Clarification on deposit policy and fair housing requirements with respect to accessible and/or adaptive units; no change in policy.)*

3. Lottery Example

This theoretical lottery has an OPEN pool that includes all applicants and a LOCAL PREFERENCE pool with only applicants from the local area.

- Total applicants in lottery: 100
  - Total minority applicants: 20
  - The community in which the lottery takes place falls within the HUD Boston-Cambridge-Quincy Metropolitan Statistical Area which has a minority population of 27.0%.
- a. Determine the number of applicants who claim a LOCAL preference according to approved criteria.
  - b. Determine the number of minority applicants in the LOCAL preference pool.
  - c. Determine the percentage of minority applicants in the LOCAL preference pool.

Total Applicants in Local Preference Pool	Total Minority Applicants in Local Preference Pool	% Minority Applicants in Local Preference Pool
60	10	16.7%

Since the percentage of minority applicants in the LOCAL preference pool is below the percentage of minority residents in the HUD defined metropolitan statistical area (16.7% as opposed to 27.0%), a preliminary lottery is required.

d. The 10 minority applicants who do not have LOCAL preference are entered into a preliminary drawing and assigned a rank based on the order of their draw. Minority applicants are added to the LOCAL preference pool in order of their rank until the LOCAL preference pool has at least as great a percentage of minority applicants as the larger statistical area. In this example, 9 applicants will be added to the LOCAL preference pool to bring the percentage of minority applicants up to 21.827.5%.

Total Applicants in Supplemented Local Preference Pool	Total Minority Applicants in Supplemented Local Preference Pool	% Minority Applicants in Supplemented Local Preference Pool
69	19	27.5%

e. Draw all ballots from the adjusted LOCAL pool and assign rankings to each household. Preference for appropriately sized households will still apply and all efforts should be made to match the size of the affordable units to the legitimate need for bedrooms of each household.

f. Once all units for LOCAL residents have been allocated, the OPEN pool should proceed in a similar manner. All LOCAL residents should have ballots in both pools, and all minority applicants that were put in the LOCAL pool should remain in the OPEN pool as well.

4. Rental: Opening Waiting Lists, Re-Marketing or Continuous Marketing

Although owner/management agent standards for opening waiting lists or re-marketing to generate sufficient applications after the initial rent-up stage may vary, the following are generally applicable: the waiting list is re-opened when it contains less than the number of applicants anticipated to be placed in the next 12 months, or, if the waiting list has not closed, additional marketing is ~~needed~~ undertaken to generate at least enough applicants as was needed to fill the previous year’s vacancies.

a. Minimum Application Period

At such or similar points in time, consistent with a Developer or management agent’s policies and practices with respect to marketing and wait lists, when a wait list (whether for a project or a particular unit type) is re-opened or units are remarketed, a minimum application period during which applicants may receive and submit applications is required. The appropriate length of the application period may vary depending on the number of units that are or will become available. In some instances 20 or more business days will be appropriate, but in no event shall the application period be less than 10 business days.

b. “First Come, First Served”

A “first-come, first-serve” method of generating the waiting list order of new applicants that apply during said application period shall not be permitted as it may present an impediment to equal housing opportunity for some applicants, including some applicants with disabilities. Therefore, a random selection or other fair and equitable procedure for purposes of adding persons to a wait list upon opening the wait list or remarketing the units must be utilized, subject to the approval of the

Subsidizing Agency.<sup>21</sup> This does not require any changes to the wait list as it exists prior to adding the new applicants.

c. Continuous Marketing/Persons with Disabilities

If the wait list is not closed and marketing is ongoing continuously in order to generate sufficient applicants, then, so as to avoid a disparate impact on persons with disabilities who require a reasonable accommodation with the application process, including additional time to receive, complete and/or submit an application, and who therefore may be disadvantaged by wait list placement based upon the date/time of receipt of the application, the application will be date/time stamped prior to being mailed or otherwise provided to such applicants and upon submission of a complete application the household shall be placed on the wait list based upon such date/time stamp, *provided that* the application is returned or postmarked not more than 30 days of such date/time stamp. The ongoing affirmative and general marketing/outreach materials will contain language that explicitly gives notice of the availability of reasonable accommodations with respect to the application process and a telephone number for applicants who may want to request a reasonable accommodation and/or assistance with the application process.

For marketing requirements, see "Outreach and Marketing" and "Availability of Applications" under Sections B.6 and B.7, above.

*(May 2013 Update: Explicit standards for re-opening rental housing waiting lists or re-marketing rental units.)*

## **G. Homeownership**

### 1. Household Eligibility

A Subsidizing Agency housing program may establish eligibility requirements for homebuyers. In the absence of such provisions, the following requirements shall apply.

In addition to meeting the requirements for qualifying a Project or dwelling unit for the SHI (see Section II.A), the household shall not have owned a home within three years preceding the application, with the exception of:

- a. displaced homemakers, where the displaced homemaker (an adult who has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family), while a homemaker, owned a home with his or her partner or resided in a home owned by the partner;
- b. single parents, where the individual owned a home with his or her partner or resided in a home owned by the partner and is a single parent (is unmarried or legally separated from a spouse and either has 1 or more children of whom the individual has custody or joint custody, or is pregnant);
- c. households where at least one household member is 55 or over;
- d. households that owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; and

---

<sup>21</sup> Note: the random selection procedure requirement does not preclude the application of the larger household size and accessible/adaptable preferences described herein.

- e. households that owned a property that was not in compliance with State, local or model building codes and that cannot be brought into compliance for less than the cost of constructing a permanent structure.

## 2. Final Qualification and Closing

### a. Securing Financing.

- (1) Once the lottery has been completed, applicants selected to purchase units must be given a reasonable pre-specified time period in which they must secure financing.
- (2) The Developer should invite the lottery winners to a loan application workshop.
- (3) The Developer should make prior arrangements with local financial institutions with respect to financing qualified purchasers. Often such institutions will give preliminary approvals of loans, which make the remainder of the process more efficient for all parties. However, **applicants cannot be required to use a specific lender for their pre-approval letter or their mortgage.**
- (4) Applicants should be made aware that they should confirm that their lender accepts the "Universal Deed Rider" employed by the Subsidizing Agencies.
- (5) Non-household members should not be permitted as co-signers of the mortgage.

### b. Approval by Subsidizing Agency

Before a Purchase and Sale Agreement is signed, the lottery agent should submit income and asset documentation of the applicant to the Subsidizing Agency. Income verification should include tax returns and W-2s from the past three years, five most recent pay stubs, three months recent bank statements and 401 K reports, reliable documentation as to other sources of income and assets. The Subsidizing Agency will then verify that the household's annual income does not exceed 80% of the area median income, or such lower income limit as may have been established for the particular project. The Subsidizing Agency also will verify that household assets do not exceed the maximum allowed. **Closing of the sale will also be contingent on the Subsidizing Agency's approval of the buyer's financing.**

## 3. Resales

### a. Ongoing AFHMP Requirements

AFHMP requirements apply to the housing for its duration. The AFHMP must include a plan, satisfactory to the Subsidizing Agency, to address AFHMP requirements upon resale. The proposal must, at a minimum, require that units for re-sale to eligible purchasers be listed with CHAPA's MassAccess site and MAHA's homeownership lottery sites as described above and establish minimum public advertising requirements. The proposal cannot impose the AFHMP requirements upon a homeowner other than requiring compliance with requirements of a Use Restriction, reasonable public advertising, and listing with CHAPA and MAHA.

b. “Ready-Buyer” List

A “ready-buyer” list of eligible buyers maintained by the municipality or other local entity is encouraged. This list may be created through local, regional, and statewide lists and resources. As stated above, the list should continually be analyzed, maintained, and updated (through additional marketing) so that it remains consistent with the objectives of the housing program and is adequately representative of the racial, ethnic, and other characteristics of potential applicants in the housing market region.



# Local Preference Information Session

Thursday August 17<sup>th</sup> at 6PM

Joint meeting of the  
Brewster Housing Partnership,  
Select Board,  
Affordable Housing Trust,  
Community Preservation Committee &  
Finance Committee

# Welcome & Introductions

Donna Kalinick, Brewster Assistant Town Manager

Jill Scalise, Brewster Housing Coordinator



# THANK YOU, THANK YOU, THANK YOU!

## Brewster's Housing Plan is certified.

In 2017, Brewster's Subsidized Housing Inventory (SHI) had 250 units, 5.2% of 4,803 year-round housing units.

Today, Brewster's SHI has 372 affordable housing units.

Brewster's SHI has increased to 7.2% of 5,170 year-round housing units.

The state certified the Housing Production Plan three times in five years!

# Local Preference

How does local preference work?

What does local preference mean?

How is local preference implemented?

What is Brewster's experience with local preference?



## **GUIDELINES**

*Updated December 2014*

### **G.L. C.40B COMPREHENSIVE PERMIT PROJECTS**

### **SUBSIDIZED HOUSING INVENTORY**

Regulatory Authority: see 760 CMR 56.00



### **Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines**



*Updated May 2013*

If a municipality wishes to implement a local preference process, it **must**:

- Demonstrate in the AFHMP the need for Local Preference. For instance, a community that has a subsidized rental housing or public housing waiting list **with applicants likely to apply for the project** may support a local preference.
- Justify the extent of the Local Preference (the percentage of units to be set aside for local preference). That is, how does the documented local need, in the context of the size of the community, justify the proposed size of the local preference for a given project. *Note, however, that in **no event shall a local preference exceed 70% of the affordable units in a project.***
- Demonstrate that the proposed local preference **will not have a disparate impact** on protected classes

# Municipality Must Demonstrate Need



# Protected Classes

## **Federal Fair Housing Act**

Race

Color

National Origin

Religion

Sex

Disability/Handicap

Familial Status; Children

## **M.G.L. 151B**

Marital Status

Age

Sexual Orientation

Gender Identity

Military Status

Public Assistance/ Housing  
Subsidy/Source of Income

Genetic Information

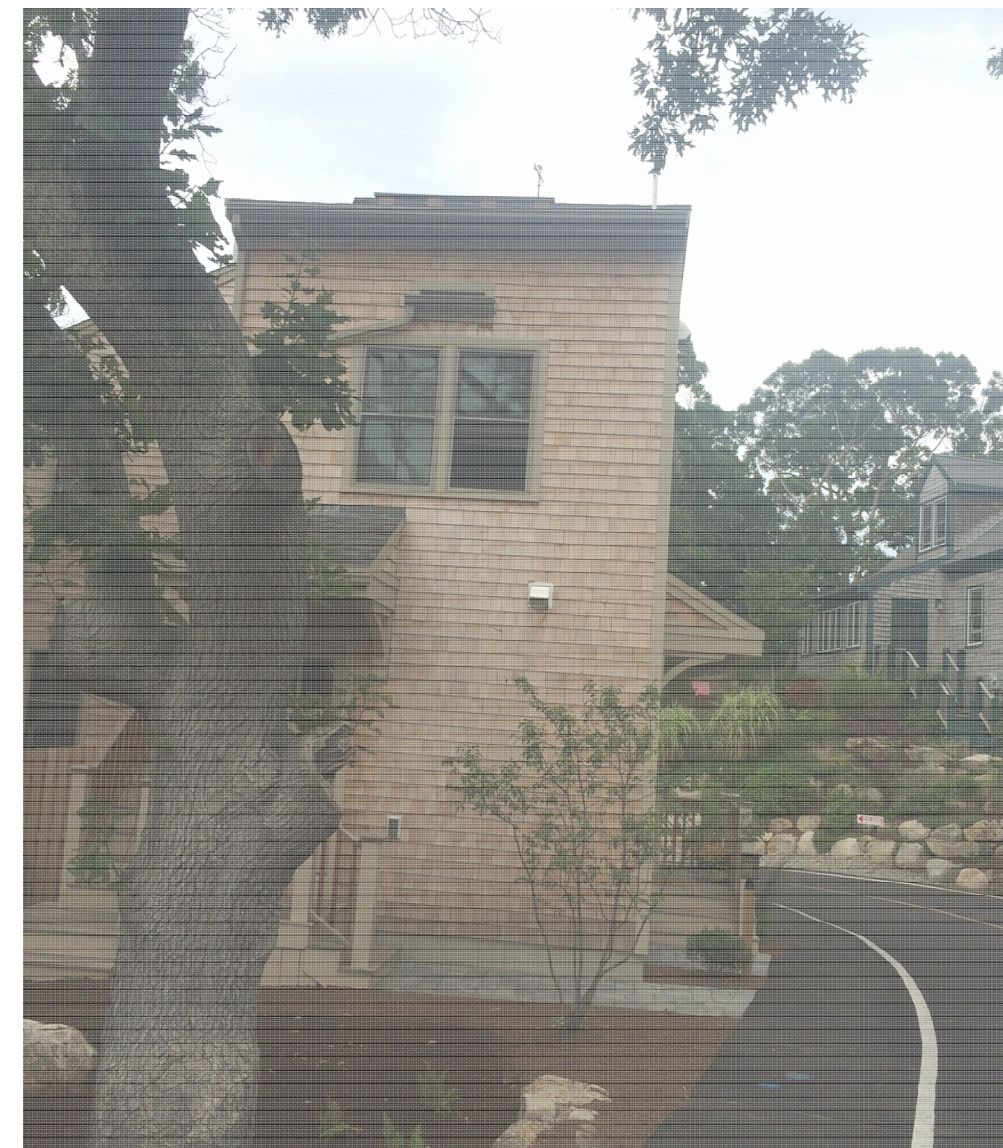
Ancestry

# Local Preference – How to

“A municipality must provide the developer ( and the subsidizing agency\*) the documentation required to support a local preference **within 3 months of the issuance of the Comprehensive Permit**. Failure to comply with this requirement shall be deemed to demonstrate that there is not a need for a local preference and shall not be approved as a part of any Affirmative Fair Housing Marketing Plan or Use Restriction.”

“The Subsidizing Agency...as well as the municipality, must approve a local preference scheme as part of the AFHMP. Therefore, the nature and extent of local preferences **should be approved** by the Subsidizing Agency **prior to including such language in any zoning mechanism**. Furthermore, a **comprehensive permit shall only contain requirements or conditions relating to local preferences to the extent permitted by applicable law and this policy.**”

\*Subsidizing Agencies: EOHLC (LIHTC, LIP, LAU, etc.), MHP, MassHousing, and MassDevelopment



# Who Qualifies for Local Preference?

## • Allowable Preference Categories

- **Current residents:** a household in which one or more members is living in the city or town at the time of application.
- **Municipal employees:** employees of the municipality
- **Employees of local businesses:** employees of businesses located in the municipality.
- **Households with children attending the locality's schools,** such as METCO students and regional schools in the municipality





# Local Preference & Schools

## Examples of Locality Schools

- **Nauset Regional High School in Eastham:**  
Village at Nauset Green -
  - Local Preference for students in the Nauset Regional School District (NRSD), including school choice.
- **Nauset Middle School in Orleans:**  
Cape Cod Five (Pennrose) & Main Street (HAC)-
  - Local preference for students in the NRSD, including school choice.
- **Stony Book & Eddy Elementary Schools in Brewster:**  
Brewster Woods & Spring Rock Village (0 Millstone Road)-
  - Brewster elementary schools are not part of the NRSD. However, families with students attending the NRSD pre-K in Brewster would qualify for Brewster local preference.



# Local Preference- Guard Rails



- When determining the preference categories, the geographic boundaries of the local resident preference area may not be **smaller** than the municipal boundaries. For regional preferences, generally it must be the **MSA** (Barnstable County not Upper Cape)
- **Durational requirements** related to local preference, that is, how long an applicant has lived in, worked, or gone to school in a preference area **are not permitted** in any case.
- Preferences extended to local residents should also be made available not only to applicants who live or work in the preference area, but also to applicants who have a bona fide offer to work or have a pending purchase or lease of a home in the preference area



## Local Preference- Guard Rails

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

# Local Preference-

## The lottery for initial sale or leasing opportunities

- The number and type of pools will depend on the project.
- For projects with approved local preference, there will be two pools: local and open.
- Local applicants will be placed in both pools.



# Local Preference- Minority Balancing

The Percentage (%) of applicants who identify as minorities in the Local Preference pool must be equal to or greater than the % of minority residents in the Metropolitan Statistical Area(MSA).

Using 2020 Census figures, the percentage of minorities in the Barnstable County MSA is **15%**.



# Local Preference- Minority Balancing

- If the % of minority local resident households in local pool is less than % in the Metropolitan Statistical Area (MSA), then
- Hold a preliminary lottery comprised of all minority applicants in the open pool.
- Add minority applicants to local pool until the % of minorities in local pool is equal to or greater than the % of minorities in MSA
- If there are not enough minority applicants in the open pool to increase the local pool to the MSA %, then additional marketing must happen to attract additional applicants

**Minority Applicants chosen for local pool will also be in open pool.**



# Example of Minority Balancing:

1 forty (40) unit Comprehensive Permit (40B) Development in Barnstable County with 10 affordable units.

## Step 1

### Sort by “open pool” and “local pool”

- # Applicants in “open pool: 70, including 10 minority applicants
- # Applicants in “local preference pool”: 30, including 2 minority applicants

Applicants in Local Preference Pool	Minority Applicants in Local Preference Pool	% Minority Applicants in Local Preference Pool
30	2	6.7%

## Step 2

### Assess

- % of minority applicants in local pool = 6.7%
- % of minority population in Barnstable County = 15%
- Is minority balancing needed?  
Yes

## Step 3

### Balance

- Hold preliminary drawing of all non-local minority applicants
- Rank by order picked
- Add minority applicants to local pool until % in local pool is greater than or equal to Barnstable MSA (15%).
- 3 applicants added to local pool.

Total Applicants in Supplemented Local Preference Pool	Total Minority Applicants in Supplemented Local Preference Pool	% Minority Applicants in Supplemented Local Preference Pool
33	5	15.2%

# Brewster's Recent Local Preference Experience

Habitat for  
Humanity

Brewster  
Woods

Serenity

# Paul Hush Way: 14 homes in 2 phases

- 70% Local Preference request granted
- \$1,397,000 Town CPA funding
- Affirmative fair housing marketing
- 157 total applicants (2 phases)
- 49 applicants qualified for drawing/lottery
- Both the lottery pool and home ownership build selection demonstrated a fair and diverse representation of qualified applicants





# Brewster Woods: 30 rental apartments

- 70% Local Preference request granted
- Housing Authority land, \$550,000 Brewster CPA funds and \$1.68 Million MassWorks grant to the Town
- Affirmative fair housing marketing for 27 units affordable at 30 to 60% Area Median Income (AMI)
- 240 total applicants, 128 applicants qualified for the lottery
- 40 applicants in local preference pool
- Fair representation, no minority balancing required





## Serenity at Brewster: 27 affordable rentals

- Renovation of the former Wingate Rehabilitation facility into 132 apartments for folks aged 55+
- 50% Local Preference request granted, no Town funding in the rehabilitation
- Affirmative fair marketing for 27 units affordable at 80% AMI
- 72 applicants, 53 qualified for the lottery
- Minority balancing used in the lottery
- 14 applicants in the supplemented local preference pool, all offered apartments at Serenity

# Habitat for Humanity: 2 homes on Phoebe Way

- Two affordable 3-bedroom homes.
- One at 60%AMI, One at 80%AMI.
- \$100,000 Brewster CPA funds
- One veteran preference home. This will become local preference if no veterans qualify.
- Application deadline ended August 14<sup>th</sup>





Local Preference Decision Point: Spring Rock Village, 0 Millstone Road

# Spring Rock Village: (0 Millstone Road) 45 affordable rentals

---

- \$ 285,000 CPA funds used to purchase 1.5-acre access parcel in 2018
- 16.6 acres of Town land designated for Community Housing
- Feasibility study & community outreach
- Town led Request for Proposals 2021
- Land Disposition Agreement 2022 & Future land lease with Town
- Comprehensive Permit approved 2023
- 1, 2 & 3-bedroom units at a mix of income levels up to 80% AMI.
- Current \$500,000 CPA request. Expected \$500,000 request to Housing Trust



# What income qualifies for affordable housing?

2023 Housing and Urban Development (HUD) Barnstable County Median Family Income is \$124,300.

Low-to-moderate income housing on the SHI is capped at 80% of the Area Median Income (AMI).

These income levels are computed for Barnstable County every year by HUD.

2023 HUD Income Limits	Household Size	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons
80% AMI		\$64,450	\$73,650	\$ 82,850	\$92,050	\$99,450	\$106,800



# Brewster may request up to 70% Local Preference

- Town decision and request is made by the Select Board
- The Select Board has often received input from Housing Partnership
- Request must be made to EOHLC by September 14<sup>th</sup> 2023
- Request must include documentation of need.
- Final decision on the approval of local preference is made by EOHLC

# Brewster Housing & Documentation of Need Housing Production Plan



Brewster's Subsidized Housing Inventory (SHI) is 7.2%.  
Based on 2020 Census and 5,170 year-round housing units.



2017 Housing Plan approved and twice certified by state:  
April 2018- April 2019 & May 2022-May 2023.



In August 2022, current Housing Plan approved by state and  
currently certified by the state June 14, 2023- June 13, 2024.



A photograph of a row of colorful houses with solar panels on the roof, viewed from a distance down a paved path. The houses are in various colors including brown, yellow, and green. The path is paved and runs through the center of the row. There are trees and landscaping in the foreground and background. The sky is blue with some clouds.

**Questions?**

# Brewster Local Preference Information Session



Special thanks to Laura Shufelt,  
Director of Community Assistance,  
Massachusetts Housing Partnership



Part of this presentation is based on  
slides created and originally used by  
Laura Shufelt May 18, 2023 at the  
Barnstable HOME Consortium.



For further information, contact:  
Jill Scalise, Housing Coordinator  
at [jscalise@brewster-ma.gov](mailto:jscalise@brewster-ma.gov) or  
508-896-3701, ext. 1169



For further information, contact:  
Donna Kalinick, Asst. Town Manager  
at [dkalinick@brewster-ma.gov](mailto:dkalinick@brewster-ma.gov) or  
508-896-3701, ext. 1130



## Town of Brewster

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

Office of:  
Town Manager  
Housing

### MEMORANDUM

**TO:** Brewster Boards & Committees  
**FROM:** Donna J. Kalinick, Assistant Town Manager  
**RE:** Recent Lottery Information  
**DATE:** February 15, 2023

---

As discussed at the last ZBA hearing, the Select Board has purview over the request to the Department of Housing and Community Development (DHCD) regarding Local Preference. The Select Board on behalf of the Town can ask for up to 70% which requires justification and approval by DHCD. It should be noted that Local Preference is only for people who live in Brewster, work in Brewster, including employment at the municipality or have kids in the schools that are located in Brewster.

In order to provide clarity around the recent affordable housing lotteries that took place for Brewster Woods and Serenity Brewster, I have compiled the following information, based on lottery data provided by Housing Assistance Corporation who was the lottery agent for both lotteries. The backup data is not included because it includes personal information of the applicants.

Brewster Woods: 30 units of affordable rental housing at 30 to 60% of the Area Median Income (AMI) and one unit at 80% of the AMI; 3 of the units were not included in the lottery because they were specific to adults transitioning to independent living. Brewster Woods had a 70% Local Preference for the lottery which was 21 units.

For the 27 units that were available for the lottery, there were 128 qualified applicants and another 112 applicants that were not qualified, a total of 240 applications.

Of the 128 applicants, 40 were in the local preference pool for 21 units. 64 applicants were from other towns on Cape Cod; 24 were from off-Cape, of those, 4 were from out of state. 81% of the applicants were from on-Cape towns, including those who qualified for the local preference pool.

Of the 112 non-qualified applicants, 89 were from Cape Cod towns and 23 were from off-Cape, with 2 from out of state. 80% were from Cape Cod towns.

Serenity: 27 Affordable units, age 55 and up in the lottery at up to 80% AMI. Serenity had 50% Local preference for the 27 units or 14 units. There were 53 qualified applicants and another 19 applicants that were not qualified. A total of 72 applicants.

For the 27 units that were available for the lottery, 14 were in the local preference pool, 27 were from other towns on-Cape; 13 from off-Cape, 4 of those were from out of state. 81% of the applicants were from on-Cape towns, including those who qualified for the local preference pool.

Of the 19 non-qualified applicants, 15 were from on-Cape towns, 3 were from off-Cape and 1 was not identified. 80% were from on-Cape towns.

We are keenly aware that due to the rising cost of housing and the lack of available rentals in Brewster, many residents have been forced to leave Brewster and locate either in another Cape town or off-Cape. Furthermore, we recognize that the need for housing is a regional problem.



## Town of Brewster

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

Office of:  
Select Board

August 21, 2023

Rieko Hayashi  
Commonwealth of Massachusetts EOHLIC  
100 Cambridge Street, Suite 300  
Boston, MA 02114

### RE: Local Preference Request for Spring Rock Village (0 Millstone Road) Affordable Housing

Dear Ms. Hayashi,

On June 13, 2023, the Brewster Zoning Board of Appeals approved a comprehensive permit for Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) to create 45 low-to-moderate income affordable rental homes at 0 Millstone Road. At the time of the comprehensive permit application, Brewster had a certified Housing Production Plan. With the approval of the 0 Millstone Road Comprehensive Permit, Brewster has, once again, received certification of the Town's Housing Production Plan. Brewster's plan is currently certified from June 14, 2023- June 13, 2024.

The Town of Brewster is seeking to offer [redacted]% of the Spring Rock Village affordable units ([redacted] of 45 units) with a local preference. In preparation for this local preference request, on August 17<sup>th</sup> a Local Preference Information Session was held as a joint meeting with the Housing Partnership, Select Board, Affordable Housing Trust, Community Preservation Committee and Finance Committee. We believe the following data supports the need to provide affordable rental housing in Brewster as well as the Town's commitment to this endeavor:

Brewster's 2022 DHCD approved Housing Production Plan (HPP) has a goal to "Increase and diversify year-round housing options in Brewster for a range of income levels and household types." (HPP, pg. 56).

Brewster is below the mandated 10% threshold for affordable housing. The current Brewster Subsidized Housing Inventory (SHI) is 7.2% which represents 372 affordable SHI units.

Brewster, like many communities across Cape Cod, is challenged by the competing interests of year-round and seasonal housing. 42% of Brewster's housing stock is occupied part-time, seasonally, or only on occasion. Since the pandemic and growth in Cape Cod home values, the town has seen an increase in rental homes being sold. This is exacerbating the existing limited supply of rental housing in Brewster. Home ownership is also out of reach for many residents with a 2022 median home sales price of \$686,000 and a \$88,110 median income. (Cape Cod Commission Brewster Housing Profile 2023)

Despite Brewster efforts to create more diverse housing options, only 9% of Brewster's housing stock is rental housing versus 34% in Massachusetts. 64% of Brewster renters are estimated to be either cost burdened or extremely cost burdened. (US Census American Community Survey (ACS) 5-year estimates, 2017-2021). The Housing Plan Needs Assessment reports that 78% of Brewster's very-low income (31-50% AMI) are housing cost burdened. (HPP, pg. 37) In response to the great need, the Housing Trust has

developed and financed (\$225,000 CPA funds) a rental assistance program which provides up to \$500/month for cost burdened low-to-moderate income (up to 80% AMI) rental households. Currently eleven households are receiving ongoing rental assistance.

All five affordable rental properties in Town, the Brewster Housing Authority, Wells Court (senior housing), and King's Landing (multi-age), Brewster Woods (multi-age, opened in 2023) and Serenity Apartments in Brewster (Age 55+, opened in 2023), have wait lists for openings. Several waitlists are estimated to be over 5 years long. In 2022, there were 240 applicants for 27, extremely low-to-moderate income (up to 60% AMI) affordable apartments at Brewster Woods. During the same time in 2022, Serenity Apartments at Brewster received 72 applicants for 27, age 55+ affordable units at 80% AMI. Additionally, the Town Housing Coordinator regularly receives calls from residents seeking affordable rental housing.

The Town has demonstrated a large and on-going commitment to the Spring Rock Village (0 Millstone Road) affordable housing initiative. In 2005 the Town authorized investigating a land locked 15 acre Town-owned parcel off Millstone Road for affordable housing. During May 2018 Special Town meeting, the Town voted to designate \$285,000 for the purchase of a 1.58 acre parcel to connect the Town-owned land to Millstone Road. Additionally, the Town designated the purchased parcel and the abutting Town-owned land, a total of 16.6 acres, for community housing. Over the next several years, the Affordable Housing Trust developed a Request for Proposals (RFP) for the property. The RFP was informed by Brewster's Housing Plan, a technical assistance grant from Mass Housing Partnership, significant community outreach, and ongoing input from residents. With the Housing Trust's recommendation, the Select Board accepted POAH and HAC's development proposal and signed a land disposition agreement in 2022. Currently a \$500,000 funding request for Spring Rock Village (0 Millstone Road) is before the Community Preservation Committee. The Affordable Housing Trust also expects to receive an application from POAH & HAC for \$500,000.

The Brewster Select Board requests a      local preference for the Spring Rock Village development. Any person or household who qualifies under local preference shall have equal consideration in the local pool and will be eligible in the general pool. An Affirmative Fair Marketing and Lottery Plan will be required for the property, if the percentage of minority local resident applicants in the local preference pool is less than the percentage of minorities in the Barnstable MSA, adjustments to the local preference pool will be made in accordance with EOHLC's Comprehensive Permit and affirmative fair housing guidelines.

The Town has worked for well over 5 years on this housing opportunity in Brewster. This mixed age, mixed income (up to 80% AMI) affordable rental housing will meet a significant need in the community identified by the Town's Housing Plan. Thank you for your consideration of the Town's local preference request.

Regards,

Ned Chatelain  
Chair, Brewster Select Board

cc: Vitalia Shklovsky, Preservation of Affordable Housing  
David Quinn, Housing Assistance Coordinator  
Jillian Douglass, Brewster Housing Partnership  
Jill Scalise, Brewster Housing Coordinator



## Town of Brewster

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

Office of:  
Select Board

August 21, 2023

Rieko Hayashi  
Commonwealth of Massachusetts EOHLA  
100 Cambridge Street, Suite 300  
Boston, MA 02114

**RE: Local and Regional Preference Request for Spring Rock Village (0 Millstone Road) Affordable Housing**

Dear Ms. Hayashi,

On June 13, 2023, the Brewster Zoning Board of Appeals approved a comprehensive permit for Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) to create 45 low-to-moderate income affordable rental homes at 0 Millstone Road. At the time of the comprehensive permit application, Brewster had a certified Housing Production Plan. With the approval of the 0 Millstone Road Comprehensive Permit, Brewster has, once again, received certification of the Town's Housing Production Plan. Brewster's plan is currently certified from June 14, 2023- June 13, 2024.

The Town of Brewster is seeking to offer [redacted]% of the Spring Rock Village affordable units ([redacted] of 45 units) with a local preference. Because housing is a regional issue on Cape Cod, with community members often working and living in other nearby towns, the Town is requesting a [redacted]% regional preference for Barnstable County ([redacted] of 45 units). In preparation for this local/regional preference request, on August 17<sup>th</sup> a Local Preference Information Session was held as a joint meeting with the Housing Partnership, Select Board, Affordable Housing Trust, Community Preservation Committee and Finance Committee. We believe the following data supports the need to provide affordable rental housing to Brewster and Barnstable County as well as the Town's commitment to this endeavor:

Brewster's 2022 DHCD approved Housing Production Plan (HPP) has a goal to "Increase and diversify year-round housing options in Brewster for a range of income levels and household types." (HPP, pg. 56). The plan also has a strategy to "Continue to work with nearby communities on the Cape by pooling CPA funds and other resources to construct affordable housing in suitable locations throughout the region and meet regional housing needs." (HPP, pg.68) Over the past seven years, Brewster has voted and approved over \$500,000 in CPA funds to five different local housing initiatives located in nearby towns.

Brewster is below the mandated 10% threshold for affordable housing. The current Brewster Subsidized Housing Inventory (SHI) is 7.2% which represents 372 affordable SHI units.

Brewster, like many communities across Cape Cod, is challenged by the competing interests of year-round and seasonal housing. 42% of Brewster's housing stock and 36% of Barnstable County's housing stock is occupied part-time, seasonally, or only on occasion. Since the pandemic and growth in Cape Cod home values, the town has seen an increase in rental homes being sold. This is exacerbating the existing limited supply of rental housing in Brewster as well as other Cape Cod communities. Home ownership is

also out of reach for many residents with a 2022 median home sales price of \$686,000 for Brewster and \$638,500 for Barnstable County. Brewster has a \$88,110 median income, slightly higher than Barnstable County at \$82,619. (Cape Cod Commission Brewster & Barnstable County Housing Profile 2023)

Despite Brewster efforts to create more diverse housing options, only 9% of Brewster's housing stock is rental housing versus 34% in Massachusetts and 19% in Barnstable County. 64% of Brewster renters are estimated to be either cost burdened or extremely cost burdened. This is similar to Barnstable County where 52% of renters are cost burdened. (US Census American Community Survey (ACS) 5-year estimates, 2017-2021). The Brewster Housing Plan Needs Assessment reports that 78% of Brewster's very-low income (31-50% AMI) are housing cost burdened. (HPP, pg. 37) In response to the great need, the Housing Trust has developed and financed (\$225,000 CPA funds) a rental assistance program which provides up to \$500/ month for cost burdened low-to-moderate income (up to 80% AMI) rental households. Currently eleven households are receiving ongoing rental assistance.

All five affordable rental properties in Town, the Brewster Housing Authority, Wells Court (senior housing), and King's Landing (multi-age), Brewster Woods (multi-age, opened in 2023) and Serenity Apartments in Brewster (Age 55+, opened in 2023), have wait lists for openings. Several waitlists are estimated to be over 5 years long. In 2022, there were 240 applicants for 27, extremely low-to-moderate income (up to 60% AMI) affordable apartments at Brewster Woods. During the same time in 2022, Serenity Apartments at Brewster received 72 applicants for 27, age 55+ affordable units at 80% AMI. Additionally, the Town Housing Coordinator regularly receives calls from residents seeking affordable rental housing.

The Town has demonstrated a large and on-going commitment to the Spring Rock Village (0 Millstone Road) affordable housing initiative. In 2005 the Town authorized investigating a land locked 15 acre Town-owned parcel off Millstone Road for affordable housing. During May 2018 Special Town meeting, the Town voted to designate \$285,000 for the purchase of a 1.58 acre parcel to connect the Town-owned land to Millstone Road. Additionally, the Town designated the purchased parcel and the abutting Town-owned land, a total of 16.6 acres, for community housing. Over the next several years, the Affordable Housing Trust developed a Request for Proposals (RFP) for the property. The RFP was informed by Brewster's Housing Plan, a technical assistance grant from Mass Housing Partnership, significant community outreach, and ongoing input from residents. The Select Board accepted POAH and HAC's development proposal and signed a land disposition agreement in 2022. Currently a \$500,000 funding request for Spring Rock Village (0 Millstone Road) is before the Community Preservation Committee. The Affordable Housing Trust also expects to receive an application from POAH & HAC for \$500,000.

The Brewster Select Board requests a [redacted] local preference and [redacted] regional preference for the Spring Rock Village development. Any person or household who qualifies under local shall have equal consideration in the local pool and regional pool and will be eligible in the general pool. Any person or household who qualifies under the regional pool shall have equal consideration in the regional pool and will be eligible in the general pool. An Affirmative Fair Marketing and Lottery Plan will be required for the property, if the percentage of minority local resident applicants in the local preference pool is less than the percentage of minorities in the Barnstable MSA, adjustments to the local preference pool will be made in accordance with EOHLA's Comprehensive Permit and affirmative fair housing guidelines.

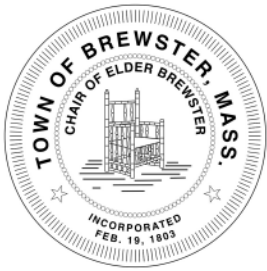
The Town has worked for well over 5 years on this housing opportunity in Brewster. This mixed age, mixed income (up to 80% AMI) affordable rental housing will meet a significant need in the community identified by the Town's Housing Plan. Thank you for your consideration of the Town's local preference request.



Regards,

Ned Chatelain  
Chair, Brewster Select Board

cc: Vitalia Shklovsky, Preservation of Affordable Housing  
David Quinn, Housing Assistance Coordinator  
Jillian Douglass, Brewster Housing Partnership  
Jill Scalise, Brewster Housing Coordinator



## Town of Brewster

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

Office of the:  
Select Board  
Town Manager

Bonnie Heiple, Commissioner  
Massachusetts Department of Environmental Protection  
Attn: MassDEP Surface Water Discharge Permitting Program  
100 Cambridge Street, Suite 900  
Boston, MA 02114  
[massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)

RE: **Holtec International Preliminary Discharge Permit Denial**

Dear Commissioner Heiple:

The Town of Brewster Select Board voted on August 21, 2023, to strongly support the Massachusetts Department of Environmental Protection's preliminary determination to deny Holtec International's permit application to discharge wastewater from Pilgrim Nuclear Power Station into Cape Cod Bay.

MassDEP's permit denial correctly interprets the Ocean Sanctuaries Act, which explicitly states that new industrial discharges, such as the new discharges proposed by Holtec as part of the Pilgrim plant's decommissioning activities, are prohibited under state law in waters designated as ocean sanctuaries.

We urge MassDEP to move forward in finalizing its draft decision based on state law requirements and to issue a final permit denial to Holtec that prevents Pilgrim's wastewater from being released into the Cape Cod Bay Ocean Sanctuary.

Thank you for this opportunity to provide comments and for your consideration of this important matter.

Sincerely,

---

David Whitney, Chair

---

Edward Chatelain, Vice Chair

---

Kari Hoffmann, Clerk

---

Mary Chaffee

---

Cindy Bingham



August 2, 2023

Andrew Gottlieb  
Executive Director

**RE: Holtec Permit Denial Public Comment Period**

Dear Local Leader:

**BOARD OF DIRECTORS**

Eliza McClennen  
President

Steven Koppel  
Vice President

Bob Ciolek  
Treasurer

Jack Looney  
Clerk

John Cumbler

Margo Fenn

Joshua Goldberg

DeeDee Holt

Thomas Huettner

Pat Hughes

Elysse Magnotto-Cleary

Blue Magruder

Stephen Mealy

Wendy Northcross

Kris Ramsay

Robert Summersgill

Charles Sumner

Taryn Wilson

As widely publicized recently, the Massachusetts Department of Environmental Protection issued a preliminary denial of Holtec International’s permit application to discharge wastewater from Pilgrim Nuclear Power Station into Cape Cod Bay. The opportunity now exists for your town to help finalize MassDEP’s decision and put an end to the threats posed by Holtec’s plans.

The preliminary denial is based on the Massachusetts Oceans Sanctuaries Act law, which prohibits new industrial discharges of pollutants into Massachusetts waters designated as ocean sanctuaries. While regulation of radioactive waste falls under the jurisdiction of the federal Nuclear Regulatory Commission, the state’s Oceans Sanctuaries Act explicitly prohibits other industrial discharges, including the type of discharge pursued by Holtec, from entering waters designated by the state as an ocean sanctuary.

The decision to deny Holtec’s permit was reached in large part thanks to Cape Cod towns expressing their concerns to MassDEP about Holtec’s plans, and in particular, calling on the Commonwealth to uphold the requirements of the Oceans Sanctuaries Act. However, before MassDEP can issue a final determination on the Holtec discharge permit, it is required to hold a 30-day public comment period, which runs through 5 p.m. on August 28.

**The Association to Preserve Cape Cod respectfully encourages your town to submit a letter to MassDEP during the comment period in support of the preliminary denial. Comments can be submitted electronically to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov) or written comments can be submitted to MassDEP Surface Water Discharge Permitting Program, 100 Cambridge St., Suite 900, Boston, MA 02114. (See sample letter below.)**

If you have any questions, please do not hesitate to email me at [agottlieb@apcc.org](mailto:agottlieb@apcc.org) or call me at 617-797-3302. Thank you.

Sincerely,

Andrew Gottlieb  
Executive Director

## Sample Letter

Bonnie Heiple, Commissioner  
Massachusetts Department of Environmental Protection  
Attn: MassDEP Surface Water Discharge Permitting Program  
100 Cambridge St., Suite 900  
Boston, MA 02114  
[massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov)

### **RE: Holtec International Preliminary Discharge Permit Denial**

Dear Commissioner Heiple:

The [Town Body] voted on [date] to strongly support the Massachusetts Department of Environmental Protection's preliminary determination to deny Holtec International's permit application to discharge wastewater from Pilgrim Nuclear Power Station into Cape Cod Bay.

MassDEP's permit denial correctly interprets the Ocean Sanctuaries Act, which explicitly states that new industrial discharges, such as the new discharges proposed by Holtec as part of the Pilgrim plant's decommissioning activities, are prohibited under state law in waters designated as ocean sanctuaries.

We urge MassDEP to move forward in finalizing its draft decision based on state law requirements and to issue a final permit denial to Holtec that prevents Pilgrim's wastewater from being released into the Cape Cod Bay Ocean Sanctuary.

Thank you for this opportunity to provide comments and for your consideration of this important matter.

Sincerely,

[Name of Town Body]

## PUBLIC NOTICE

MassDEP is providing the following updated Public Notice that was originally published on July 24, 2023. MassDEP is extending the public comment period for the Tentative Determination to Deny a Surface Water Discharge permit modification requested by Holtec Decommissioning International LLC until August 31, 2023 at 5:00 PM. Additionally, pursuant to 314 CMR 2.07, MassDEP will convene a public hearing on August 24, 2023 at 6:00 PM, Plymouth Town Hall, Great Hall, 26 Court St., Plymouth, MA 02360.

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), 100 Cambridge Street, Boston, MA 02114, under authority granted by the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26 – 53, 314 CMR 2.00, 314 CMR 3.00 and 314 CMR 4.00, and in accordance with the requirements of the Ocean Sanctuaries Act, M.G.L. c. 132A, §§ 12A – 18, and 301 CMR 27.00, is issuing a Tentative Determination to Deny a Surface Water Discharge permit modification requested by Holtec Decommissioning International LLC, 1 Holtec Blvd., Camden, NJ 08104 for Pilgrim Nuclear Power Station (PNPS) (MA Permit No. MA0003557 issued to Holtec Pilgrim LLC). PNPS is located at 600 Rocky Hill Road, Plymouth MA 02360 and is currently authorized under a 2020 Surface Water Discharge permit to discharge certain types of pollutant discharges from outfalls # 001, 002, 004, 004A, 004B, 005, 005A, 005B, 006, 007, 007A, 010, 011, 012, 013, and 014 to Cape Cod Bay. The Tentative Determination to Deny and statement of reasons is available at <https://www.mass.gov/service-details/massdep-publichearings-comment-opportunities>. Alternatively, a copy of the document can be obtained by contacting Cathy Coniaris, MassDEP Surface Water Discharge Program, at 617-835-6693 or [catherine.coniaris@mass.gov](mailto:catherine.coniaris@mass.gov).

Written comments on the Tentative Determination to Deny will be accepted until 5:00 p.m. on August 31, 2023. MassDEP strongly encourages written comments to be submitted by email to [massdep.npdes@mass.gov](mailto:massdep.npdes@mass.gov); subject line: Pilgrim Nuclear Power Station. If not possible, please send by mail to Cathy Coniaris, MassDEP, 100 Cambridge St., Boston, MA 02114. Additionally, pursuant to 314 CMR 2.07, MassDEP will convene a public hearing on August 24, 2023 at 6:00 PM at Plymouth Town Hall, Great Hall. Information on how to provide voluntary attendance information will be available at: <https://www.mass.gov/service-details/massdep-publichearings-comment-opportunities>. Following the close of the comment period, MassDEP will issue a Final Determination regarding the proposed modification and forward copies to the applicant and each person who has submitted written comments or requested notice. The Final Determination will contain information regarding the opportunity to file an adjudicatory appeal pursuant to 310 CMR 1.01. Information regarding intervention and participation can be found at 310 CMR 1.01(7).

For special accommodations, please call the MassDEP Diversity Office at 617-292-5751. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request.

By Order of the Department  
Bonnie Heiple, Commissioner

**TENTATIVE DETERMINATION TO DENY APPLICATION TO MODIFY****A****MASSACHUSETTS PERMIT TO DISCHARGE POLLUTANTS TO SURFACE WATERS**

Pursuant to the Massachusetts Clean Waters Act, as amended (M.G.L. c. 21, §§ 26 - 53), and implementing regulations at 314 CMR 2.00, 3.00 and 4.00,

**Holtec Decommissioning International, LLC**  
**1 Holtec Boulevard**  
**Camden, NJ 08104**  
(the "Applicant")

has requested a modification of its authorization to discharge to surface waters pursuant to Permit No. MA0003557 dated January 30, 2020 ("Permit"), from the following facility,

**Pilgrim Nuclear Power Station**  
**600 Rocky Hill Road**  
**Plymouth, MA 02360**  
(the "Facility")

to receiving water named

**Cape Cod Bay**

Pursuant to 314 CMR 2.04(1), the Massachusetts Department of Environmental Protection ("MassDEP") has tentatively determined to deny the Applicant's request for permit modification. In accordance with 314 CMR 2.05(5), the following statement of reasons supports this tentative determination:

1. Part I.B of the Applicant's Permit, titled UNAUTHORIZED DISCHARGES, states, in pertinent part, "The Permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the outfalls listed in Parts I.A. through I.C. of this permit." The Permit also prohibits several specific types of discharges:
  - a. Pollutants in spent fuel pool water (including, but not limited to, boron).
  - b. Pollutants in stormwater associated with construction activity, including activities, physical alterations, or additions associated with the dismantlement and demolition of plant systems, structures, and buildings.
  - c. Pollutants associated with contaminated site dewatering, pipeline and tank dewatering, collection structure dewatering, or dredge-related dewatering, and including but not limited to physical alterations or additions resulting in the discharge of pollutants associated with the dismantlement and decontamination of plant systems and structures and/or the demolition of buildings.
2. The Facility permanently stopped generating power on May 31, 2019, and decommissioning and demolition is ongoing at the Facility.
3. On April 4, 2023, the Applicant applied to MassDEP for a permit modification to authorize discharge of 1.1 million gallons of treated wastewater from the spent fuel pool, torus, dryer separator, and reactor cavity.
4. The receiving water is within Cape Cod Bay Ocean Sanctuary, as defined in the Ocean Sanctuaries Act ("Act"), M.G.L. c. 132A, §§ 12A – 18.

5. Section 15 of the Act prohibits the “dumping or discharge of commercial, municipal, domestic or industrial wastes” into ocean sanctuaries. M.G.L. c. 132A, § 15(4). According to the application to modify the Permit, and the definition of “wastes” at 301 CMR 27.02, the water the Facility proposes to discharge is industrial waste subject to that prohibition. The water is stored in the spent fuel pool, torus, dryer separator, and reactor cavity, was utilized in the Facility’s industrial operations, is contaminated, and is now proposed to be discarded.
6. Section 16 of the Act identifies certain narrow exemptions to the Act’s prohibition against discharges into ocean sanctuaries.
7. None of the exceptions in Section 16 applies to the proposed discharge.
8. Section 16 of the Act exempts “activities, uses and facilities associated with the generation, transmission, and distribution of electrical power.” M.G.L. c. 132A, § 16. It is undisputed that the Facility has ceased electrical power generation, is no longer transmitting or distributing power, and is in the process of decommissioning. The waters proposed for discharge have been used for decommissioning processes, including dismantlement of plant systems, not electrical power generation, and require disposal as part of the decommissioning process. Since the proposed discharge is associated with the decommissioning of the Facility, not the generation, transmission, or distribution of electric power, this exception does not apply.
9. Section 16 of the Act also exempts “the operation and maintenance of existing municipal, commercial or industrial facilities and discharges.” Section 12B defines an “existing discharge,” with respect to Cape Cod Bay Ocean Sanctuary, as a discharge “at the volume and locations authorized by the appropriate federal and state agencies . . . on December [8, 1971].” M.G.L. c. 132A, §§ 12B, 16. There is currently no discharge from the spent fuel pool, torus, reactor cavity, and dryer separator pit, and such discharges are explicitly prohibited by Part I.B of the Applicant’s Permit. Since the proposed discharge is not the continuation of an existing discharge, this exception does not apply.
10. Section 16 of the Act identifies certain other exceptions, each of which is inapplicable on its face. These include exceptions for “the laying of cables . . . ; channel and shore protection projects, navigation aids, projects authorized under chapter ninety-one . . . ; other improvements not specifically prohibited by said sections 12B to 16K, inclusive and section 18 . . . ; the harvesting and propagation of fish and shellfish . . . ; temporary educational and scientific activities . . . ; and the extraction of sand and gravel . . .” and certain discharges from “municipal wastewater treatment facilities.” M.G.L. c. 132A, § 16.
11. For the foregoing reasons, the proposed discharge is prohibited by Section 15 of the Act and does not qualify for any exception to the Act under Section 16.
12. The Act prohibits state agencies from permitting activities contrary to the provisions of the Act. M.G.L. c. 132A, § 18.
13. Since the proposed discharge is prohibited by the Act, MassDEP must deny the requested Surface Water Discharge permit modification in accordance with Section 18 of the Act.
14. The Massachusetts Office of Coastal Zone Management (“CZM”) is vested with the “care, oversight and control” of ocean sanctuaries, M.G.L. c. 132A, § 14. The Act directs state agencies to “confer and consult with [CZM] to ensure compliance with the Act.” M.G.L. c. 132A, § 18. MassDEP conferred with CZM regarding application of the Act to the Applicant’s proposed discharge. CZM advised MassDEP on this matter. Letters memorializing this consultation are attached to this tentative determination and incorporated herein by reference.
15. 314 CMR 2.04(1) requires MassDEP to issue a denial of an application for a permit modification as a tentative decision. Tentative decisions are subject to the public notice provisions of 314 CMR 2.06. MassDEP will provide public notice of this decision in accordance with 314 CMR 2.06 and, pursuant to 314 CMR 2.08, will issue a final determination after the public comment period.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2023

Lealdon Langley, Director  
Division of Watershed Management  
Department of Environmental Protection

Attachments: MassDEP letter dated July 21, 2023  
Massachusetts CZM letter dated July 24, 2023





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

July 21, 2023

Lisa Berry Engler, Director  
Office of Coastal Zone Management  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Ms. Engler:

On April 4, 2023, Holtec Decommissioning International, LLC (“Holtec”), filed an application with the Department of Environmental Protection (“MassDEP” or “Department”) to modify Holtec’s Surface Water Discharge (“SWD”) Permit, issued pursuant to the state Clean Waters Act, M.G.L. c. 21, §§ 26-53, and the Department’s regulations at 314 CMR 3.00, for the former Pilgrim Nuclear Power Station (“PNPS”), located in Plymouth, Massachusetts. Holtec’s application requests the authorization of a new discharge of wastewater that is prohibited under the existing permit.

Holtec is proposing to discharge that wastewater, via its permitted discharge canal, into Cape Cod Bay. The receiving waters for the proposed discharge are within Cape Cod Bay Ocean Sanctuary, which is protected under the Ocean Sanctuaries Act (“Act”), M.G.L. c. 132A, §§ 12A-18. The Act grants “care, oversight and control” of the ocean sanctuaries to the Office of Coastal Zone Management (“CZM”) and prohibits state agencies from permitting activities contrary to provisions of the Act. *Id.* at §§ 14, 18. After carefully reviewing the provisions of the Act and Holtec’s application for modification of its existing permit, MassDEP concludes that the proposed discharge is subject to and prohibited by the Act. By this letter, MassDEP memorializes its consultation with CZM, as required by the Act, M.G.L. c. 132A, § 18, and seeks confirmation from CZM regarding MassDEP’s interpretation of the Act and its application to Holtec’s proposed discharge.

## Background

Holtec states that PNPS began commercial operations in December 1972. PNPS was constructed and operated by Boston Edison Company, sold to Entergy Corporation in 1999, and then sold to Holtec in 2019. On May 31, 2019, PNPS permanently stopped generating electricity and is now undergoing decommissioning.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

As described in the permit modification application, current wastewater discharges from the plant are authorized by a National Pollutant Discharge Elimination System (“NPDES”) Permit (No. MA0003557) and Surface Water Discharge Permit of January 2020 (“2020 Permits”) issued jointly by the Department and the U.S. Environmental Protection Agency (“EPA”).

The 2020 Permits authorize discharges of circulating water, non-thermal backwash water, non-contact cooling water from the salt service water system, intake screenwash water, stormwater, station heating system water, cooling water from certain heat exchangers, drainage from boiler room floor drains, salt service water system chlorinated salt water from various sumps, and reject water from the demineralizer system and the emergency standby liquid control system. Holtec’s March 31, 2023, Application to EPA (“2023 Application”) at 3-22.<sup>1</sup> The 2020 Permits expressly prohibit certain discharges, including discharges of pollutants from the spent fuel pool, discharges of pollutants in stormwater associated with construction activity, and discharges of pollutants associated with the dismantlement, demolition or decontamination of plant systems and structures or otherwise not authorized by the 2020 Permits. *Id.* at 27.

Holtec’s applications to EPA and MassDEP to modify the 2020 Permits request authorization to discharge “a new source of industrial wastewater” from the spent fuel pool, torus, reactor cavity, and dryer separator pit, via an outfall numbered #015, into the existing, permitted discharge canal which discharges into Cape Cod Bay. 2023 Application at 3-4. According to Holtec, this wastewater stream, which it proposes to treat prior to discharge, would potentially contain pollutants such as suspended solids, oil and grease, copper, zinc, lead, nickel, boron, and phenol. *Id.* at 3-6.

Holtec’s proposed discharge is explicitly prohibited by the 2020 Permits because the wastewaters originate, in part, in the spent fuel pool and because it proposes to discharge pollutants associated with dewatering, dismantlement, demolition or other decommissioning of plant components. Since the plant ceased commercial operation, the waters of the spent fuel pool, reactor cavity, dryer separator pit, and torus have been used for decommissioning purposes unrelated to generation of electricity, as explained on page 4 of the 2023 Application:

Following the permanent shutdown of Pilgrim in 2019, spent fuel assemblies stored in the pool were transferred to dry cask storage in a stand-alone Independent Spent Fuel Storage Installation (“ISFSI”). The racks that stored the fuel have been removed and disposed of and the pool is currently being used to package radiological materials such as the reactor vessel internal components for ultimate disposal. Following the completion of the packaging campaign the [spent fuel pool] water will be drained to the Torus for final disposition.

In addition, “[d]uring decommissioning, water in the Reactor Cavity / Dryer Separator Pit provides for radiological shielding of irradiated component removal including underwater waste generation,

---

<sup>1</sup> Holtec’s submission to MassDEP consisted of the appropriate MassDEP application form plus a copy of its application to EPA.

consolidation, and packaging activities.” *Id.* at 62-63.<sup>2</sup> The waste generation, consolidation, packaging, and other decommissioning activities, such as dismantlement of the reactor vessel, are distinct from prior use of the waters and have introduced new pollutants or increased pollutant concentrations in these waters. Thus, the proposed discharges are distinct from historical discharges from these water volumes.

The Department encloses Holtec’s 2023 Application for your consideration.

### **MassDEP’s Jurisdiction**

MassDEP has jurisdiction over Holtec’s proposed discharge of pollutants. Pursuant to the state Clean Waters Act, M.G.L. c. 21, §§ 26-53, and the Department’s regulations at 314 CMR 3.00, Holtec must obtain a surface water discharge permit from MassDEP for wastewater discharges into Cape Cod Bay.

### **Ocean Sanctuaries Act**

The Ocean Sanctuaries Act, M.G.L. c. 132A, §§ 12A-18, protects five named ocean sanctuaries, including the Cape Cod Bay Ocean Sanctuary. *Id.* at § 13(b). The Act provides CZM with oversight responsibility for the ocean sanctuaries. *See id.* at §§ 12C, 14, and 18. Section 14 provides that “[a]ll ocean sanctuaries . . . shall be under the care, oversight and control of” CZM. Section 12C directs CZM to “promulgate such regulations as it deems necessary for the implementation, administration and enforcement of the act.” CZM has issued these regulations. *See* 301 CMR 27.00.

The Act prohibits “[a]ll departments, divisions, commissions, or units of the executive office of energy and environmental affairs and other affected agencies or departments of the commonwealth” from permitting or conducting activities “which [are] contrary to the provisions of the Act.” *Id.* at § 18. Therefore, if Holtec’s proposed discharge is contrary to the provisions of the Act, MassDEP, a department of the Executive Office of Energy and Environmental Affairs, cannot issue the requested permit modification. The Act requires departments to “confer and consult with [CZM] to ensure compliance with the Act.” *Id.* at § 18. MassDEP therefore seeks to confer and consult with CZM regarding whether Holtec’s proposed discharge is contrary to the provisions of the Act.

Broadly speaking, section 15 of the Act prohibits various activities, unless they are permitted by section 16. Section 15 states, in relevant part:

Except as otherwise provided in this section, the following activities  
*shall be prohibited* in an ocean sanctuary:

---

<sup>2</sup> Holtec’s 2023 Application notes that there were historic discharges of waters from the spent fuel pool, torus, reactor cavity, and dryer separator pit, from which it now proposes to discharge. It states that waters of the spent fuel pool were combined with waters of the reactor cavity/dryer separator pit during biennial refueling and that a portion of those combined waters were later discharged. 2023 Application at 3-4. Holtec states that the last discharge of waters from these locations occurred in 2015. *Id.* at 4. Since then, these waters have been used for decommissioning purposes and the proposed discharge would be associated with dismantlement and dewatering of the plant in any event.

...

- (4) the dumping or discharge of commercial, domestic or industrial wastes . . . .

*Id.* (emphasis added).

Section 16 authorizes certain activities that would otherwise be prohibited by Section 15. It states that “[n]othing in this act is intended to prohibit the following activities, uses or facilities,” indicating that the activities, uses or facilities described in section 16 are permitted notwithstanding the prohibitions in section 15. *Id.* Section 16 contains nine unnumbered categories of permitted activities, of which two appear to merit review and are extracted below in separate lines for ease of reading:

In all ocean sanctuaries except the Cape Cod Ocean Sanctuary the planning, construction, reconstruction, operation and maintenance of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated with the generation, transmission, and distribution of electrical power, provided that all certificates, licenses, permits and approvals required by law are obtained therefor, and provided, further, that such activities, uses and facilities shall not be undertaken or located except in compliance with any applicable general or special statutes, rules, regulations or orders lawfully promulgated;

the operation and maintenance of existing municipal, commercial or industrial facilities and discharges where such discharges or facilities have been approved and licensed by appropriate federal and state agencies; . . . .

## Analysis

Based on our analysis, the Department concludes that: (1) Holtec’s proposed discharge of wastewater from the spent fuel pool, torus, reactor cavity, and dryer separator pit is prohibited by section 15 because it is a discharge of industrial wastewater into an ocean sanctuary; and (2) none of the exceptions in section 16 apply.

### **Section 15: Prohibited Activities in Ocean Sanctuaries**

Section 15 of the Act prohibits Holtec’s proposed discharge. Section 15 of the Act contains a broad prohibition on discharges of wastes to ocean sanctuaries: “Except as otherwise provided in this section, the following activities shall be prohibited in an ocean sanctuary: . . . (4) the dumping or discharge of commercial, municipal, domestic or industrial wastes . . . .” The Regulations define “wastes” as:

any unwanted, discarded, or environmentally harmful solid, liquid, or gaseous materials resulting from commercial, municipal,

domestic, or industrial Activities, including, but not limited to garbage, snow, thermal discharges, saline discharges, and sewage. Waste does not include approved and licensed dredge spoils, approved and licensed stormwater discharges, or snow disposal consistent with Department guidance.

301 CMR 27.02.

Holtec’s 2023 Application itself characterizes the proposed discharges as “industrial wastewater.” 2023 Application at 4. Likewise, the proposed discharge qualifies as “waste” resulting from an “industrial Activit[y]” under the definition in CZM’s Regulations, as the discarded water is unwanted, intended to be discarded, and may contain “environmentally harmful” pollutants resulting from PNPS’s decommissioning activities, even after treatment. We therefore conclude that the proposed discharges would be a discharge of industrial wastewater and, consequently, that section 15 prohibits the discharge of water from the spent fuel pool, torus, reactor cavity, and dryer separator pit.

### **Section 16: Permitted Activities in Ocean Sanctuaries**

As explained above, section 15 of the Act prohibits activities in the named ocean sanctuaries unless they are permitted by section 16. It is MassDEP’s opinion that none of the section 16 exceptions to the section 15 prohibition on industrial wastewater discharges apply to Holtec’s proposed discharge. Although section 16 contains nine exceptions, we only discuss the first two in detail because the remaining seven exceptions are inapplicable on their face.

#### **1. Generation, transmission, and distribution of electrical power**

Holtec’s proposed discharge of wastewater from the spent fuel pool, torus, reactor cavity, and dryer separator pit is not authorized by the first exception in section 16 of the Act because it is a “new discharge” of wastewater for the purpose of decommissioning. It is the Department’s opinion, based on the plain language of the statute, that the first exception in section 16 does not apply to the dismantling or decommissioning of a former power station. It is undisputed that PNPS has ceased power generation and is in the process of decommissioning.

Section 16 permits “the *planning, construction, reconstruction, operation and maintenance* of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities *associated with the generation, transmission, and distribution of electrical power*” provided such activities, uses and facilities are otherwise properly authorized and conducted in accordance with applicable law. *Id.* (emphasis added). By its plain terms, this permitted activity does not apply to discharges associated with decommissioning. *See id.* The text limits permitted discharges to the pre-operating and operating phases of the life-cycle of a power plant—“planning, construction, reconstruction, operation and maintenance”—and does not mention post-operating phases such as dismantling or decommissioning. *See id.* This omission indicates that the legislature did not intend to include discharges associated with decommissioning in this exception. *See Metro. Prop. & Casualty Ins. v. Emerson Hosp.*, 99 Mass. App. Ct. 513, 522 (2021) (“It is a ‘maxim of statutory

construction . . . that a statutory expression of one thing is an implied exclusion of other things omitted from the statute.” (citation omitted).

Nor would applying the maxim frustrate the Act. *Id.* (citation omitted). Indeed, the legislature’s omission of post-operation activities is consistent with and supports the legislative intent of the Act, which is to prohibit any discharges other than those within specific categories of activities of particular policy importance. In this instance, this omission indicates that the legislature made a reasonable policy determination that the economic and social benefits associated with constructing, operating, and maintaining facilities for electric power generation—not least, ensuring the availability and reliability of sufficient electrical power to meet the needs of the Commonwealth and its citizens—are absent once such facilities have been taken out of service and are being dismantled, when protection of the ocean sanctuary may be elevated as a policy priority.

Holtec’s proposed discharge also cannot be said to be “associated with” generation of electricity. While Holtec states that plant operators discharged a minimum volume of water from the spent fuel pool, reactor cavity, and dryer separator pit during episodic refueling outages, as described above, the proposed discharge differs and is related to decommissioning. It is not a function of refueling, which was a necessity for continued plant operation; the waters are currently being used for decommissioning purposes rather than electricity generation (underwater waste generation, consolidation, and packaging of materials such as the reactor vessel internal components); and the waters contain pollutants produced as a function of decommissioning activities. Further, setting aside the use of the water to facilitate decommissioning tasks, Holtec also acknowledges that disposing of this stored wastewater is itself a decommissioning task and would not occur but for decommissioning: “Following the completion of the packaging campaign the [spent fuel pool] water will be drained to the Torus for final disposition.” 2023 Application at 4.

The 2020 Permits expressly distinguish and prohibit discharges associated with decommissioning, including discharges from the spent fuel pool, as well as any other stormwater or dewatering associated with dismantlement, demolition or decontamination of plant systems and structures or any other discharge from a point source not authorized by the 2020 Permits. 2020 Permits at 27. Holtec’s 2023 Application was submitted precisely because the proposed discharge is a “new discharge” associated with decommissioning and prohibited by the 2020 Permits. Therefore, it is the Department’s opinion that Holtec’s proposed discharge of wastewater from the spent fuel pool, torus, reactor cavity, and dryer separator pit is outside the first category of activities that can be permitted pursuant to section 16.

## **2. Existing discharge**

Holtec’s proposed discharge of wastewater from the spent fuel pool, torus, reactor cavity, and dryer separator pit is not authorized by the second exception in section 16 because it is not an existing discharge.

Section 16 permits “the operation and maintenance of existing municipal, commercial or industrial facilities and discharges where such discharges or facilities have been approved and

licensed by appropriate federal and state agencies . . . .” Section 12B, meanwhile, defines an “existing discharge,” in relevant part, as an “industrial discharge at the volume and locations authorized by the appropriate federal and state agencies on . . . December eighth, nineteen hundred and seventy-one, in the case of the Cape Cod Bay . . . Ocean Sanctuary . . . .”

The proposed discharge meets neither the plain language of section 16 nor the statutory definition of “existing discharge” in section 12B. First, PNPS is not currently discharging wastewater from the spent fuel pool, torus, reactor cavity, or dryer separator pit. The 2020 Permits, currently in force, explicitly prohibit such discharges, and they cannot occur without a permit modification. It is on that basis that the 2023 Application seeks authorization for the proposed discharge as a “new discharge.” 2023 Application at 9. The proposed discharge therefore cannot be an “existing . . . discharge[]” to which this category of permitted activities could apply.

Even if the proposed discharge was not ineligible as a result of being currently prohibited, no PNPS discharges appear to meet the requirements of the definition of “existing discharge” under the Act. Holtec did not provide any authorization for any discharge of pollutants related to plant operations prior to 1975—well after the December 8, 1971 cutoff for such discharges into Cape Cod Bay Ocean Sanctuary. Even if there were authorized discharges of pollutants occurring prior to the cutoff, those discharges would not be the same as those proposed: the proposed discharges contain pollutants resulting from decommissioning, which *per se* could not have been “existing” prior to December 8, 1971, while the plant was still operational.

Where the proposed discharge does not currently exist and was not existing as of December 8, 1971, the proposed discharge is not allowed under section 16.

## **Conclusion**

For the reasons above, the Department concludes that the discharge proposed in Holtec’s 2023 Application is prohibited by section 15 of the Ocean Sanctuaries Act and does not qualify for any of the exceptions to that prohibition described in section 16 of the Act. Under section 18 of the Act, therefore, the Department concludes that it must deny the 2023 Application.

As noted at the outset, MassDEP seeks to confer and consult with CZM as the Act requires, to ensure that MassDEP’s interpretation of the Act, and any consequent decision regarding the department’s ability to permit the discharge, is in compliance with the Act. We look forward to your views on this matter.

Sincerely,



Lealdon Langley  
Director  
Division of Watershed Management



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
100 Cambridge Street, Suite 900, Boston, MA 02114 • (617) 626-1200

July 24, 2023

Lealdon Langley  
Director  
Division of Watershed Management  
Department of Environmental Protection  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Mr. Langley,

In your letter of July 21, 2023 (“Letter”), you memorialized the results of the consultation between the Office of Coastal Zone Management (“CZM”) and the Department of Environmental Protection (“MassDEP”) with regard to the application of Holtec Decommissioning International, LLC (“Holtec”), to modify its Surface Water Discharge Permit, issued pursuant to the Massachusetts Clean Waters Act, G.L. c. 21, §§ 26-53, and MassDEP’s regulations at 314 C.M.R. 3.00 *et seq.*, for discharges into Cape Cod Bay from the former Pilgrim Nuclear Power Station (“PNPS”) in Plymouth, Massachusetts (“Application”). The Application seeks to authorize “discharge of a new source of industrial wastewater” that is prohibited under the existing permit. Your Letter presents MassDEP’s conclusion that approval of the Application would be inconsistent with the Ocean Sanctuaries Act, G.L. c. 132A, §§ 12A-18 (“Act”). CZM agrees with MassDEP’s interpretation of the Act and its application to the facts of Holtec’s proposed discharge, as described in the Letter.

## I. BACKGROUND

The structure of the Act is straightforward:

- Section 13 of the Act names and geographically defines five ocean sanctuaries, including the Cape Cod Bay Ocean Sanctuary, at G.L. c. 132A, § 13(b);
- Section 14 of the Act provides that “[a]ll ocean sanctuaries as described in section thirteen . . . shall be protected from any exploitation, development, or activity that would significantly alter or otherwise endanger the ecology or the appearance of the ocean, the seabed, or subsoil thereof”;
- Section 15 identifies five categories of activities that, “[e]xcept as otherwise provided in this section, . . . shall be *prohibited* in an ocean sanctuary,” including “the dumping or discharge of commercial, municipal, domestic or industrial wastes,” *id.* § 15(4) (emphasis added);
- Section 16 lists activities that are *permitted* in ocean sanctuaries notwithstanding the prohibitions in Section 15, including:
  - “In all ocean sanctuaries except the Cape Cod Ocean Sanctuary the planning, construction, reconstruction, operation and maintenance of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated





with the generation, transmission, and distribution of electrical power, provided that all certificates, licenses, permits and approvals required by law are obtained therefor, and provided, further, that such activities, uses and facilities shall not be undertaken or located except in compliance with any applicable general or special statutes, rules, regulations or orders lawfully promulgated”; and

- “the operation and maintenance of *existing* facilities and *discharges* where such discharges or facilities have been approved and licensed by appropriate federal and state agencies” (emphasis added).
- Section 12B defines “existing discharge” in relevant part as “a municipal, commercial or industrial discharge at the volume and locations authorized by the appropriate federal and state agencies . . . on December eighth, nineteen hundred and seventy-one, in the case of the Cape Cod Bay . . . Ocean Sanctuary . . . .”

As noted in the Letter, the Act places primary responsibility with CZM, but also requires all other agencies—including MassDEP—to fulfill their permitting responsibilities in accordance with the Act:

- Section 12C states that CZM “shall promulgate such regulations as it deems necessary for the implementation, administration and enforcement of the [A]ct” and “shall integrate its implementation, administration and enforcement of the [A]ct with other programs and agencies responsible for the protection of the public health, safety, welfare and the environment.” CZM has promulgated those regulations at 301 C.M.R. 27.00 (“Regulations”).
- Likewise, Section 14 states that “All ocean sanctuaries as described in section thirteen shall be under the care, oversight and control of” CZM.
- Finally, Section 18 states that “[a]ll departments, divisions, commissions, or units of the executive office of energy and environmental affairs”—including MassDEP—“and other affected agencies or departments of the commonwealth shall issue permits or licenses for activities or conduct their activities consistently with the act, and shall not permit or conduct any activity which is contrary to the provisions of the Act” and, as MassDEP has done via the Letter, “departments, divisions, commissions, units, or other agencies shall confer and consult with the office to ensure compliance with the Act.”

## II. ANALYSIS

As the Letter concludes, granting of Holtec’s Application to modify its discharge permit to authorize “discharge of a new source of industrial wastewater” the PNPS into Cape Cod Bay would be contrary to the Act.

### A. SECTION 15

The proposed discharge is prohibited by Section 15 of the Act. As noted above, Section 15 of the Act “prohibit[s] . . . the dumping or discharge of commercial, municipal, domestic or industrial wastes” into ocean sanctuaries, including Cape Cod Bay Ocean Sanctuary. *Id.* § 15(4). The Regulations in turn define “waste” as “any unwanted, discarded, or environmentally harmful solid, liquid, or gaseous materials resulting from commercial, municipal, domestic, or industrial Activities.” 301 C.M.R. 27.02.

Based on the description in the Letter, it appears to be undisputed that the receiving water for the proposed discharge is within the Cape Cod Bay Ocean Sanctuary, and that the proposed discharge is “waste” from an industrial activity. As the Letter notes, according to Holtec’s own application to EPA, the discharged water, though treated, will potentially contain suspended solids, oil and grease, copper, zinc, lead, nickel, boron, and phenol. Based on that description, the proposed discharge is plainly unwanted, discarded, and potentially environmentally harmful. Further, Holtec refers to the proposed discharge in the Application as a “new source of industrial wastewater.” Application at 4. The proposed discharge therefore is prohibited by Section 15.

## **B. SECTION 16**

The proposed discharge does not qualify as one of the permitted activities under Section 16 of the Act, listed above.

First, the proposed discharge is unrelated to the “planning, construction, reconstruction, operation and maintenance of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated with the *generation, transmission, and distribution of electrical power.*” *Id.* § 16. As described in the Application and your Letter, PNPS ceased commercial operation of electrical generation in 2019 and the water proposed for discharge has since then been used for the purposes of decommissioning. Where the proposed discharge is made in furtherance of the decommissioning of PNPS, it is, by the plain terms of the statute, not “associated with the generation, transmission, and distribution of electrical power.” As the Letter notes, the legislature could have included “decommissioning” as a permitted activity, but it did not. We interpret this to be an intentional decision to exclude only those listed aspects of electrical power generation, in accordance with canons of statutory interpretation, which instruct that explicit inclusion of a list of items is an implicit exclusion of terms not in the list.<sup>1</sup> Likewise, general terms in a list must be read to be limited by specific terms in the same list.<sup>2</sup> Similarly, “an exception from the coverage of a statute is ordinarily to be construed narrowly so as to prevent the purposes of the statute from being rendered ineffective.” *Singer Friedlander Corp. v. State Lottery Comm’n*, 423 Mass. 562, 565 (1996) (quoting *Martin v. Rent Control Bd. of Cambridge*, 19 Mass. App. Ct. 745, 747 (1985)). These canons apply to this proposed activity: the specific activities listed in Section 16 are limited to those relating to the building and operation of a power plant; the more general term “all other activities,” therefore, should be read within those limitations, i.e., to exclude the decommissioning of the plant. This interpretation accords with the legislative intent of the Ocean Sanctuaries Act as a whole, which is intended to prohibit discharges into Ocean Sanctuaries except in specifically limited circumstances supported by an overriding public policy priority.

Second, the proposed discharge was not an “existing discharge” on “December eighth, nineteen hundred and seventy-one, in the case of the Cape Cod Bay . . . Ocean Sanctuary . . . .” *id.* § 12B, that can be permitted under Section 16. Holtec’s application indicates that the proposed discharge is explicitly prohibited under the terms of Holtec’s existing permit and represents a new discharge associated with decommissioning (i.e., waters used in the packaging of reactor components for disposal and other decommissioning activities, and which require final disposition as part of the overall decommissioning process). A new discharge that is currently prohibited cannot reasonably be interpreted to be an “existing discharge” on its face. Further, as the Department notes, Holtec has not presented evidence of authorization for discharge of pollutants prior to 1975, which means

---

<sup>1</sup> *Expressio unius est exclusio alterius.*

<sup>2</sup> *Ejusdem generis.*

that any discharge would necessarily be outside the definition of "existing discharge" as articulated in the Act.

**C. SECTION 18**

Because no exception applies under Section 16, the proposed discharge is barred by the prohibition in Section 15. Section 18 of the Act, therefore, requires MassDEP to deny Holtec's application.

**III. CONCLUSION**

As noted at the outset, CZM's analysis, pursuant to its interpretation of the Act and based on the information provided by Holtec, reaches the same conclusion as MassDEP's interpretation and application of the Act in this matter. Please contact me if you have any questions or concerns.

Sincerely,



Lisa Berry Engler  
Director



## Town of Brewster

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

Office of:  
Select Board  
Town Manager

**TO:** Select Board  
**FROM:** Peter Lombardi, Town Manager  
**CC:** Mike Gradone, Recreation Director  
**RE:** Part-time Department Assistant Position for Recreation Department  
**DATE:** August 18, 2023

---

In preparing for expanded programming and administrative responsibilities of the Recreation Department in the 2023 summer season, we added a new seasonal, part-time (15 hour/week) administrative assistant position this spring as an initial interim measure. The position has been funded 50% in the Recreation Department's operating budget and 50% from the initial \$200,000 pool start-up appropriation approved by Town Meeting in November 2022.

Based on the current and anticipated workload of the Recreation Department due to increased programming at the Sea Camps, including the community pool, and otherwise, we are now seeking to transition this to a year-round position. It will remain part-time, but the hours will be increased to 19 per week. For the rest of FY24, the position will be paid 1/3 from Recreation Revolving, 1/3 from the Recreation Department operating budget, and 1/3 from Pool Revolving. The net financial impact of this personnel change on each of these accounts this fiscal year would be approximately \$7,700, \$4,400, \$4,400 respectively – or \$16,500 in total.

The Select Board has identified addressing the Recreation Department staffing model as a goal in your Strategic Plans the past two years. As a reminder, our Recreation Department provides an impressive roster of programs with just two full-time employees. The expanded hours of this administrative support would be another important step to ensure their continued success going forward. The Recreation Commission supports this proposal.

If the Select Board approves adding this new position to the Personnel Bylaw, we will follow the standard process for hiring to fill the position since it is changing from seasonal to year-round. The seasonal position was planned to end in early October, so we have ample time to complete the hiring process.

## **Brewster Recreation FY2024 staffing justification**

As it is currently constituted, the Recreation Department in Brewster has two full time (40 hour a week) workers. The Director and the Assistant Director. We also have a part time (15 hour a week), seasonal, Department Assistant. We are asking to increase the Department Assistant to 19 hours a week on a year-round basis. *Here is why:*

- We would rather not lose existing staff in October and have to hire and re-train someone else in the spring
- Our current employee is very proficient at her job and we don't know if we can get someone as skilled as her who is ok with the part time hours
- Our email and phone traffic has increased substantially in the past year and this position is a big help with those inquiries (mostly pickleball and pool)
- She provides office coverage when Andy and Mike are out of the office or running a program
- With this position being year round we may be able to add essential job functions to the position that may include help with other tasks on the Town website as well as the Rec website
- We would like this person to help with the development of the pool registration process on the Rec website for spring 2024
- With this position being year round taking all this added administrative responsibility, it makes it easier for the Assistant Director to concentrate on programing and the Director to focus on longer term goals for the department
- This would be the first step in a yearly increase in hours as we move into FY2025 and FY 2026
- With an increase in staff and programs in the spring and summer, the Admin assistant is able to help with the preparation of those in the fall and winter

### ***How do we plan on doing this?***

- Salary is currently coming out of both the pool "seed money" account and seasonal workers- general fund
- The duties end in October
- We would extend the position to a year-round position by paying half out of the revolving account and the remainder would be paid by the Town. Roughly \$7K each
- If/when this position goes to regular/year round part time the position will move to personal bylaw and the pay would increase to \$23.44 per hour, grade 3 step 1. This rate would be effective October/November or when the change is made. In FY25 (July 1) the rate would be \$25.49, grade 3 step 2.

## **Brewster Recreation Timeline**

### **Pre-Covid**

Youth sports (soccer, basketball, baseball/softball)

Afterschool programs (12-15)

Events (4)

Summer playground program & various summer programs including sailing, tennis, etc.

Staff – 2 (35 hours a week)

Summer staff – 30 (playground program, tennis, sailing, Long Pond)

### **Covid – 2019 to 2021**

\*Two staff with limited programming. Both work 35 hours a week, both in office and remote, Town purchased CCSC properties

### **2022**

Youth sports (soccer, basketball, baseball/softball)

Afterschool programs (15)

Events (10)

Summer playground program & various summer programs including sailing, tennis, etc.

Staff – 2 (35 hours a week)

Summer staff – 40 (playground program, tennis, sailing, Long Pond, gate attendants)

## **2023**

Youth sports (soccer, basketball, baseball/softball)

Afterschool programs (18)

Events (12)

Summer playground program & various summer programs including sailing, tennis, etc.

Staff – 2 (Mike 37.5, Andy 35 hours a week)

Summer staff – 50 (playground program, tennis, sailing, Long Pond, gate attendants, pool staff)

***\*Since it's inception in 2017, pickleball has become our largest program, other than youth sports with over 200 members and many others who play on a drop in basis. This program takes up much of our time.***



## TOWN OF BREWSTER, MA JOB DESCRIPTION

<b>Title:</b> Department Assistant	<b>Classification:</b> Non-union, Personnel Bylaw
<b>Department:</b> Recreation	<b>Grade:</b> Three
<b>Reports to:</b> Recreation Director	<b>FLSA Status:</b> Non-Exempt
<b>Effective Date:</b> 8.17.23	

### Summary

Position performs office, data entry, administrative and public service work assisting with the operation of the office and serves as the first point of contact for the public; all other related work, as required.

### Essential Functions

*The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

Answers the phone and assists the public; relays information in person, by phone, in writing and by electronic media; provides information about Department programs and/or procedures; assists applicants in completing forms and applications; provides information about rules and regulations, referring people to correct sources of information; analyze and examine situations and next best course of action when dealing with customers; coordinates with and makes referrals to other departments.

Performs a wide range of clerical duties including but not limited to order supplies, filing, drafting correspondence, and maintaining physical and electronic registrations, files, and records of the department; distributes mail, and acts as a go to for general office help.

Assists the Recreation department with processing registrations for programs, events, pool memberships, field and facility reservations and related documents.

Process department attendance and payroll, process accounts payable and receivable consistent with budget appropriations.

Coordinates employment application, interviews, and assists in preparing and processing new hire and rehire paperwork ensuring paperwork is accurate and complete.

Performs other similar or related duties, as required or as situation dictates.

### Supervision

*Supervision Scope:* Performs varied and responsible functions requiring a working knowledge of departmental operations and the exercise of judgment and initiative, particularly in situations not clearly defined by precedent or established procedures.

*Supervision Received:* Works under the general supervision of the Recreation Director, following department rules, regulations, and policies; duties require the ability to plan and perform operations and independently complete assigned tasks, according to prescribed time schedules.

*Supervision Given:* None.

Town of Brewster, MA

Dept. Assistant – Recreation Department

Page | 1





## TOWN OF BREWSTER, MA JOB DESCRIPTION

### **Recommended Minimum Qualifications**

#### Education, Training and Experience

High school degree required; advanced training desired; minimum one year office or related experience required; municipal experience preferred; or an equivalent combination of education, training, and experience.

*Knowledge:* Knowledge of office practices and procedures; knowledge of basic financial record keeping. Knowledge and experience with various computer systems.

*Ability:* Ability to work collaboratively with others. Ability to explain Department policies and procedures. Ability to interact appropriately and tactfully with the public; ability to develop an understanding of regulations; ability to maintain detailed records; ability to learn and explain Department regulations; Ability to work independently; ability to follow detailed timetables.

*Skills:* Excellent customer service and organization skills, excellent written and verbal communication skills, excellent computer skills including MS Office applications. Skill in working with people and details. Must be a self-starter.

### **Job Environment**

- Work is performed in office conditions, with frequent interruptions to respond to requests for information or service; work is subject to fluctuations, and administrative deadlines.
- Operates computer, printer, telephone, copier, facsimile machine, plotter, and all other standard office equipment.
- Contacts are by phone, through correspondence in writing and email, and in person. The employee has frequent contact with the general public, residents, co-workers, and town employees.
- The employee has access to department confidential information.
- Errors could result in considerable delay of service, adverse public relations, monetary loss or legal repercussions for the Town.

### **Physical Requirements**

*The physical demands described are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

While performing the duties of this job, the employee is frequently required to sit, communicate, or hear; occasionally required to walk, must be able to handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move objects weighing up to 15 pounds. Vision and hearing at or correctable to normal ranges to read documents and analyze data. This position requires the ability to operate a keyboard at efficient speed.

*This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.*

*Pay Equity/Equal Opportunity/Americans with Disabilities Act Employer*

*Town of Brewster, MA*

*Dept. Assistant – Recreation Department*



## TOWN OF BREWSTER, MA JOB DESCRIPTION

<b>Title:</b> Department Assistant	<b>Classification:</b> Non-union, Fixed Rate and Wage Scale
<b>Department:</b> Recreation	<b>Grade:</b> N/A Seasonal
<b>Reports to:</b> Recreation Director	<b>FLSA Status:</b> Non-Exempt
<b>Effective Date:</b> 2.6.23	

### Summary

Position performs office, data entry, administrative and public service work assisting with the operation of the office and serves as the first point of contact for the public; all other related work, as required.

### Essential Functions

*The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

Answers the phone and assists the public; relays information in person, by phone, in writing and by electronic media; provides information about Department programs and/or procedures; assists applicants in completing forms and applications; provides information about rules and regulations, referring people to correct sources of information; analyze and examine situations and next best course of action when dealing with customers; coordinates with and makes referrals to other departments.

Performs a wide range of clerical duties including but not limited to order supplies, filing, drafting correspondence, and maintaining physical and electronic registrations, files, and records of the department; distributes mail, and acts as a go to for general office help.

Assists the Recreation department with processing registrations, including pool memberships, field and facility reservations and related documents.

Process department attendance and payroll, process accounts payable and receivable consistent with budget appropriations.

Assists in preparing and processing new hire and rehire paperwork.

Performs other similar or related duties, as required or as situation dictates.

### Supervision

*Supervision Scope:* Performs varied and responsible functions requiring a working knowledge of departmental operations and the exercise of judgment and initiative, particularly in situations not clearly defined by precedent or established procedures.

*Supervision Received:* Works under the general supervision of the Recreation Director, following department rules, regulations, and policies; duties require the ability to plan and perform operations and independently complete assigned tasks, according to prescribed time schedules.

*Supervision Given:* None.

Town of Brewster, MA

Dept. Assistant – Recreation Department



## TOWN OF BREWSTER, MA JOB DESCRIPTION

### **Recommended Minimum Qualifications**

#### Education, Training and Experience

High school degree required; advanced training desired; minimum one year office or related experience required; municipal experience preferred; or an equivalent combination of education, training, and experience.

*Knowledge:* Knowledge of office practices and procedures; knowledge of basic financial record keeping. Knowledge and experience with various computer systems.

*Ability:* Ability to work collaboratively with others. Ability to explain Department policies and procedures. Ability to interact appropriately and tactfully with the public; ability to develop an understanding of regulations; ability to maintain detailed records; ability to learn and explain Department regulations; Ability to work independently; ability to follow detailed timetables.

*Skills:* Excellent customer service and organization skills, excellent written and verbal communication skills, excellent computer skills including MS Office applications. Skill in working with people and details. Must be a self-starter.

### **Job Environment**

- Work is performed in office conditions, with frequent interruptions to respond to requests for information or service; work is subject to fluctuations, and administrative deadlines.
- Operates computer, printer, telephone, copier, facsimile machine, plotter, and all other standard office equipment.
- Contacts are by phone, through correspondence in writing and email, and in person. The employee has frequent contact with the general public, residents, co-workers, and town employees.
- The employee has access to department confidential information.
- Errors could result in considerable delay of service, adverse public relations, monetary loss or legal repercussions for the Town.

### **Physical Requirements**

*The physical demands described are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

While performing the duties of this job, the employee is frequently required to sit, communicate, or hear; occasionally required to walk, must be able to handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move objects weighing up to 15 pounds. Vision and hearing at or correctable to normal ranges to read documents and analyze data. This position requires the ability to operate a keyboard at efficient speed.

*This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.*

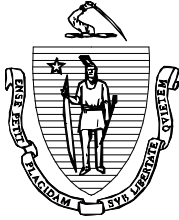
*Pay Equity/Equal Opportunity/Americans with Disabilities Act Employer*

*Town of Brewster, MA*

*Dept. Assistant – Recreation Department*

## **For Your Information (FYIs)**

1. Housing Production Plan Certification Approval
2. August 2023 Community Development Building Grant Report
3. Health and Human Services Reports:
  - a. Elder Services of Cape Cod and the Islands
  - b. Homeless Prevention Council
  - c. Independence House
  - d. Nauset Together We Can
4. Weights and Measures Program Report
5. Town Moderator Re-appointment: Richard Hoffmann on the School Committee for the Cape Cod Regional Technical High School
6. Recommended Appointment:
  - a. James Juras- Golf Commission
7. Petition for Appeal of Nuisance Dog Decision
8. Cape Light Compact No-Cost Home Energy Assessment
9. Brewster Historical Society Thank you Letter
10. Cape & Islands Suicide Prevention Coalition Invitation
11. Brewster's First Annual Volunteer Fair Invite



Commonwealth of Massachusetts  
**EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES**

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

August 1, 2023

Mr. Ned Chatelain  
Chair, Brewster Select Board  
2198 Main St.  
Brewster, MA 02631

**Housing Production Plan – Certification Approved**

Dear Mr. Chatelain:

The Executive Office of Housing and Livable Communities (EOHLC) has reviewed the Town of Brewster's July 13, 2023 request for certification of compliance with its Housing Production Plan (HPP). In order for a municipality to be certified the following needs to occur:

- Housing units affordable to low- and moderate-income households and eligible for inclusion on the Subsidized Housing Inventory (SHI) have been produced during one calendar year, the same year for which certification is requested during the initial year of SHI eligibility.
- Units must total at least 0.5% units for Brewster of year-round housing units for a one-year of certification. A total of 1% of year-round housing units for Brewster are needed for a two-year certification.
- The municipality must have a valid Housing Production Plan (HPP) at the time the units became initially eligible for the SHI.
- The units were produced and are eligible in accordance with the approved HPP and EOHLC's c. 40B Guidelines.<sup>1</sup>

EOHLC makes the following findings:

1. The project for which certification is requested is 0 Millstone Road (SHI ID # 10855). The project's Comprehensive Permit was filed with the Brewster Town Clerk on June 14, 2023.
2. The project consists of 45 SHI-eligible units, which constitute enough units for a one-year certification period.
3. The municipality had a valid Housing Production Plan (HPP) at the time the units were produced. The HPP is valid until August 11, 2027.
4. The housing development is consistent with the production goals outlined in Brewster's HPP.

---

<sup>1</sup> <https://www.mass.gov/files/documents/2017/10/10/guidecomprehensivepermit.pdf>

This certification is effective for a one-year period from June 14, 2023 to June 13, 2024. Please note that all units must retain eligibility for the SHI for the entire certification period. If units are no longer eligible for inclusion on the SHI, they will be removed and will no longer be eligible for certification. This action may affect the term of your certification.

I have included an updated list of SHI eligible units. Brewster's current SHI stands at 7.20%. If you have any questions or need assistance, please contact Phillip DeMartino, Technical Assistance Coordinator, at (617) 573-1357 or [Phillip.DeMartino@mass.gov](mailto:Phillip.DeMartino@mass.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Louis Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Louis Martin  
Director  
Division of Community Services

cc: Senator Julian Cyr  
Representative Christopher Richard Flanagan  
Peter Lombardi, Town Administrator, Town of Brewster  
Donna Kalinick, Assistant Town Administrator, Town of Brewster  
Jill Scalise, Housing Coordinator, Town of Brewster

**EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES CH40B SUBSIDIZED HOUSING INVENTORY**

**Brewster**

<b>DHCD ID #</b>	<b>Project Name</b>	<b>Address</b>	<b>Type</b>	<b>Total SHI Units</b>	<b>Affordability Expires</b>	<b>Built w/ Comp. Permit?</b>	<b>Subsidizing Agency</b>
409	n/a	Frederick Court	Rental	32	Perp	No	EOHLC
410	Huckleberry Lane	Huckleberry Lane	Rental	12	Perp	No	EOHLC
411	Huckleberry Lane	Huckleberry Lane	Rental	12	Perp	No	EOHLC
412	Belmont Park	Belmont Park Drive	Ownership	20	Perp	Yes	EOHLC
413	Great Fields Affordable Housing	Great Fields Road	Ownership	2	Perp	No	FHLBB
416	King's Landing	Underpass Road	Rental	108	2033*	No	MassHousing
417	Yankee Village	Signal Hill Circle	Ownership	12	2045	Yes	EOHLC
3746	Frederick Court expansion	Wells Court	Rental	24	perp	Yes	HUD
3747	Yankee Drive II	Yankee Drive	Ownership	3	2102	Yes	FHLBB
3748	Eagle Point	151 Turning Mill Rd	Rental	3	2040*	No	HUD
4223	DDS Group Homes	Confidential	Rental	12	N/A	No	DDS
8806	Habitat for Humanity	James Burr Road	Ownership	4	perp	YES	HUD
10007	Tubman Road/Hush Way	Tubman Road, Hush Way	Ownership	14	Perp	NO	EOHLC
10217	Brewster Landing	Sachemus Path	Ownership	7	Perp	YES	EOHLC
10247	Brewster Woods	141 Brewster Road	Rental	30	Perp	YES	EOHLC
10447	White Rock	157 & 0 South Orleans Rd (Route 39)	Ownership	3	Perp	YES	MassHousing
10691	Serenity Apartments at Brewster	873 Harwich Road	Rental	27	Perp	NO	EOHLC
10692	Red Top Road	Red Top Road	Ownership	2	Perp	YES	EOHLC

7/28/2023

*Brewster*  
Page 1 of 2

This data is derived from information provided to the Executive Office of Housing and Livable Communities (EOHLC) by individual communities and is subject to change as new information is obtained and use restrictions expire.

**EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES CH40B SUBSIDIZED HOUSING INVENTORY**

**Brewster**

<b>DHCD ID #</b>	<b>Project Name</b>	<b>Address</b>	<b>Type</b>	<b>Total SHI Units</b>	<b>Affordability Expires</b>	<b>Built w/ Comp. Permit?</b>	<b>Subsidizing Agency</b>
10855	0 Milestone Rd	0 Milestone Rd	Rental	45	Perp	NO	EOHLC
<b>Brewster Totals</b>				372	<b>Census 2020 Year Round Housing Units</b>		5,170
					<b>Percent Subsidized</b>		7.20%





**TO: Donna Kalinick, Jill Scalise, Town of Brewster**  
**FROM: Cassie Boyd Marsh, Bailey Boyd Associates, Inc.**  
**DATE: August 1, 2023**  
**RE: FY21 Brewster CDBG Program Monthly Update**

### **Administration:**

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

We are actively awaiting news of the funding awards for the FY22/23 grant year, hoping that news will come this month.

### **Housing Rehabilitation:**

We're continuing our steady progress in the Housing Rehab program. Currently, there are 20 projects approved in the pipeline, in all stages of the process. 10 homes are complete and 4 are under construction. 3 are in pre-construction and another 4 have completed applications awaiting final approval and site visits.

TRI is continuing to process new applications, though as the program year-end draws closer, that slows down a bit. We are always aware that an unforeseen change order on a project under construction can affect the funds available, so pacing new projects is critical.

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

With construction booming on the Cape, it has been a challenge to find new contractors. While we have several tried & tested GCs who continue to do wonderful work, TRI has been actively seeking new bidders. Fortunately, a new contractor has come aboard and just successfully completed their first job, which will be a benefit for all involved!

### **Childcare Subsidy Program:**

The Childcare Subsidy Program continues to make progress, with many families utilizing funds over the summer while others make preparations for the fall when many preschools start up again. We've received 27 family applications, of which 17 have been approved. We routinely reach out to those families who submitted applications but never

followed up with the required documents needed for approval. We understand that this program requires a lot of documentation, however we are always available to help families provide what's needed or come up with an alternative. 27 children are utilizing funds, encumbering 78% of the program funds. The breakdown of children by town of residence is:

Brewster: 13

Dennis: 13

Wellfleet:1



# Elder Services

of Cape Cod and the Islands

---

68 Route 134, South Dennis, MA 02660 ph: 508.394.4630 fx: 508.394.3712 www.escci.org

August 2, 2023

Town of Brewster  
Conor Kenny  
2198 Main Street  
Brewster, MA 02631

Dear Mr. Kenny:

Enclosed please find the meal statistics for the 3rd and 4th Quarter of FY23.

If you have any questions, please feel free to contact me at 508-394-4630 ext.105.

Thank you for your continued support for the Nutrition Program at Elder Services.

Sincerely,

A handwritten signature in black ink that reads "Judy Sokoloski". The signature is written in a cursive, flowing style.

Judy Sokoloski,  
Chief Financial Officer

**Brewster Nutrition Program  
 Second Half of FY 2023  
 Average Cost  
 14.29 per meal**

**January 1, 2023 to June 30, 2023**

	<b>Home Delivered Meals Served</b>	<b>Congregate Meals Served</b>	<b>Total Meal Cost</b>	<b>Reimbursement from Town of Brewster</b>	<b>State, Federal, &amp; E.S.C.C.I. Cost</b>
January	745	102	\$ 12,103.63	716.67	\$ 11,386.96
February	804	96	\$ 12,861.00	716.67	\$ 12,144.33
March	913	125	\$ 14,833.02	716.66	\$ 14,116.36
April	763	93	\$ 12,232.24	716.67	\$ 11,515.57
May	953	100	\$ 15,047.37	716.67	\$ 14,330.70
June	924	116	\$ 14,861.60	716.66	\$ 14,144.94
<b>Total</b>	<b>5102</b>	<b>632</b>	<b>\$ 81,938.86</b>	<b>\$ 4,300.00</b>	<b>\$ 77,638.86</b>



---

Celebrating 30 Years of Serving Our Neighbors in Need

July 13, 2023

Town of Brewster  
Town Administrator  
2198 Main Street  
Brewster, MA 02631

**STATISTICAL REPORT FOR SERVICES RENDERED  
3<sup>rd</sup> & 4<sup>th</sup> QUARTERLY REPORT OF FISCAL YEAR 2023  
JANUARY 01, 2023 TO JUNE 30, 2023**

Total number of Cases in <b>BREWSTER:</b>	<b>59</b>
Total number of Families:	26
Total number of Singles:	33
Total number of Children:	37
Total number of Adults:	56
Total number of Seniors <b>60+</b> :	22
<b>TOTAL HELPED:</b>	<b>115</b>
Total unduplicated number of all individuals about whom one of more characteristics were obtained= <b>Total Helped</b>	

Thank you for your partnership and please contact us with any questions.

Contact:

Bridget Dickson / Operations & Finance Officer- [accounting@hpccapecod.org](mailto:accounting@hpccapecod.org)

Sincerely,

Deb Tenney  
Administrative Assistant  
[deb@hpccapecod.org](mailto:deb@hpccapecod.org)



Fiscal Year 2023

Final Report

Town of Brewster

During the Fiscal Year 2023, (July 1, 2022 to June 30, 2023) 1,103 Brewster residents accessed 15 of the services Independence House provides for a total of 359 service units. During FY 2023 there were 68 new clients and 169 total unduplicated survivors of domestic and sexual violence from Brewster

**Highlights:**

- Brewster residents utilized our 24/7 Hotline with 17 Domestic Violence Calls, 2 Sexual Violence Calls, and 4 other calls.
- Domestic Violence group opportunities have continued to expand and experience increased participation from Brewster residents.
- Brewster residents received assistance with 209A Restraining Orders (52.50 service hours) and 258E Harassment Prevention Orders (25.25 service hours)

**Outcomes and Assessment**

1. Survivors are provided with a paper questionnaire which they are asked to complete and return to the Independence House Executive Director. The survey asks them to respond to a number of questions connected to their goals and hoped for outcomes.
2. Data collection log for tracking outreach meetings/trainings held with community members. Actual provision of services on-site and number of client sessions.

**Client feedback from evaluations/surveys:**

100% of respondents indicated, on a scale of Very Satisfied/Satisfied/Dissatisfied, they were Satisfied /Very Satisfied with staff, facilities, availability, and services/activities. They also reported achieving their goal of coming for individual counseling or group.

Independence House, Inc.  
Final Town Report  
FY 2023

	Independence House, Inc. FY 2023 Actual	Total Cost Per Unit of Service	Total Town Actual Cost
Salaries/Fringe	\$3,073,844.00	246	\$ 88,314
Client assistance	\$266,257.00	21	\$ 7,539
General	\$420,728.00	34	\$ 12,206
Occupancy	\$363,514.00	29	\$ 10,441
<b>Total Expenses</b>	<b>\$4,124,343.00</b>	<b>330</b>	<b>\$118,290</b>
<b>Town Related Costs</b>			\$118,290
<b>Less Town Funding</b>			- \$10,000
<b>Unrecovered Town Cost</b>			<b>\$108,290</b>
<b>Total Service Units for FY 2023</b>	..... 12,497		
<b>Total Town Service Units for FY 2023</b>	..... 359		
<b>Total Cost per Unit of Service</b>	..... 330		

Independence House  
Annual - July 2022 - June 2023

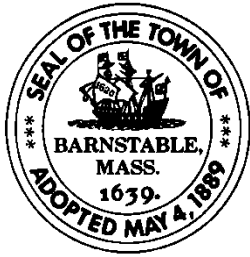
	Barn	Bour	Brew	Chat	Den	East	Falm	Harw	Mash	Orlns	Ptown	Sand	Truro	Well	Yarm	Other/ Unkn	Undup/N ew	Ongoing Clients	Total Clients	Total Units of Service
209A-Restraining Orders	637.00	119.75	52.50	43.25	125.00	28.50	249.00	70.50	150.25	74.25	19.00	167.00	8.25	16.75	229.25	163.00	956.00	1071.00	2027	2153.25
258E-Harrasment Order	134.50	26.50	25.25	5.50	34.00	9.00	30.25	11.50	41.00	4.25	2.00	31.50	3.50	6.50	64.75	43.75	234.00	241.00	475	473.75
Childcare	19.00	2.00	0.00	1.00	3.00	2.50	0.00	0.00	12.75	0.00	0.00	5.75	0.00	0.00	1.25	11.75	3.00	36.00	39	59.00
Children Exposed to DV	158.75	0.00	18.25	0.00	3.50	3.00	189.50	9.00	37.50	15.50	0.00	25.50	13.25	0.00	68.75	0.00	83.00	304.00	387	542.50
Children's Groups	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0.00
Domestic Violence Group	91.50	38.00	12.50	3.00	22.50	11.50	23.50	14.00	19.50	9.50	0.00	2.00	0.00	0.00	59.75	91.50	68.00	222.00	290	398.75
Domestic Violence Hotline	229.00	6.00	17.00	8.00	20.00	5.00	47.00	10.00	27.00	18.00	1.00	7.00	3.00	3.00	45.00	314.00	0.00	0.00	0	760.00
Domestic Violence Services	1513.00	249.50	100.75	93.75	208.50	112.00	709.50	195.50	227.75	152.00	86.50	288.25	37.25	23.50	380.25	259.00	807.00	1784.00	2591	4637.00
Food Pantry	171.00	5.00	2.00	4.00	18.00	4.00	7.00	4.00	12.00	0.00	0.00	5.00	0.00	0.00	30.00	21.00	0.00	0.00	0	283.00
Housing Stabilization	113.75	0.00	7.00	3.75	0.00	0.00	2.50	2.25	5.75	0.00	0.00	1.00	0.00	0.00	4.50	3.00	0.00	53.00	53	143.50
Medical Advocacy	28.75	0.00	0.00	3.00	7.50	5.25	12.00	0.00	6.25	0.00	0.00	7.95	0.00	4.00	19.25	15.25	27.00	0.00	27	109.20
Other Calls	284.00	5.00	4.00	3.00	11.00	3.00	38.00	25.00	4.00	9.00	3.00	5.00	0.00	0.00	23.00	788.00	0.00	0.00	0	1205.00
Outreach/ Education	67.00	8.00	3.00	1.50	6.00	5.50	11.00	5.50	6.50	8.50	13.25	3.50	0.50	21.00	47.75	9.00	0.00	1853.00	1853	217.50
Prevention Activities	34.00	5.00	8.00	1.00	0.00	0.00	3.50	0.00	0.00	0.00	0.00	2.50	0.00	0.00	9.50	0.00	0.00	262.00	262	63.50
SafeHomes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0	0.00
Sexual Assault	294.50	1.00	101.50	9.25	33.50	17.25	141.50	50.75	25.25	5.75	42.75	49.00	0.00	12.25	122.00	17.00	122.00	327.00	449	923.25
Sexual Assault Group	29.00	0.00	3.00	10.00	0.00	0.00	12.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.00	0.00	4.00	21.00	25	71.00
Sexual Assault Hotline	40.00	1.00	2.00	0.00	2.00	2.00	6.00	3.00	1.00	1.00	1.00	2.00	0.00	0.00	8.00	66.00	0.00	0.00	0	135.00
Survivors of Homicide	32.50	0.00	0.00	0.00	8.75	0.00	1.00	0.00	37.50	0.00	0.00	0.00	0.00	0.00	7.00	39.00	4.00	52.00	56	125.75
Teen Groups	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.00	11	2.00
Teen Services	152.50	18.75	2.25	14.75	19.00	0.00	103.50	37.00	14.75	16.50	15.75	10.00	7.00	0.00	22.50	0.00	75.00	194.00	269	434.25
<b>Total New Clients</b>	<b>808</b>	<b>111</b>	<b>68</b>	<b>34</b>	<b>124</b>	<b>35</b>	<b>288</b>	<b>90</b>	<b>125</b>	<b>60</b>	<b>17</b>	<b>137</b>	<b>13</b>	<b>15</b>	<b>251</b>	<b>207</b>				<b>2383</b>
<b>Total Unduplicated Clients</b>	<b>2157</b>	<b>279</b>	<b>169</b>	<b>88</b>	<b>341</b>	<b>154</b>	<b>709</b>	<b>206</b>	<b>289</b>	<b>148</b>	<b>280</b>	<b>270</b>	<b>34</b>	<b>123</b>	<b>779</b>	<b>405</b>				<b>6431</b>
<b>Total Clients</b>	<b>2965</b>	<b>390</b>	<b>237</b>	<b>122</b>	<b>465</b>	<b>189</b>	<b>997</b>	<b>296</b>	<b>414</b>	<b>208</b>	<b>297</b>	<b>407</b>	<b>47</b>	<b>138</b>	<b>1030</b>	<b>612</b>				<b>8814</b>
<b>TOTAL (Units)</b>	<b>4031.75</b>	<b>485.50</b>	<b>359.00</b>	<b>204.75</b>	<b>522.25</b>	<b>208.50</b>	<b>1586.75</b>	<b>438.00</b>	<b>628.75</b>	<b>314.25</b>	<b>184.25</b>	<b>612.95</b>	<b>72.75</b>	<b>87.00</b>	<b>1159.50</b>	<b>1841.25</b>	<b>2383</b>	<b>6431</b>	<b>8814</b>	<b>12496.95</b>



**Nauset Together We Can Expenses and  
Attendance Report for YAS Programming  
(Youth After School)  
Third & Fourth Quarter FY 2023**

**Jan-June, 2023**

Total number of afternoon Sign-Ins:	517
Total number of afternoon Sign-Ins by Brewster Residents:	44
Total Expenditures for 2&3rd Quarter:	\$12,613
Average Cost per afternoon:	\$24.40



**Town of Barnstable**  
**Inspectional Services Department**  
**Weights & Measures Program**

230 South Street, Hyannis, MA 02601  
[www.town.barnstable.ma.us](http://www.town.barnstable.ma.us)  
Telephone: 508-862-4671 Fax: 508-778-2412

Brian Florence, Director  
Jeff Carter, Deputy Director

---

Kevin Friel  
Sealer of Weights & Measures  
Program Manager

July 25, 2023

Ms. Donna Kalinick  
Assistant Town Administrator  
Brewster Town Hall  
2198 Main Street  
Brewster, MA 02631

Dear Ms. Kalinick,

Enclosed is the quarterly report detailing all weights & measures activities conducted within the Town of Brewster from April 1 to June 30, 2023

- 15 scales were tested and sealed, with 1 not sealed. 3 of the 15 scales tested required adjustment.
- 20 retail motor fuel meters tested and sealed at two gas stations, of those meters tested, 3 required adjustments.
- 3 food store locations were inspected for item price compliance. Most locations inspected had satisfactory inspections.

On behalf of the staff at Barnstable Weights & Measures we look forward to continuous service of weights & measures duties in Brewster and we thank you for your support in the mission for providing equity in the marketplace.

Please feel free to contact me directly at (508) 862-4776, or e-mail, [kevin.friel@town.barnstable.ma.us](mailto:kevin.friel@town.barnstable.ma.us) with any questions.

Kind Regards,

Kevin Friel  
Town of Barnstable  
Sealer of Weights & Measures/Program Manager

**Town of Barnstable Weights and Measures Program**  
 From 4/1/2023 to 6/30/2023

**Brewster**

		Adj	Seal	Not Sealed	Cond	Sealing Fees	Reinp Fees	Device Fines	PV Fines	IP Fines	PK.CH. Fines	VFH Safety	C.C. Fines
<b>Scales</b>	A Cap Over 10,000 lbs	1	2			550							
	B 5,000 - 10,000 lbs												
	C 100 - 5,000 lbs		5			420							
	D Under 100 lbs	2	8	1		445							
	E Under 10 lbs												
	Balances												
<b>Weights</b>	Avordupois												
	Metric												
	Troy												
	Apothecary												
<b>Automatic Liquid Measuring</b>	Meters, Inlet 1" or less												
	Gasoline	3	20			1100							
	Oil, Grease												
	Vehicle Tank Meters												
	Bulk Storage												
	Meters												
<b>Other Automatic Measuring</b>	Taximeters												
	Leather Measuring												
	Wire/Cordage												
	Cloth Measuring												
	Reverse Vending												
<b>Linear Measures</b>	Yardsticks												
	Tapes												
<b>Scan</b>	Scan - Above 98%									200			
	Scan - Below 98%												
<b>Complaints</b>													
<b>Pkg. Check</b>													
<b>UPC</b>													
<b>IP not Fined</b>		3											
<b>Totals</b>		6	35	1		2515				200			

**Fees:** \$2,515.00

**Fines:** \$200.00

**Total:** \$2,715.00

Categories for Barnstable Quarterly Reports top row	
Adj	Any adjustments/ calibrations to bring device in tolerance
Seal	Device has been sealed for that calendar year
Not Sealed	Device has not met compliance at time of insp; may need repair
Cond	Condemned device-does not meet standards for compliance
Sealing Fees	Dollars brought in for specific category of devices
Reinp Fees	Charges if device once sealed; needed repair and re-sealing
Device Fines	Charges if device has been found to be in use unsealed & not tested
PV Fines	Price Verification (Scanners) Violations
IP Fines	Item Price Violations mainly pricing at grocery/food stores
PK. CH Fines	Package Checking (Net Weight inspections) Violations
VFH Safety	Vehicle For Hire Safety inspections fees
C.C. Fines	Customer Complaint violations –this option has been disabled
Side Column categories	
Complaints	How many complaint weights and measures has investigated
Pkg. Check	How many individual packages were inspected for net weight
UPC	Unit Price Code inspections per item
IP not fine	Pricing inspection conducted resulting in compliance

## 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](mailto:EMawn@Brewster-MA.gov)
  - Mail: Erika Mawn, 2198 Main St., Brewster, MA 02631, or
  - In person: Town Administrator's Office or drop-box outside Town Hall.
- After your application materials are received, you'll be contacted regarding next steps. Vacancies will be filled by applicants deemed best qualified to serve in a particular capacity, which discretion lies solely with the appointing authority. Submitting this form does not guarantee appointment.

---

1. Applicant name:

2. Address:

3. Phone Numbers: Home:  Cell:

4. Email:

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

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

7. Years you've lived in Brewster:

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

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

a.

b.

c.

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

*See Resume*

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

Name of School	Degree/Diplomas Certificates	Date of Completion

**11. OCCUPATION:** \_\_\_\_\_

Active

Retired

Not currently working

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

Name of Employer	Job Title	Dates of Employment

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

- 
- 
- 
- 

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

a. Organizations and dates:

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

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

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

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

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

Yes  No

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

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

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

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

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

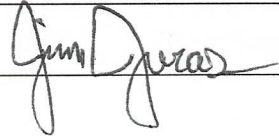
I've been a Captains member since 2011, and feel we're blessed to have such a lovely facility. I've been a member at other semi-private courses, and have played golf all over the world. This is my 52<sup>nd</sup> year playing golf both recreationally and competitively - I would relish the opportunity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



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

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

Signature:



Date:

7/28/2023

---

## PROFILE

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

---

## EXPERIENCE

### GANNETT FLEMING, BREWSTER, MA

#### Senior Vice President and Senior Director, Power

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

#### Vice President, Director of Power

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

### BLACK&VEATCH, BURLINGTON, MA

#### Vice President and Account Executive — 2019-2021

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

#### Senior Regional General Manager — 2017-2019

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

#### Regional General Manager — 2013-2017

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

#### POWER ENGINEERS, AMHERST, MA

##### Director of Sales — 2012-2013

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

#### ALSTOM GRID, REDMOND, WA

##### Key Account Manager — 2008-2012

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

#### Services Solutions Director — 1999-2008

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

#### Site-based Service Director

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

#### PUGET SOUND ENERGY, REDMOND, WA

##### Supervisor of Distribution Management System Support— 1997-1999

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

#### ALSTOM GRID, REDMOND, WA

##### Software Engineer and Product Manager — 1991-1997

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

#### CENTRAL HUDSON GAS&ELECTRIC, POUGHKEEPSIE, NY

##### Software Engineer— 1988-1991

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

#### EDUCATION

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

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

#### INTERESTS

Avid golfer, maintain a single-digit handicap.

Wood-worker.

The Law Office of  
**DAVID V. LAWLER, PC**

540 Main Street, Suite 8  
Hyannis, MA 02601  
Telephone: (508) 778-0303  
Facsimile: (508) 778-4600

Email Address:  
david@dlawlerlaw.com

962 Main Street  
Osterville, MA 02655  
Tel:(508) 428- 0542

August 17, 2023

Office of the Clerk-Civil  
Orleans District Court  
237 Rock Harbor Road  
Orleans, MA 02653

Re: Petition for Appeal of  
Nuisance Dog Decision

Dear Sir//Madam:

Please be advised that I represent the Petitioners, Parisis Filippatos and Britta Cleveland.  
Enclosed please find a Petition for Appeal of Nuisance Dog Decision including the Brewster Select Board.  
A certificate of service is provided herewith as well as a check in the amount of \$195.00.

I would ask that this matter be scheduled for hearing.

Thank you for your courtesies in this regard.

Very truly yours,

David V. Lawler



DVL/sk  
Cc: Josh Emond  
Nauset Insulation  
P O Box 1044  
North Eastham, MA 02651

COMMONWEALTH OF MASSACHUSETTS  
Trial Court Department

BARNSTABLE, SS

Orleans District Court  
Docket No.

Parisis Filippatos and  
Britta Cleveland,  
Petitioners

Vs.

Town of Brewster Select Board,  
Respondents

PETITION FOR REVIEW  
FOR NUISANCE DOGS

NOW come Parisis Filippatos and Britta Cleveland, as the owners of two dogs, Remi and Raki, by and through their attorney, and in accordance with M.G.L. ch. 140, §157(b) and (d), do hereby petition this Court to review the attached order of the Brewster Select Board dated August 14, 2023, which includes the following:

FINDINGS

*The Select Board voted to find the dogs known as Raki and Remi owned by Parisis Filippatos and Britta Cleveland are nuisance dogs based on the evidence in the record, including:*

- 1. Testimony under oath by the dog bite victim who as the only witness to the attack identified Raki and Remi as the dogs that attacked her.*
- 2. Photographic evidence of puncture wounds on the victim's thighs taken by the Brewster Police Department and the victim.*
- 3. Brewster Police Report dated June 14, 2023, by Sergeant O'Neal documenting that the owner informed Officer Frisbie that he lets his dogs run off leash in the conservation area or had in the past.*

4. *The owner's testimony that the dogs at the time of the incident were off leash and out of the owner's sight.*
5. *The owner described an earlier incident when Ms. Cleveland was not able to control the dogs on leash.*
6. *The victim required health services to address her injuries.*

#### DECISION

*The Board further voted, in the matter of Raki and Remi owned by Parisis Filippatos and Britta Cleveland having been found to be nuisance dogs by the Select Board, to issue the following order:*

1. *Any time the dogs Raki and Remi are taken to a place that is open to the public they shall be secured on a lease except when in a fenced dog park where leashes are not allowed, and*
2. *Not more than two dogs shall be walked by any one person at a time; and*
3. *The leashes shall be held by a an adult capable of controlling the dogs; and*
4. *The owners shall comply with all rules, regulations, and requirements of the property owner when on property owned by another; and*
5. *That the owners provide documented proof of not less than \$100,000.00 insurance for claims resulting from intentional or unintentional acts by these dogs, or of reasonable efforts to obtain such insurance if a policy has not been issued within 30 days.*

The Petitioners respectfully submit that the Town of Brewster Select Board's Findings and Decision were issued without proper cause and were otherwise arbitrary and capricious and that the Decision dated August 14, 2023 be reversed. The lack of proper cause and arbitrary and capricious nature of the Town of Brewster Select Board's Findings and Decision relate to the following, which include but are not necessarily limited to:

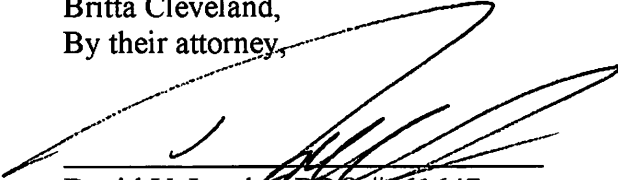
1. The Town of Brewster Select Board's failure to identify in the Findings and Decision the individual Dog who allegedly bit the Complainant.
2. The Town of Brewster Select Board's refusal after motion to bifurcate the hearing findings and decision on the individual dogs named in the complaint.

3. The Town of Brewster Select Board's ignored the weight of the evidence, including prior inconsistent statements by the Complainant that the Complainant could not identify the dog in question, also ignoring the direct testimony of the dog owners.
4. The Town of Brewster Select Board's improper application of the laws of evidence.

The Petitioners specifically reserve their rights for a de novo hearing before a justice of the Court.

Respectfully submitted,  
Parisis Filippatos and  
Britta Cleveland,  
By their attorney,

Date: 8-17-23



---

David V. Lawler, BBO #561647  
Law Office of David V. Lawler, PC  
540 Main Street, Suite 8  
Hyannis, MA 02601  
(508) 778-0303  
david@dlawlerlaw.com





## Town of Brewster

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

Office of:  
Select Board  
Town Manager

August 14, 2023

CERTIFIED MAIL – RETURN RECEIPT REQUESTED  
FIRST CLASS MAIL

Mr. Parisis Filippatos  
Ms. Britta Cleveland

Brewster, MA 02631

Dear Mr. Filippatos and Ms. Cleveland:

On Thursday, August 10, 2023, the Brewster Select Board held a public hearing pursuant to Massachusetts General Laws, Chapter 140, Section 157 and Chapter 86 of the Code of the Town of Brewster to determine whether the dogs owned and/or kept by you in the Town of Brewster are Nuisance or Dangerous Dogs as those terms are defined in said statute. The hearing was based on a complaint alleging that three dogs, Raki, Remi and Stevie, were involved in an attack that resulted in injuries to the complainant, while the dogs were off leash while accompanied by you in the Hay Conservation Area.

During the hearing, the Board considered sworn testimony from the complainant Tonia St. Germain, Brewster Animal Control Officer Lynda Brogden-Burns, Brewster Police Officer Sgt. Freddie O'Neal, and yourselves. The Board also considered documentary evidence, photographs, argument from your attorney, and the complainant showed her healing thigh wounds to the Board. An audio recording of the 911 call made by the complainant was provided to your attorney and the Board prior to the meeting.

Based on the evidence in the record, the Board voted to dismiss the complaint as to the dog known as Stevie on the ground that it is not owned or kept in the Town of Brewster.

The Select Board voted to find the dogs known as Raki and Remi owned by Parisis Filippatos and Britta Cleveland are nuisance dogs based on the evidence in the record, including:

1. Testimony under oath by the dog bite victim who as the only witness to the attack identified Raki and Remi as the dogs that attacked her.
2. Photographic evidence of puncture wounds on the victim's thighs taken by the Brewster Police Department and the victim.
3. Brewster Police Report dated June 14, 2023, by Sergeant O'Neal documenting that the owner informed Officer Frisbie that he lets his dogs run off leash in the conservation area or had in the past.
4. The owner's testimony that the dogs at the time of the incident were off leash and out of the owner's sight.

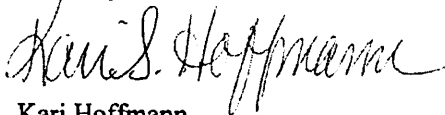
5. The owner described an earlier incident when Ms. Cleveland was not able to control the dogs on leash.
6. The victim required health services to address her injuries.

The Board further voted, in the matter of Raki and Remi owned by Parisis Filippatos and Britta Cleveland having been found to be nuisance dogs by the Select Board, to issue the following order:

1. Any time the dogs Raki and Remi are taken to a place that is open to the public they shall be secured on a leash except when in a fenced dog park where leashes are not allowed, and
2. Not more than two dogs shall be walked by any one person at a time; and
3. The leashes shall be held by an adult capable of controlling the dogs; and
4. The owners shall comply with all rules, regulations and requirements of the property owner when on property owned by another; and
5. That the owners provide documented proof of not less than \$100,000 insurance for claims resulting from intentional or unintentional acts by these dogs, or of reasonable efforts to obtain such insurance if a policy has not been issued within 30 days.

You may appeal this order within ten days hereof in accordance with G.L. c. 140, §157.


Sincerely,



Kari Hoffmann  
Clerk, Brewster Select Board

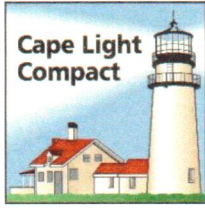
**CERTIFICATE OF SERVICE**

I, David V. Lawler, attorney for the Petitioners, do hereby certify that I have this day served via U.S. Postal Service, first class mail, postage prepaid, the Town of Brewster, Select Board and the Town Clerk.

  
David V. Lawler

Date: 8-17, 2023

Gregg J. Corbo, Esquire (via email)  
KP Law  
101 Arch Street  
Boston, MA 02110  
gcorbo@k-plaw.com



## Get a No-Cost Home Energy Assessment

Dear Town of Brewster,

Have you ever wondered what steps you could take to make your home more energy efficient?

As a sponsor of **Mass Save**, the **Cape Light Compact** has been helping your E Brewster neighbors reduce energy bills and improve their home's comfort by providing easy access to a no-cost home energy assessment. Check out some of the benefits of what having a home energy assessment can provide you!

### Access all these benefits with a no-cost Home Energy Assessment

- **No-cost** programmable thermostats & advanced power-strips
- **100% off** the cost of recommended air sealing
- **75%-100%** off the cost of recommended insulation work
- **Up to \$10,000** in heat pump rebates
- **0% financing** option to pursue these energy efficiency upgrades
- **Enhanced incentives for renters and income eligible customers**

#### How Do I Schedule a Home Energy Assessment?

Call the **Cape Light Compact** at **800-797-6699** to request a home energy assessment or scan the QR code to enroll online! Then, our Hyannis-based Home Energy Assessment Contractor, RISE, will contact you to schedule a convenient time that works for you to meet with a professional Energy Specialist.



#### How Does a Home a Home Energy Assessment Work?

The Energy Specialist will identify all the areas in your home that could benefit from energy efficient upgrades. They will conduct a combustion safety test of your heating system and hot water heater. You'll receive a customized report of recommendations for improving your home's energy efficiency, safety, and comfort. When you're ready to move forward with any of the recommended upgrades, RISE will arrange for a contractor to do the work, or you may select a contractor of your choice from our approved list.

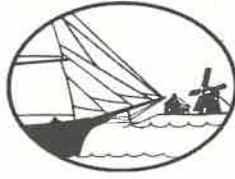
Call **800-797-6699** to request your home energy assessment, scan the QR code above, or visit [capelightcompact.org](http://capelightcompact.org) for more information. We look forward to hearing from you!

Warm regards,

**Enhance the efficiency of your home with  
support from the Cape Light Compact**

Maggie Downey  
Compact Administrator

*Offer valid for single family dwellings with 1-4 units. Programs are also available for condominiums and apartment complexes with more than 5 units. Some restrictions apply. Offers are subject to change or cancellation.*



The  
**BREWSTER HISTORICAL SOCIETY**

Post Office Box 1146, Brewster Massachusetts 02631  
508 896-9521 [brewsterhistoricalsociety@comcast.net](mailto:brewsterhistoricalsociety@comcast.net)

July 20, 2023

Select Board,

Thank you for your continued support for our most important fundraising event of the year. The Antiques Fair is a time and effort intensive event but certainly worthwhile. Unfortunately, we had to cancel our Saturday date, but we were lucky to get in touch with Donna Kalinick, who gave us permission to go ahead on Sunday. This really saved us!

We appreciate your help, along with DPW and the Water Department. This event is successful because so many people work on it, and we are thankful for everyone!

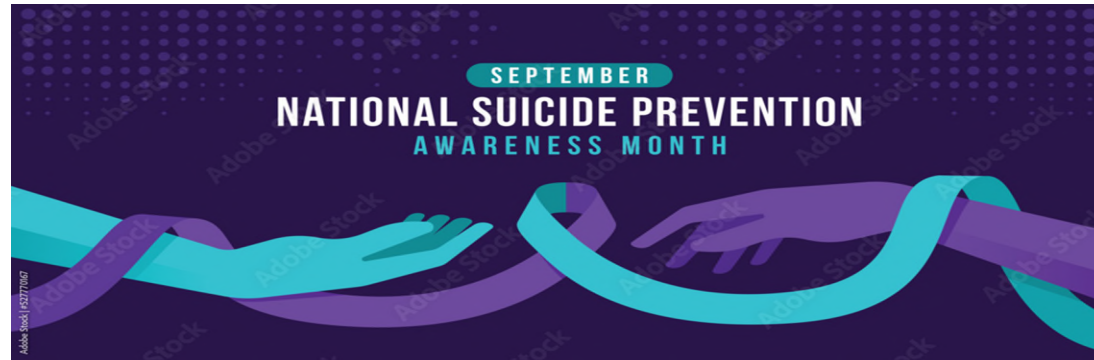
Sincerely,

The BHS Antiques Fair Committee  
Joann Moran, Teresa Lamperti, and Tina Smith

**The Brewster Historical Society is a non-profit, 501 (c) 3 organization.**

**All donations are tax deductible as allowed by the law.**

**All event proceeds benefit The Brewster Historical Society and support ongoing educational programs.**



## Ribbon Ceremony and Lunch

*Please join us as we hang ribbons of remembrance for those we have lost to suicide and support the many survivors of suicide loss for National Suicide Prevention Month.*



**Cape Cod Community College**  
**Inner Courtyard, Tilden Library Steps**

**1:00-2:00 pm**

**September 14, 2023**

**All are welcome to attend the Cape and Islands Suicide Coalition General Membership meeting following the ribbon ceremony and lunch from 2:00-3:00pm, in person or virtual <https://capecod.zoom.us/j/98375687504?from=addon>**

# The Institute for Mental Health Training Offerings

**QPR**, a 1-1/2 hour training, stands for Question, Persuade, and Refer — the 3 simple steps anyone can learn to help save a life from suicide. Just as people trained in CPR and the Heimlich Maneuver help save thousands of lives each year, people trained in QPR learn how to recognize the warning signs of a suicide crisis and how to question, persuade, and refer someone to help.

**SafeTALK** is a half-day training program that teaches participants to recognize and engage persons who might be having thoughts of suicide and to connect them with community resources trained in suicide intervention. SafeTALK stresses safety while challenging taboos that inhibit open talk about suicide. Training must be held in person.

**Mental Health First Aid** is a 6-7 hour skills-based training course that teaches participants to identify, understand and respond to mental health and substance-use issues. Training can be a blended format of virtual and in person.

**ASIST** Applied Suicide Intervention Skills Training (ASIST) is a two-day interactive workshop in suicide first aid. ASIST teaches participants to recognize when someone may have thoughts of suicide and work with them to create a plan that will support their immediate safety. Although ASIST is widely used by healthcare providers, participants don't need any formal training to attend the workshop—anyone 18 or older can learn and use the ASIST model. Training must be held in person.

*For more information, or to schedule a training, please contact Maura Weir, Chief Wellness Officer, Cape Cod Community College and Co-Chair Cape and Islands Suicide Prevention Coalition, [capeandislandsSPC@gmail.com](mailto:capeandislandsSPC@gmail.com)*

