

**TOWN OF BREWSTER
SPECIAL TOWN MEETING WARRANT
NOVEMBER 13, 2023**

Barnstable, ss

To: Roland W. Bassett, Jr. Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet at the Stony Brook Elementary School, 384 Underpass Road, on **Monday, November 13, 2023**, next, at 6:00 p.m. o'clock in the evening, then and there to act upon the following articles:

OUTSTANDING OBLIGATIONS

ARTICLE NO. 1: To see what sums the Town will vote to appropriate from available funds for the payment of unpaid obligations from previous fiscal years, including any bills now on overdraft:

	<i>Department</i>	<i>Outstanding Obligations</i>	<i>Amount</i>
a.	Golf Department	Denis L. Maher Well Drilling & Pump Services	\$7,585.00
b.	Fire Department	Cape Cod Medical Center	\$265.00
c.	Department of Public Works	Sylvester Consultants	\$325.00
d.	Department of Public Works	Strategic Materials Inc.	\$300.96
	Total		\$8,475.96

Or to take any other action relative thereto.

(Select Board)

(Nine-tenths Vote Required)

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

CAPITAL AND SPECIAL PROJECTS EXPENDITURES

ARTICLE NO. 2: To see what sums the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer to borrow under and pursuant to Massachusetts General Laws Chapter 44, Sections 7, 7(1), or 8, or any other enabling authority, for the capital outlay expenditures listed below, including, in each case, all incidental and related costs, to be expended by the Town Manager, except School expenditures to be made by the School Superintendent with the approval of the School Committee; authorize leases and lease purchase agreements for more than three but not more than five years for those items to be leased or lease purchased, and further that the Town Manager with the approval of the Select Board or School Superintendent with the approval of the School Committee for school items, be authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced, all as set forth below:

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
1 Select Board				
	a. Ponds Management Plan & Pilot Pond Study	Professional services and costs for development of a Town-wide ponds management plan and related pond pilot studies	Free Cash & Water Quality Stabilization	\$100,000
	b. Herring River Watershed Permit	Professional services and costs for development of the Town's planned Herring River Watershed Permit, including analysis of future build-out potential	Water Quality Stabilization	\$50,000
Sub-Total				\$ 150,000

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<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
2 Facilities			
a. Town-wide Building Maintenance	Professional services and costs for building repairs and maintenance for Town-owned buildings	Free Cash	\$30,000
Sub-Total			\$30,000
3 Police			
a. Vehicle Replacement	Purchase and outfit (3) hybrid police vehicles	Free Cash	\$140,000
b. Mobile Data Terminal Replacement	Purchase and installation of mobile data terminals	Cell Tower Lease Funds	\$45,000
Sub-Total			\$185,000
4 Fire			
a. Chest Compression Devices	Purchase of three (3) replacement devices with extended warranty	Ambulance Fund	\$65,000
b. Miscellaneous Fire Equipment	Purchase of replacement hoses, nozzles, hand tools, ropes, ladders, and other miscellaneous equipment	Free Cash	\$30,000
c. Additional Funding for Ambulance Leases	Funds to cover unexpected increases in ambulance lease payments	Ambulance Fund	\$15,000
d. Mobile Computer Equipment	Purchase of mobile and desktop computer equipment and updated operational software and any other related costs	Ambulance Fund	\$35,000
Sub-Total			\$145,000
5 Department of Public Works			
a. Drainage/Road Maintenance	Professional services for engineering, permitting, and construction associated with road maintenance and drainage	Free Cash	\$250,000
b. One Ton Dump Truck Replacement	Purchase and equip one (1) Dump Truck, including but not limited to emergency lights, plow package, material spreader, and radios	Free Cash	\$220,000
c. Mower Replacement	Purchase and equip one (1) walk-behind mower	Free Cash	\$25,000
d. New Pick-up Truck	Purchase and outfit (1) 4x4 pick-up truck, including but not limited to plow package, emergency lighting, and radio	Free Cash	\$80,000
e. Mobile Digital Sign Board Replacement	Purchase of mobile digital sign board	Cable Special Revenue Fund	\$20,000
f. DPW Building Maintenance & Repairs	Professional services and costs for building repairs and maintenance of DPW facilities	Reappropriate Existing Funding	\$50,000
g. Electric Mower	Purchase (1) battery powered full electric mower	Free Cash	\$17,000
Sub-Total			\$662,000

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<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
6 Information Technology			
a. Technology Upgrades/ Replacement	Ongoing information system & equipment improvements, including but not limited to the purchase of computers, software, servers, and other hardware/ software	Free Cash	\$40,000
Sub-Total			\$40,000
7 Council on Aging			
a. Council on Aging 50 th Anniversary Celebration	Funding for Town-wide activities related to the COA's 50 th anniversary	Free Cash	\$15,000
Sub-Total			\$15,000
8 Assessors			
a. Valuation Services	Professional services for new growth and cyclical inspections as required by the Department of Revenue	Overlay	\$80,000
Sub-Total			\$80,000
9 Brewster Elementary Schools			
a. Stony Brook Generator Design	Professional design services for replacement of the Stony Brook Elementary School generator	Free Cash	\$75,000
Sub-Total			\$75,000
10 Water Enterprise Fund			
a. Red Top Road Water Main Installation	Professional services and costs for engineering and construction of new water main on Red Top Road	Water Retained Earnings	\$75,000
Sub-Total			\$ 75,000
11 Golf Enterprise Fund			
a. Golf Maintenance Building Design	Professional services associated with the design of a new maintenance building	Golf Retained Earnings	\$400,000
b. Irrigation Pump Reconditioning/ Replacement	Professional services and costs associated with the reconditioning of well #2 and pump replacement	Golf Retained Earnings	\$100,000
c. Equipment Replacement	Purchase and replace equipment necessary to maintain golf course	Golf Retained Earnings	\$350,000
d. Tee Box Renovations	Purchase and install materials to upgrade and maintain tee boxes	Golf Retained Earnings	\$20,000
e. Restaurant Equipment, Furnishings, & Repairs	Purchase and install restaurant/kitchen equipment, furnishings, and any other related costs to maintain the restaurant	Golf Retained Earnings	\$15,000
f. Windows & Doors Replacement	Professional services and costs to replace windows and doors in the clubhouse and pavilion	Golf Retained Earnings & Golf Capital Stabilization Fund	\$700,000
g. Driving Range Improvements	Costs associated with upgrading the driving range	Golf Retained Earnings	\$15,000

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	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
	h. Irrigation Water Source & Supply Study	Professional services and costs for irrigation water source & supply study	Golf Retained Earnings	\$100,000
Sub-Total				\$1,700,000
12 Recreation				
	a. Town Hall Athletic Field Benches Replacement	Purchase and replace 6 benches at Town Hall ballfields	Free Cash	\$10,000
Sub-Total				\$10,000
13 Library				
	a. Elevator Replacement	Purchase and install a new elevator including any other related costs	Free Cash	\$100,000
Sub-Total				\$100,000
14 Building/Inspections				
	a. New Vehicle (hybrid)	Purchase of (1) hybrid vehicle for inspectional services	Free Cash	\$60,000
Sub-Total				\$60,000
GRAND TOTAL				\$3,327,000

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required, Except 2/3 Vote on Transfers from Stabilization Funds)

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

CAPITAL AND SPECIAL PROJECTS: MILLSTONE ROAD IMPROVEMENTS

ARTICLE NO. 3: To see if the Town will vote to raise and appropriate or transfer from available funds the total sum of **TWO MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$2,550,000)**, for the purpose of design and construction of improvements to Millstone Road, including all incidental and associated expenses, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 0

COMMUNITY PRESERVATION ACT FUNDING

ARTICLE NO. 4: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee to appropriate from Fund Balances Reserved for future expenditure the amounts shown below for the purposes of community housing, and, further to authorize the Town Manager to enter into appropriate contracts or grant agreements for the administration and implementation of the vote taken hereunder, as follows:

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	<i>Purpose</i>	<i>Item</i>	<i>Funding Source(s)</i>	<i>Amount</i>
1	Community Housing			
	a. Brewster Affordable Housing Trust	Affordable Buydown Program	Undesignated Fund Balance	\$255,000
	b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC)	Development of affordable housing units at Spring Rock Village on Millstone Road	Undesignated Fund Balance	\$507,500
Sub-total				\$762,500
Grand Total				\$762,500

For Fiscal Year 2024 Community Preservation purposes, each item is considered a separate appropriation to be spent by the Community Preservation Committee; provided however, that the above expenditures may be conditional on the grant or acceptance of appropriate historic preservation restrictions for historic resources, open space restrictions for open space reserves, and housing restrictions for community housing, running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of G.L. c.184 and G.L. c.44B, Section 12, and to authorize the Board of Selectmen to convey or accept such restrictions;

And further, any revenues received in excess of the estimated receipts are transferred to their respective reserve fund balance(s) for future appropriation using the allocation formula of 10% Open Space and Recreation, 10% Housing, 10% Historical and 70% for Budgeted Reserve for CPA.

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

1. Community Housing:

a. Brewster Affordable Housing Trust – Brewster Affordable Buydown Program

Total Project Cost: \$255,000 CPC Request: \$255,000 CPC Vote: 9-0-0

Select Board: **Yes 4, No 0, Abs 0** Finance Committee: **Yes 6, No 0, Abs 0**

b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) – Development of affordable housing units at Spring Rock Village on Millstone Road

Total Project Cost: \$27,128,227 CPC Request: \$507,500 CPC Vote: 8-0-0

Select Board: **Yes 4, No 0, Abs 0** Finance Committee: **Yes 6, No 0, Abs 0**

ZONING BYLAW AMENDMENT: ACCESSORY DWELLING UNIT

ARTICLE NO. 5: To see if the Town will vote to amend the Brewster Zoning Bylaw by replacing the Accessory Dwelling Unit (ADU) provisions of the Zoning Bylaw, Section 179-2, Section 179-42.2, Section 179 Use Regulation Tables 1 and Section 179 Area Regulation Table 2, so that the section will read as follows*:

Please note that a redlined copy of this bylaw, with text to be deleted noted by ~~striketrough~~ and text to be inserted shown in **bold and underlined, is included as an addendum at the end of the warrant book for your reference.*

Section 179-2 Definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

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ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

A dwelling unit located on the same lot as the principal single-family dwelling to which it is accessory. An ADU shall be considered an accessory use.

DWELLING, ONE FAMILY DETACHED

A building containing a single, separate dwelling unit, designed for use and occupancy by one family, which shall be considered a principal use and principal structure under this Chapter. Also referred to herein as a "single-family dwelling" or "single-family residence."

FLOOR AREA, NET

The sum of the living areas on all floors within the perimeter of a building or portion thereof measured from the outside faces of the exterior walls, or dividing walls as applicable, without deduction for interior partitions and the like. It does not include unenclosed decks, porches, entries, or unconditioned storage, cellar, mechanical, garage, or utility areas, or spaces similar to the foregoing, not designed, intended or capable of being used for human habitation or occupancy.

Section 179-42.2 Accessory single-family dwelling units (ADUs).

The purposes of this ADU Section are to promote the creation of year-round rental dwelling units in the Town; to increase housing choice and the diversity of housing types in the Town; and to preserve the community, especially by facilitating housing that allows seniors, working people and young adults to remain and live in Brewster; all while supporting the existing desirable character of Brewster's residential neighborhoods and districts.

Accessory single-family dwelling units shall be permitted subject to the following standards:

- A. An ADU may be located within, connected to or adjoining a single-family dwelling, or in a detached, accessory residential building to a single-family dwelling, subject to all standards of this Section. An ADU shall maintain a separate entrance(s), either directly from the outside or through an entry or shared corridor sufficient to meet the requirements of the State Building Code for safe egress. Also see the Definitions section of this Chapter, § 179-2.
- B. There shall be no more than one ADU per lot.
- C. An ADU shall have no more than two bedrooms and no more than one thousand (1000) square feet of net floor area.
- D. A minimum of one parking space for the ADU shall be provided in addition to the parking spaces for the principal dwelling.
- E. A detached, accessory residential building in which an ADU is located shall not otherwise contain bedrooms not associated with the ADU.
- F. An ADU shall be subject to and comply with all other provisions of this Chapter, as applicable, including without limitation the building height, coverage and setback requirements for the underlying lot, either as set out in Table 2, Area Regulations, Table 3, Height and Bulk Regulations, or as otherwise may be permitted in Article VIII of this Chapter. To the extent there is conflict between the provisions in this Section and other provisions in this Chapter, the provisions in this Section shall control.
- G. There shall be no minimum lot size required to construct and maintain an ADU. However, a Special Permit, pursuant to the applicable standards in Section 179-51 herein, and Table 1, Use Regulations, shall be required from the Planning Board for an ADU on a lot less than 15,000 sq. ft.

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H. Either the principal dwelling or the ADU shall be occupied by the owner of the property on a year-round basis, except for bona fide temporary absences, and the other dwelling unit shall be used for year-round dwelling purposes, leased or occupied for continuous periods of not less than twelve (12) months at a time. Notwithstanding the foregoing, an owner who does not so occupy the property on a year-round basis may apply for a Special Permit from the Planning Board, pursuant to the applicable standards in Section 179-51 herein, to authorize an ADU on the property and the use of whichever dwelling unit(s) said owner does not intend to occupy, either the principal dwelling, the ADU, or both, for year-round dwelling purposes, to be leased or occupied for continuous periods of not less than twelve (12) months at a time. Pursuant to its Special Permit authority under Section 179-51 of this Chapter, the Planning Board may consider and require, among other things, safeguards to ensure that privacy to abutting properties is reasonably maintained and that there are appropriate management and facilities in place to serve the dwelling units.

I. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. An ADU shall not be used as an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms, or boarding of lodgers in an ADU on a short-term basis, and no Short-Term Rental use shall be permitted on a lot containing an ADU.

J. An ADU shall be subject to all applicable State and local laws and regulations, including without limitation the State Building Code and related Certificate of Occupancy requirements; State plumbing, electrical, and fire codes; Title 5, 310 CMR 15.00, and the State Sanitary Code, 105 CMR 410.00; and corresponding local Board of Health regulations; and State and local Wetlands laws and regulations.

K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.

L. The owner of a property with an ADU shall be required to file a written affidavit with the Building Department certifying compliance with the standards of this Section, including the use and occupancy standards. The Building Department shall establish, administer, and maintain, and may amend from time to time, the affidavit process and forms referenced herein.

M. The Building Commissioner is authorized to establish an administrative permitting and/or registration process for ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational or zoning compliance purposes.

N. Without limiting other enforcement remedies or actions available under this Chapter, including fines, the Building Commissioner is authorized to order that the cooking facilities and supporting utilities and fixtures within an ADU be removed in order to abate a violation of this Section.

(Planning Board)

(2/3 Vote Required)

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 7, No 1, Abs 0

TOWN BYLAW AMENDMENT/PRIVATE ROAD REPAIR AND BETTERMENT

ARTICLE NO. 6: To see if the Town will vote to amend the General Bylaws by deleting the text and title of Article VII, Private Road Repair (Sections 157-11 through 157-19) and further by revising the text of Article VII, Temporary Road Repair (Section 157-20), to read as follows:

Please note that a redlined copy of this bylaw, with text to be deleted noted by strikethrough and text to be inserted shown in **bold and underlined, is included as an addendum at the end of the warrant book for your reference.*

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Section 157-20

A. In the event that a group of property owners each of whom own property abutting and having rights on a private road, which has been open for public use continuously for at least the last five years, wish the Town of Brewster to finance the repair of their private road, they shall engage a professional engineer licensed to practice in Massachusetts and experienced in road construction and repair who shall develop a proposal for the repair of the private road, including a certified survey plan of the private road to be repaired, or relevant portion thereof. Eligible repairs include, without limitation, any or all of the following: new or additional drainage and stormwater facilities; new berms; driveway aprons; striping; the filling of existing cracks; patching; road-bed repair; and the application of one or more layers of bituminous concrete. As used herein, a private road 'open for public use' includes a road open to public invitees whose access is not actively and openly restricted with gates, signage or the like. Further, a private road, which includes a private street or private way within its meaning, is a road that has not been laid out, dedicated, or adjudicated by a Massachusetts court as a public way but has either been laid out under the subdivision control law or is otherwise a matter of record with the Barnstable Registry of Deeds or the Town Clerk. The official record of public roads in the Town of Brewster is kept at the Town Clerk's office, and shall be amended from time to time.

B. The proposal shall specify the projected useful life of the repaired private way, and in no event shall the projected useful life be less than the financing term, which may be allowed up to 15 years. All costs of preparing the plan, obtaining cost estimates and preparing the petition described below shall be the exclusive responsibility of the petitioners.

C. The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation. After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the properties subject to the petition by tax map and parcel number together with the owners' names of record from the most recent tax list with a space for each owner to place his or her signature. The petition must state that each signature represents an irrevocable agreement by each signatory to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which administrative costs shall not exceed 4% of the project. The petition shall not be presented to the Select Board, nor shall the Select Board recognize such a petition, unless a majority of the owners shall have agreed to the proposal and its financial commitment by having signed the petition.

D. The petition, accompanied by the proposal documents, including the cost estimates and survey plan, shall be submitted to the Select Board's Office. The Select Board shall refer every such petition to the Assessor's Office for verification that signatories are the owners of record of the subject properties, and confirmation that a majority of such owners have signed. The Select Board shall consider all submitted petitions that are passed by the Assessor's Office, and will hold a public hearing on the proposed project, inviting abutters on the private road. If the Select Board determines that the proposed repairs are in the public interest and are within the financial capability of the Town, the Select Board may place the petition on the Warrant for any special or annual Town Meeting. The Select Board shall thereafter send out proxies to the owners noting scope and cost changes, if any. The proxies must be returned at least 45 days prior to the Town Meeting at which they are to be considered. If the proxies are returned within such time, the Select Board may place the petition on the Town Meeting Warrant, provided that a majority of owners have signed said proxy.

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E. Long-term financing may be issued for said project by the Town for up to a 15-year term. If the Town Meeting votes to authorize financing for the project, an engineer representing the owners, and preferably the engineer who prepared the original plan and proposal, shall be named "Project Manager." He shall prepare a new request for quotations with the bids to be directed to the Town Manager. The Project Manager and the Town Manager shall select the best bid to do the work. The Project Manager shall advise the Director of Public Works 48 hours in advance of each phase of the project and certify, in writing, to the Director of Public Works that each phase of the work has been completed to the Project Manager's satisfaction. The Director of Public Works shall inspect the completed work and advise the Town Finance Director that the work has been completed according to the endorsed petition, including the survey plan therein, so that payment can be made. After completion of the project, residents can choose to apportion their assessment into equal portions to be paid yearly over a period of up to 15 years.

F. The petition procedure set out herein shall apply equally to a petition involving a group of private roads within a subdivision provided that where a lot has frontage on, and derives access from, more than one road, the owner of such lot shall be entitled to only one vote. Owners of lots that are assessed as unbuildable and lots that may not be built upon pursuant to a conservation restriction or the equivalent shall not be entitled to vote, and such lots shall not be subject to betterment assessments hereunder.

G. The Town of Brewster shall incur no liability for any damages of any nature whatsoever arising from the project by virtue of the Town's agreeing to carry out any repair of a private way. The owners who benefit from the repair and are assessed betterments shall be deemed to have indemnified and held the Town harmless against any and all claims. The Town makes no warranty or guarantee concerning the completed betterment project.

H. Any private way improved under the provisions of this Article need not be brought up to full Town road standards. Any private way improved under the provisions of this Article shall continue to remain a private way but nonetheless open for public use.

I. Except as otherwise provided in this Article, private road betterments shall be assessed and committed according to MGL Chapter 80 and Chapter 373 of the Acts of 2006. Betterments shall be recorded and serve as record liens against the subject properties.

J. Authorization of the private road betterment petition does not relieve the private owners from obtaining all necessary permits and approvals for the road work.

K. The repairs allowed hereunder shall be considered and are permissible within the meaning of GL c. 40, Section 6N.

L. The Director of Public Works may, at their discretion, direct Town employees to make minor or temporary repairs on private roads under the purview of maintenance activities or unusual circumstances. These repairs shall not include construction, reconstruction and/or resurfacing of the ways.

(Select Board)

(Majority Vote Required)

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 6, No 0, Abs 0

FIRE UNION CONTRACT

ARTICLE NO. 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to fund the cost items of the first fiscal year of the proposed Collective Bargaining Agreement between the Town of Brewster and International Association of Firefighters Local 3763, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

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Select Board: **Yes 4, No 0, Abs 0** **Finance Committee:** **Yes 8, No 0, Abs 0**

LOCAL COMPREHENSIVE PLAN

ARTICLE NO. 8: To see if the Town will vote to adopt an updated Master Plan for Brewster which has been developed by the Vision Planning Committee, a copy of which plan is on file at the Town Clerk's office and posted on the Town's website, and which plan if adopted by the Town Meeting would constitute Brewster's Local Comprehensive Plan as defined in Section 9 of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989).

Or take any other action relative thereto.

(Select Board & Planning Board)

(Majority Vote Required)

Select Board: **Yes 5, No 0, Abs 0** **Finance Committee:** **Yes 8, No 0, Abs 0**

OPIOID SETTLEMENT FUNDS APPROPRIATION

ARTICLE NO. 9: To see if the Town will vote to transfer from available funds and appropriate a sum of money to be expended in accordance with the Massachusetts State-Subdivision for Statewide Opioid Settlement Funds; funds to be used for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Addiction Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds, to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

Select Board: **Yes 4, No 0, Abs 0** **Finance Committee:** **Yes 8, No 0, Abs 0**

SPECIAL REVENUE FUND: CABLE FRANCHISE FEE ACCOUNT

ARTICLE NO. 10: To see if the Town will vote to appropriate from the Cable Franchise Fee Special Revenue Fund the sum of **SEVENTY-FIVE THOUSAND DOLLARS (\$75,000)**, for the purpose of offsetting costs associated with providing local cable television related purposes, including, but not limited to the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; cable related personnel expenses; contracting with local cable programming services providers and/or any other appropriate cable related purposes, and including all incidental and related expenses, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

Select Board: **Yes 4, No 0, Abs 0** **Finance Committee:** **Yes 8, No 0, Abs 0**

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COMMUNITY PRESERVATION ACT SURCHARGE EXEMPTION

ARTICLE NO. 11: To see if the Town will vote, in accordance General Laws Chapter 44B, Section 16(a), to amend its acceptance of the Community Preservation Act, General Laws Chapter 44B, Sections 3-7 inclusive, by accepting the optional exemption set forth in Section 3(e)(1) of said Act, for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town, said exemption to commence with taxes assessed for the fiscal year beginning on July 1, 2024; provided, however, that in order for said exemption to take effect, the exemption must also be accepted by the voters of the Town at the next regular municipal election, or take any other action relative thereto.

(Select Board)

(Majority Vote Required)

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

GOLF COMMISSION BYLAW

ARTICLE NO. 12: To see if the Town will vote to amend Article V ("Golf Commission") of Chapter 6 of the Town's General Bylaws by inserting the **bold** language, and deleting the ~~striketrough~~ language, as indicated below, or to take any other action relative thereto:

Section 6-5. Appointment; terms.

The Select Board shall appoint a Golf Commission of seven members to serve as the policy-making board of the Captains Golf Course. Each member shall be appointed for a staggered term of three years. Reappointment at the end of a term shall be determined by the ~~Selectmen~~ **Select Board**. All vacancies shall be filled by the Select Board. The Select Board may appoint a member to serve the unexpired term of a former member. **All appointments will be made in accordance with the Town Charter and relevant Select Board policies.**

Section 6-6. Purpose.

- A. In fulfilling its responsibility to the Town of Brewster, the Select Board, ~~and the Town Administrator~~ **Manager**, and the Golf Commission shall be guided by ~~two basic~~ **the following** principles; ~~as follows:~~
- (1) ~~The golf course shall be operated and maintained so as to pay its expenses and return a reasonable profit to the Town. The Captains Golf Course facility shall be operated as an Enterprise Fund in accordance with MGL Chapter 44, Section 53F1/2.~~
 - (2) The golf course shall be operated and maintained as a **recreational** facility available to the residents of the Town **as well as to the general public.**
- B. The Golf Commission, **in coordination with the Town Manager, the Golf Operations Director, and the Course Superintendent**, shall be responsible for ~~the preparation of establishing~~ near and long-term plans, policies and strategies **for the golf course,** including, but not limited to, eligibility for use, fees, hours of operation, block time approval and liaison with various golf associations and other golf course users. ~~Any changes in policies, regulations, procedures or operations that would alter these principles or change their stated priority shall be approved by the Select Board. The Golf Commission may provide recommendations on financial matters to the Town Manager and Select Board as appropriate. The Select Board shall vote to approve any proposed changes to fees, limitations on membership, and/or allocation of tee times. The Town Manager may consult with the Golf Commission in the preparation and development of the Golf Department's budget and capital plan.~~

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Section 6-7. Removal. (Reserved)

~~Members of the Golf Commission may be removed by the Select Board for reasonable and good cause.~~

Section 6-8. Required reports. (Reserved)

~~The Golf Commission shall, within 30 days after the end of the fiscal year, make a report to the citizens of the Town.~~

Section 6-9. Audit. (Reserved)

~~The Golf Department will be subject to an audit in the same manner as other boards, committees, commissions and departments and shall respond appropriately to its recommendations.~~

Section 6-10. Appointment. (Reserved)

~~The Director of Operations of the golf course, appointed by the Select Board pursuant to the provisions of Chapter 5, Art. 1, § 5-3C of the Brewster Town Code, may enter into an employment contract for a period of up to three years.~~

(Golf Commission)

(Majority Vote Required)

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

**CITIZENS PETITION: NEW GENERAL BYLAW – REGISTRATION OF SHORT-TERM RENTALS
WITHIN BREWSTER**

ARTICLE NO. 13: To see if the Town will vote to create a registration system for short-term rentals.

The proposed bylaw seeks to create a registration system for short-term rentals. All short-term rentals would be required to register annually with the town of Brewster and pay a \$150 registration fee. The registration fee would serve to offset additional costs incurred for enforcement.

All listings of short-term rentals within Brewster would be required to include the town-issued registration certificate number.

Violators would be subject to a fine of \$200 per day, with each day the violation continues being considered a separate offense.

Purpose:

To create a registration system for short-term rentals in order to protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public, and to maintain the quality of life in residential neighborhoods in the Town.

The proposed bylaw seeks to provide for orderly operation of short-term rentals within the Town and prevent any negative impacts on neighborhood character, housing availability, house prices, availability of long-term rental units, and impacts on infrastructure systems such as sewer/water, parking, access, fire codes, and building code enforcement.

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The proposed bylaw also seeks to provide a method for correcting violations when conditions warrant and to help enforce local and state laws, codes, and regulations.

The proposed bylaw seeks to create a registration system for short-term rentals so that accurate data about how many short-term rentals are operating within the Town may be gathered, as well as to ensure public health and safety. This would also provide data to the town on who operates short-term rentals within the town.

Registrations would be subject to an annual fee that would cover costs of enforcement. Fines would also cover costs of enforcement.

Currently, short-term rentals are not required to register with the town of Brewster, which makes it difficult to determine how many short-term rentals are in operation and what impacts they have on neighborhoods and the town. Short-term rental owners can register with the state of Massachusetts, but are not required to.

Information regarding lodging operators can be found on mass.gov/info-details/public-registry-of-lodging-operators. As of July 5, 2023, there are 1092 short-term rentals in Brewster that are registered with the state.

The Massachusetts Department of Revenue (Division of Local Services) has a public search feature for parcel counts in the town of Brewster. Using that search feature, it was determined that as of July 5, 2023, there were 7,336 units in Brewster that are residential.

That means that nearly 15% (14.88%) of the residential units are known to be short-term rentals from their state registration. Since registration is not required, this figure is not accurate. Brewster needs to determine how many short-term rentals are operating within the town to better assess community and health and safety impacts.

The registration fee of \$150 would come to \$163,800 with the current number of short-term rentals in operation, which would be enough to fund positions needed for oversight and enforcement.

Registration System Implementation Proposal:

Any property owner seeking to offer a short-term rental would need to register annually with the town of Brewster (\$150/registration). All properties that are registered would need to be in compliance with local and state ordinances, zoning bylaws, and the State Sanitary Code.

The registrants would need to apply prior to Feb. 28 of each year, with the rental period running from Mar. 1 to Feb. 28 of the following year. Registrations are subject to annual renewal and fees. Registrations cannot be transferred to any other person, legal entity, or address. The registration shall be terminated upon sale or transfer of the property for which the registration has been issued.

Each registrant would be required to submit a sworn affidavit of compliance with their registration.

All short-term rentals would be required to include the town-issued registration certificate number on their listings.

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Contact information for the owner of a short-term rental shall be provided to the town with a current address and phone number, as well as an attestation that all persons and entities with an ownership interest in the unit have been notified that a certificate of registration has been applied for. If the owner is a corporation (includes LLCs), the name, address, and phone number of the president and legal representative of the corporation shall be provided. If the owner is a realty trust or partnership, the name, address, and phone numbers of the managing trustee or partner shall be provided.

The name and contact information of the operator, and the operator's agent if different from the operator, must be provided to ensure that the person can respond to any emergencies that arise during occupancy within 2 hours of contact by the Town's Health Division or Police or Fire Department to complaints regarding the condition or operation of the property. Contact information must include a phone number that is available 24/7 to occupants and the above-stated public safety agencies and the information shall be posted conspicuously in the unit.

Operators will be responsible for trash removal after conclusion of an occupancy or once per week, whichever is more frequent.

The maximum number of occupants in a short-term rental shall be 2 per bedroom, plus 2 additional occupants.

Parking on-site shall be provided and must not impede traffic or traffic safety.

Rental Certificates may be suspended or revoked for violations of the bylaw, State Sanitary Code, or any other applicable General Law, regulation, or bylaw intended to protect public health, safety, and/or the environment. Additional conditions may be imposed on the Rental Certificate in lieu of suspension or revocation.

Violators will be subject to fines of \$200 per day, with each day of the violation constituting a separate offense. Any short-term rental found to be operating without a rental certificate will be subject to these fines.

Definitions:

- "Dwelling" is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).
- "Full-Time Resident" is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.
- "Occupancy" is defined as the use or possession of, or the right to use or possess, a short-term rental.
- "Occupant" is defined as any individual, of any age, residing overnight in a short-term rental.
- "Operator" is defined as any person operating a short-term rental.

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- "Operator's Agent" is defined as a person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, a property management company, or real estate agent.
- "Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- "Permanent Place of Abode" is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse.

This does not include a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter; a hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time not to exceed 1 year.

- "Property Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.
- "Short-term rentals" are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

(Citizens Petition)

(Majority Vote Required)

Select Board: Yes 0, No 3, Abs 0

Finance Committee: Yes 0, No 8, Abs 0

**CITIZENS PETITION: NEW GENERAL BYLAW – RESTRICTION OF SHORT-TERM RENTALS WITHIN
BREWSTER**

ARTICLE NO. 14: To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals.

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Purpose:

To create a short-term rental bylaw to mitigate the impact of short-term rentals within the town of Brewster by limiting how many short-term rentals can be owned and operated by property owners.

To enforce this proposed bylaw, another proposed bylaw has been put forward which would create a registration system for short-term rentals within the town of Brewster.

Currently, short-term rentals are not required to register with the town of Brewster, which makes it difficult to determine how many short-term rentals are in operation and what impacts they have on neighborhoods and the town. Short-term rental owners can register with the state of Massachusetts, but are not required to.

Information regarding lodging operators can be found on mass.gov/info-details/public-registry-of-lodging-operators. As of July 5, 2023, there are 1092 short-term rentals in Brewster that are registered with the state.

The Massachusetts Department of Revenue (Division of Local Services) has a public search feature for parcel counts in the town of Brewster. Using that search feature, it was determined that as of July 5, 2023, there were 7,336 units in Brewster that are residential.

That means that nearly 15% (14.88%) of the residential units are known to be short-term rentals from their state registration. Since registration is not required, this figure is not accurate and underrepresents the total number of short-term rentals in the town of Brewster.

Definitions:

- "Dwelling" is defined as any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two-, or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter, (e.g., See definition of SHORT TERM RENTAL in this section).
- "Full-Time Resident" is defined as a person who either lives in Brewster for the entire tax year or who maintains a permanent place of abode in Brewster that they spend at least 183 days per year in.
- "Occupancy" is defined as the use or possession of, or the right to use or possess, a short-term rental.
- "Occupant" is defined as any individual, of any age, residing overnight in a short-term rental.
- "Operator" is defined as any person operating a short-term rental.
- "Operator's Agent" is defined as a person who, on behalf of an operator of a short-term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, a property management company, or real estate agent.

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- "Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.

- "Permanent Place of Abode" is defined as a dwelling place that someone, not necessarily the owner, continually maintains. This includes a place owned or leased by a spouse.

This does not include a camp, military barracks and housing, dormitory room, hospital room or room in any other similar temporary institutional setting; a university owned studio apartment available only to a university affiliated student, faculty and staff; a dwelling place completely lacking both kitchen and bathing facilities, or a dwelling place that is not prepared for winter; a hotel or motel room (but facts and situational circumstances will be taken into account before deciding); dwelling place owned by someone who, during the term of a lease, leases it either to others not related to the owner or their spouse by blood or marriage, for at least 1 year, or where the individual has no right to occupy any portion of the premises and who does not use such premises as his or her mailing address during the term of the lease; dwelling place that is maintained only during a temporary stay in Massachusetts for accomplishing a particular documented purpose. A temporary stay is defined as a predetermined period of time not to exceed 1 year.

- "Property Owner" is defined as any person who alone, or severally with others, has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee, or other person appointed by the courts.

- "Short-term rentals" are defined as a residential dwelling, or any bedroom within a dwelling, rented out using advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L Chapter 140, section 6; motels license under M.G.L. Chapter 140, section 32B; lodging establishments licensed under M.G.L Chapter 140, section 23.

(Citizens Petition)

(Majority Vote Required)

Select Board: Yes 0, No 3, Abs 0

Finance Committee: Yes 0, No 8, Abs 0

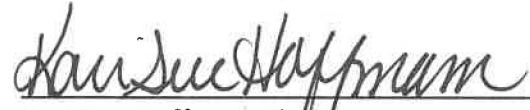
Town of Brewster
Special Town Meeting Warrant
November 13, 2023


And you are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the Town of Brewster affixed this 16th day of October 2023.


Edward B. Chatelain, Chair


Mary W. Chaffee, Vice-Chair


Kari Sue Hoffman, Clerk


Cynthia A. Bingham

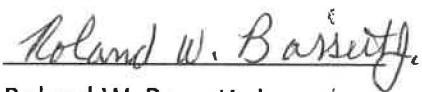

David C. Whitney

I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of November 13, 2023 by posting attested copies thereof, in the following locations in the Town on the 20th day of October, 2023.

Brewster Town Offices
Brewster Ladies Library
The Brewster General Store

Café Alfresco
Brewster Pizza House
Millstone Liquors

U. S. Post Office


Roland W. Bassett, Jr.
Constable