Town of Brewster

SPECIAL TOWN MEETING

WARRANT

for

November 17, 2025

at

6:00 PM

STONY BROOK ELEMENTARY SCHOOL
384 UNDERPASS ROAD

Please bring this copy of the warrant to Town Meeting

TOWN OF BREWSTER SPECIAL TOWN MEETING WARRANT: November 17, 2025

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Anecdotes from the Archives
Brewster's Early Inns, Guest Houses, and Cottage Communities

From Industry to Tourism

In 1803, the Harwich North Precinct separated from Harwich and Brewster was incorporated. As Brewster developed, industries grew along Stony Brook Road and soon this area became known as Factory Village. Small scale industry flourished, surrounded by an agricultural economy. Brewster became prosperous as merchants traded throughout the Cape and buyers may have visited the Factory Village. Brewster was a stagecoach stop for travelers between towns on the Cape and from the mainland. The Joseph Mcloud House and Tavern (c1760), which stands next to the Grist Mill on Stony Brook Road, was a popular stop for travelers offering them food and rest. Thoreau most likely stopped there in his stagecoach travels across the Cape in the mid-1800s. The McCloud Tavern may have been Brewster's first inn for weary travelers.

As industry grew, the town also became a "favorite residence of sea captains" and in 1850 over fifty sea captains resided in Brewster. One historian pointed out that in 1867 "about three-quarters of the male inhabitants, of suitable age, are most of the time upon the seas". Houses built at this time reflected the growing wealth of Brewster merchants and sea captains and the town reached its peak population in the mid-1800s.

However, in the late 1800s, Brewster's small industries succumbed to competition from large and better capitalized industries elsewhere and the arrival of the train to Brewster in 1865 brought cheaper goods to the Cape. Brewster lost half its population between 1870 and 1910.

A Summer Destination

Brewster became a summer destination for individuals and families at the turn of the century. While the train, with stops in South and East Brewster, contributed to the decline of industry it enabled visitors from the mainland, who were looking for "a pleasant summer resting place", to more easily reach the Cape. As the number of summer visitors grew, some of Brewster's historic houses took in guests and others operated formally as guest houses or inns and welcomed tourists.

With the expansion of automobile ownership in the early 1900s, summer tourism became a major economic force in Brewster. Local roadways were paved and improved, and the town attracted visitors from large cities who were looking for a seaside vacation. Visitors could choose to stay in a guest house, an inn, or a cottage in one of Brewster's cottage communities.

Inns and Guest Houses

Anthony Brier moved to Brewster, probably from Boston, in 1883 and bought the Freeman House (built 1830) on Brier Lane. He opened *Brier House* as a summer guesthouse in 1896 and the *Barnstable Patriot* reported that "extensive improvements and alteration" had been done to the house and thirteen guests arrived. Brier advertised the house as having "high elevation, shady lawn and fine bathing" and as having "everything fresh from our own farms".

In 1828, the Universalist Society built a building on Main Street. Then, due to a changing congregation, a new church was built in 1848 (now the Brewster Store). The original building was sold in 1852 and moved to its current location on the corner of Main and Tubman. It was remodeled as the Ocean House, a successful hotel and residence, and continued as the *Tip Top House*, *Inn of the Golden Ox* and finally as the *Beechcroft Inn and Restaurant* until the late 20th century.

The house at 1993 Main Street was bought by Thomas Consodine in 1895 and by 1903 was operating as an inn. In 1909, the owners were advertising the property as *The Consodine House* in the *Boston Herald* and as having the "best boating and fishing" with "afternoon teas between 3 and 5 o'clock". The Inn was "the only house open the year round in the heart of Cape Cod's gunning and fishing preserves." By 1915, the inn was so often full that it had to turn away business. By the 1930s, it was the center for meetings and events and no doubt inspired others to move into the innkeeping business. Today *The Consodine House* is a restaurant known as *Uncle Pete's Chowder House.*

Cottage Communities: Brewster Park and the Ellis Landing Colony

Brewster Park began in 1906 when Kenelm Winslow and Howard Hinkley bought a 30-acre parcel of land on Lower Road, originally Lobster Lane, and began building a community of summer cottages for owners and renters arranged set around a series of amenities.

The first cottages, built by local town carpenters, were one story wood frame, gable roof dwellings mounted on piers and surrounded by open porches. Around 1910, summer cottage design began to reflect the influence of the Craftsman style, a trend that continued through the 1920s. Craftsman house plans became available to local builders and these one-story modest cottages featured low gable roofs with long slopes covering recessed porches.

The Ellis Landing Cottage Colony were sixteen cottages on Ellis Landing Road and Captain Dunbar Road developed between 1910 and 1918 by the Ellis family. A number of cottages were directly on the bay and the others situated on Dunbar Road. These early modest cottages all had one front room that served as a living and dining room, a front first-floor bedroom, a kitchen at the rear, and a stairway to a second floor where two bedrooms were separated by a wall that reached only to the point where the outer walls joined the roof. These cottages were in such demand that five more were quickly built and others were added in later years.

Today, many of these cottages in Brewster Park and Ellis Landing Colony have been modernized or rebuilt and are privately owned but some may still be rented.

Over the decades as tourism grew, Brewster's historic inns, guest houses, and cottages continue to welcome visitors who come from away.

Patricia Hess is a member of the Brewster Historical Commission. Many thanks to Eric Dray and Katherine Grover for their research into Brewster's historic houses and cottage communities. Their research can be found in the Form B books in the reference section of the Brewster Ladies Library.

It is interesting to note that, in the past, some of our historic houses took in summer lodgers and guests but were not formerly designated as guest houses or inns.

TOWN MODERATOR INFORMATION FOR BREWSTER VOTERS

Brewster Voters:

To prepare residents in advance, we are providing information here that will be helpful to everyone who plans to attend. In the interest of expediting introductory remarks, we appreciate your attention to the following procedures for the November 2025 Special Town Meeting:

1. **Check-in:** Will start at 5:00 pm in the hallway above the library. If you have a mobility issue, please move to the beginning of the check-in line.

2. **Town Warrants**: Copies of the Town Warrant will be available; voters are invited to bring their own copy.

3. **Town Officials Participating in Town Meeting**
    - Select Board: Chair Mary Chaffee, Vice Chair Amanda Bebrin, Clerk Ned Chatelain, Harvey (Pete) Dahl, and Caroline McCarley.
    - Town Manager: Peter Lombardi
    - Assistant Town Manager: Donna Kalinick
    - Town Clerk: Colette Williams
    - Finance Committee: Chair Andrew Evans, Vice Chair Robert Tobias, Clerk Robert Rogers, William Henchy, Jim Lieb, John O'Reilly, Peter Sturr, and Emily Wagner
    - Finance Director: Mimi Bernardo
    - Town Counsel: Carolyn Murray of KP Law
    - Constable: Roland Bassett, Jr.

4. **Meeting Rules of Order**
    - Brewster uses "Town Meeting Time: A Handbook of Parliamentary Law" as well as local practice and tradition.
    - Please be respectful and courteous to others. All questions or comments should be directed only to the Moderator.

5. **Time Clock**
    - Under our bylaw, presenters may speak for up to 5 minutes, and residents may speak for or against an article for up to 3 minutes.

6. **Voting**
    - All voting will be done by a show of hands using voter tickets. The Moderator will evaluate the show of hands and announce the result.
    - Voters may challenge the Moderator's result; if more than 7 voters request a count, one will be done.

7. **Microphones**
   - Stationary microphones will be set up at the front of each aisle in the voter seating area. Please state your name and address when you speak.

8. **Motions**
   - Amendments:
     - If a minor amendment is proposed, the Moderator may accept it verbally.
     - If a longer amendment is offered, provide it in writing to the Town Clerk or her staff.
   - If you are unclear at any time about an action, raise your voter ticket to be recognized and state, "Point of order."

9. **Services**
   - If you need handicapped parking, special seating, or any other type of assistance, please contact the Town Manager's office (508-896-3701 ext. 1100) before Town Meeting. Handicapped parking will be available in the front of the school in the bus drop-off area.
   - Space will be available for voters using wheelchairs. Those with impaired mobility can access the check-in line via the main entrance at the front of the building.
   - Nauset Youth Alliance provides free childcare services for children ages 5 – 14 in the Stony Brook School during Town Meeting. If you would like to take advantage of this service, please call or email the NYA before 4pm on Wednesday, November 12 at 508-896-7900 or emcbrearty@nausetyouthalliance.org
   - Thanks to the generosity of Ocean Edge Resort, Nauset Youth Alliance also provides food and beverages for purchase during Town Meeting.
   - The Council on Aging offers rides to and/or from Town Meeting. For information or to schedule a ride to and/or from Town Meeting please call the Council on Aging at 508-896-2737 by noon on Wednesday, November 12.

10. **Handouts/Flyers**: A designated area will be available for distribution of materials to voters.

11. **Thank you.** I appreciate your commitment to conducting the Town's business and participating in our local democracy in a respectful manner.

Charles Sumner,
Town Moderator

TOWN OF BREWSTER SPECIAL TOWN MEETING NOVEMBER 17, 2025

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 in the Cafetorium at the Stony Brook Elementary School, 384 Underpass Road, on **Monday, November 17, 2025**, next, at 6 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:

	Department	*Outstanding Obligations*	*Amount*
a.	Golf Department	New Balance Golf Shoes	$2,881.60
b.	Golf Department	Hanlon's Shoes	$250.00
c.	Facilities	Town Hall United Elevator	$185.00
		Total	**$3,316.60**

or to take any other action relative thereto.

(Select Board) (Nine-Tenths Vote Required)

COMMENT

This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

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

RESCIND DEBT AUTHORIZATION

ARTICLE NO. 2: To see if the Town will vote to repeal or rescind unused borrowing authority authorized by previous Town Meetings, as follows:

DEPARTMENT	*ITEM*	*ARTICLE / TOWN MEETING*	*AMOUNT TO BE RESCINDED*
Water Department	Generator	Article 9-6c of the May 15, 2021 Annual Town Meeting	$28,000.00
Water Department	Water Tank Painting	Article 10-9(d) of the May 1, 2023 Annual Town Meeting	$101,400.00
Town Administration	Private Road Betterment – Vesper Pond Neighborhood	Article 21 of the May 11, 2024 Annual Town Meeting	$376,200.88

or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

This article serves to rescind previously authorized but unissued debt for capital requests and/or projects that have been completed under budget.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 0, Abs 1

PRIVATE ROAD BETTERMENT TRANSFER: VESPER POND NEIGHBORHOOD

ARTICLE NO. 3: To see if the Town will vote to transfer $387,216.95 from available Private Road Betterment Receipt Reserved for Appropriation funds to fund the Fiscal Year 2026 debt service related to temporary road repairs to the private ways known as Vesper Pond Drive, Mayflower Circle, Cranberry Lane, Deer Path Circle, Jam Lane, and Bay View Drive, as previously authorized under Article 21 of the May 2024 Annual Town Meeting, or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

Town Meeting authorized a private road betterment project in the Vesper Pond Neighborhood in 2022 and 2024. The work has since been completed, and the betterments have been assessed to impacted residents. These funds are segregated from the Town's General Fund in a Receipts Reserved for Appropriation account and payments are typically applied to pay down the associated debt as part of the annual operating budget process. Due to the timing of the completion of this project, this article seeks to transfer $387,216 in revenues that have been collected to date for this purpose to be applied to cover short-term debt associated with project financing. Future such transfers will be handled as a routine matter in our annual budgeting process.

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

CROSBY BEACH PARKING APPROPRIATION

ARTICLE NO. 4: To see if the Town will appropriate $97,000 from Free Cash, of which $52,000 shall be paid to the Department of Conservation and Recreation for the Town's use and operation of satellite parking lots on the Crosby Mansion property grounds within Nickerson State Park for overflow beach parking and $45,000 shall be transferred to the Crosby Mansion Revolving Fund, or take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

In 2016, the Town entered into a license agreement with the MA Department of Conservation & Recreation (DCR) to use portions of the Crosby mansion property for overflow parking for Crosby Landing. This article seeks to appropriate funds to compensate the state for Town use of these two lots for beach parking, with $52,000 being paid to DCR and the $45,000 balance being transferred to the Crosby Mansion Revolving Fund to help the Town continue to reinvest in the historic building and property. Town Meeting will be asked to transfer another $48,000 in Free Cash in Fall 2026 to the Crosby Mansion Revolving Fund for this purpose. Under the terms of the new license agreement, the Town will pay DCR $20,000 in FY27 operating budget appropriations, with $1,000 annual increases in FY28 and FY29, to continue to allow Town use of these overflow lots for beach parking (approximately 80 spots).

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

COMMUNITY PRESERVATION ACT FUNDING

ARTICLE NO. 5: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fund Balances Reserved for future expenditure, the amounts shown below, for the purpose of future expenditures, operating and administration expenses, and reserve funds related to Community Preservation, Historic Preservation, Open Space, Community Housing and/or Recreation; and to authorize the Town Manager to enter into contracts for operating and administration related to Community Preservation, Historic Preservation, Community Housing and Open Space and/or Recreation, all as follows:

	Purpose	Item	Funding Source(s)	Amount
1.	**Community Housing**			
	a. Habitat for Humanity Cape Cod	Mackie Drive Community Housing	Community Housing Reserve	$105,000
2.	**Budgeted Reserve for CPA**			
	a. Community Preservation Committee	Update 5 Year Community Preservation Plan (FY28-32)	Budgeted Reserve for CPA	$20,000
			Grand Total	**$125,000**

For Fiscal Year 2026 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 MGL Ch. 184 and MGL Ch. 44B, Sec. 12, and to authorize the Select Board to convey or accept such restrictions;

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

Or to take any other action relative thereto.

(Community Preservation Committee) (Majority Vote Required)

COMMENT

In May of 2005, Brewster voters approved a ballot question which allowed for the adoption of the modified Community Preservation Act (CPA). The act appropriates a 3% surcharge on the town's real estate tax revenues, which are reserved in a special fund to finance projects and programs for the purposes of preservation of open space, recreation, community housing, and historic preservation. Brewster is also eligible to receive up to 100% in matching funds from the State, although we anticipate a reduced reimbursement rate from the State for Fiscal Year 2026, which is projected at 15%. In Fall 2022, Brewster adopted, through a local bylaw, a distribution schedule for the annual CPA funds beginning in FY24 as follows: 10% of the funds for open space and recreation, 10% for community housing, 10% for historic preservation, and the 70% undesignated reserve balance is available for any CPA eligible project. The 2022 bylaw also established a non-binding 2023-2027 Target Allocation Policy as follows: 30% for Open Space, 30% for community housing, 10% historic preservation, 10% recreation, and 20% for any CPA eligible project.

1. Community Housing:

a. Habitat for Humanity of Cape Cod, Inc. (HHCC) – Mackie Drive Community Housing

Habitat for Humanity proposes to build 2 modest ranch-style homes on 2 lots that are part of a 1.58-acre parcel at 3571 Main Street, adjacent to the Washington Chase Bog. The homes will be sold to households whose income is at or below 80% Area Median Income (AMI) with one home being sold at or below 60% AMI. Buyers will be selected via a lottery process consistent with the requirements of Executive Office of Housing and Livable Communities (EOHLC) Local Initiative Program (LIP). One home will offer a Local Preference which includes households living in Brewster, households with a member employed by a local Brewster business or town or school district, or with a household member attending a public school in Brewster. Both homes will remain Affordable in perpetuity and included on the Town's Subsidized Housing Inventory. This project is a collaborative effort between the Brewster Conservation Trust (BCT) and HHCC. $100,000 of the award will go toward construction costs. $5,000 will be set aside to cover legal expenses incurred by the CPC in connection with the award.

Total Project Cost: $1,183,303 CPC Request: $105,000 CPC Vote: 8-0-0

Select Board: Yes 5, No 0, Abs 0 Finance Committee: Yes 7, No 0, Abs 1

2. Budgeted Reserve for CPA

a. Community Preservation Committee – Update of 5 Year CPA Plan (FY28-32)

The current Brewster Community Preservation Act (CPA) Plan runs through FY27. This request, in combination with $30,000 of FY26 CPC Administrative Funds (approved at 2025 Spring Town Meeting), will provide funding for a new plan to guide the use of Brewster's CPA funds for the next five years (FY28-32). The Community Preservation Committee (CPC) will use this plan to guide the committee's project funding recommendations to Town Meeting voters. The Brewster CPC encourages future applicants seeking CPA funds to refer to the CPA Plan when making CPA funding requests and encourages Town meeting members to use the plan to guide decisions on allocation of funds. The CPA plan will be created in accordance with the Community Preservation Act (CPA), Massachusetts General Laws Ch. 44B Sec. 5(b)(1). This project will continue the work that began with the FY23-27 CPA Plan by updating overall CPA Goals, as well as goals for Community Housing, Open Space, Recreation, and Historic Preservation to reflect Brewster's current priorities for these funding categories. In addition, the plan development process will review the CPC's Target Allocation Policy for the next five years. Adoption of any changes to the Target Allocation Policy will need future approval by Town Meeting voters through an amendment to the CPC bylaw.

Total Project Cost: $50,000 CPC Request: $20,000 CPC Vote: 7-0-0

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

CAPITAL AND SPECIAL PROJECTS EXPENDITURES

ARTICLE NO. 6: To see what sums the Town will vote to raise and appropriate, transfer from available funds, or borrow 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:

	Department	*Item*	*Funding Source(s) / Appropriation or Transfer*	*Amount*
1	**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**
2	**Natural Resources**			
	a. Security	Professional services and costs to upgrade security for Natural Resources building	Free Cash	$17,000
	b. Beach and Landing Repairs	Costs for goods, materials, and professional services to make general repairs, including sand nourishment, at Town beaches and landings	Free Cash	$20,000
	c. Linnell Landing ADA Platform Restoration	Costs for goods, materials, and professional services to replace the ADA platform at Linnell Landing	Free Cash	$50,000
	d. Beach & Park Signage Upgrades	Costs for goods, materials, and professional services to replace signage at Town beaches, landings, and parks	Free Cash	$25,000
			Sub-Total	**$112,000**
3	**Water Department**			
	a. Variable Frequency Drive Replacement	Costs for goods, materials and professional services to replace distribution system variable frequency drives	Water Retained Earnings	$40,000

	Department	Item	Funding Source(s) / Appropriation or Transfer	Amount
	b. Cybersecurity & Communications System Upgrades	Costs for goods, materials and professional services to conduct evaluation of existing systems and implement communications upgrade	Water Retained Earnings	$70,000
			Sub-Total	**$110,000**
4	**Department of Public Works**			
	a. Drainage/Road Maintenance	Professional services for engineering, permitting, and construction associated with road maintenance and drainage	Free Cash	$275,000
	b. Landfill Monitoring	Professional services and costs for regulatory landfill monitoring requirements	Free Cash	$50,000
	c. MS4 Stormwater Compliance	Costs for goods, materials, and professional services associated with MS4 stormwater compliance	Free Cash	$55,000
	d. Landscape Trailer Replacement	Purchase and equip (1) landscape trailer	Free Cash	$20,000
	e. Mower	Purchase and equip (1) stand-up mower	Free Cash	$15,000
	f. One-Ton Dump Truck Replacement	Purchase and outfit one (1) Dump Truck, including but not limited to emergency lights, plow package, material spreader, and radios	Free Cash	$230,000
	g. DPW Building Evaluation	Costs for goods, materials and professional services to evaluate facility conditions and develop improvement recommendations	Free Cash	$100,000
			Sub-Total	**$745,000**
5	**Facilities**			
	a. Security	Professional services and costs to upgrade security for Town-owned buildings	Free Cash	$45,000
	b. Town Hall Plumbing Repairs	Costs for goods, materials and professional services to repair and replace plumbing at Town Hall	Free Cash	$8,500
	c. Drummer Boy Park Shed & Gazebo Improvements	Costs for goods, materials, and professional services to purchase and install a new storage shed and make repairs to gazebo	Free Cash	$10,000
			Sub-Total	**$63,500**

	Department	Item	Funding Source(s) / Appropriation or Transfer	Amount
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, and related professional services	Free Cash	$55,000
	b. Orthoimagery & Planimetrics Update	Costs for goods and professional services for regional updates to orthoimagery and planimetrics data	Free Cash	$10,630
		Sub-Total		**$65,630**
7	**Police Department**			
	a. Vehicle Replacement	Purchase and outfit two (2) hybrid police vehicles and one (1) motorcycle	Free Cash	$170,000
	b. Community Room & Building Improvements	Costs for goods, materials and professional services to repair and upgrade police station building	Free Cash	$30,000
		Sub-Total		**$200,000**
8	**Fire Department**			
	a. Administration Vehicle Replacement	Purchase and outfit one (1) administration command vehicle	Ambulance Receipts	$85,000
	b. Forestry Truck Repair	Costs for goods, materials and professional services to replace forestry truck engine	Ambulance Receipts	$30,000
	c. Cardiac Monitor Replacement	Costs for goods, materials and professional services to replace cardiac monitors	Ambulance Receipts & Reappropriate Prior Capital Articles	$67,667
		Sub-Total		**$182,667**
9	**Ladies Library**			
	a. Roof Replacement Design	Costs for goods, materials and professional services to develop design plans to repair and/or replace roofing materials and related facility improvements	Free Cash	$75,000
		Sub-Total		**$75,000**

	Department	*Item*	*Funding Source(s) / Appropriation or Transfer*	*Amount*
10	**Golf**			
	a. Equipment Replacement	Purchase and replace equipment necessary to maintain golf course	Golf Retained Earnings	$400,000
	b. Maintenance Building Design	Professional services associated with the planning, design, and oversight of a new maintenance building	Golf Retained Earnings	$420,000
	c. Clubhouse Restroom Upgrades	Costs for goods, materials and professional services to improve clubhouse bathroom facilities	Reappropriate Prior Capital Articles	$92,359
	d. Restaurant Equipment, Furnishings, and Repairs	Purchase and install restaurant/kitchen equipment, furnishings, and any other related costs to maintain the restaurant	Golf Retained Earnings	$10,000
	e. Cart Path Improvements	Costs for goods, materials and professional services to repair and/or repave cart paths	Golf Retained Earnings	$120,000
	f. Driving Range Improvements	Costs for goods, materials and professional services to make driving range facility, site, and/or equipment upgrades	Reappropriate Prior Capital Articles	$60,000
	g. Brush Removal	Costs for professional services to remove brush	Reappropriate Prior Capital Articles	$20,000
			Sub-Total	**$1,122,359**
			Grand Total	**$2,756,156**

Or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

1. ASSESSORS

1a. Valuation Services - These funds will be used to cover contractual obligations to a private firm for property valuation services required to annually set assessed value, collect new growth, and perform property inspections as required by the Department of Revenue for the annual assessment and allocation of the tax levy. The valuation services contractor performs all inspections, data collection, analysis, and updates, including new growth inspections and cyclical re-inspections.

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

2. NATURAL RESOURCES

2a. Security - These funds will be used to make security improvements at the Natural Resources facility. Similar security measures have been implemented at most town buildings.

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

2b. Beach and Landing Repairs - These funds will be used to pay for professional services and repairs to various public beaches and landings throughout the town, including beach sand renourishment.

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

2c. Linnell Landing ADA Platform Restoration - These funds will be used to rebuild the coastal ramp and ADA viewing platform at Linnell Landing. The current wood ramp and viewing platform access have deteriorated over time due to age and changing conditions at the beach. This is one of our fully accessible beach locations so it is important to maintain so everyone may enjoy the beach.

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

2d. Beach and Park Signage Upgrades - These funds will be used to replace regulation signs at our beaches and landings throughout the town as well as to upgrade signage at town public parks, such as Drummer Boy.

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

3. WATER DEPARTMENT

3a. Variable Frequency Drive (VFD) Replacement - These funds will be used to replace VFDs that have shown signs of intermittent failure. VFDs are used to control the flow of water in a manner that is efficient and reduce pressure surges in the distribution system that can be harmful to water infrastructure.

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

3b. Cybersecurity & Communications Systems Upgrades - These funds will be used to perform a Cyber Security Assessment which is required by the Department of Environmental Protection every five years. Once the assessment is completed, it also allows the Town to submit for grants associated with cyber security. Funds will also be used to eliminate intermittent communication failures by reprogramming the SCADA system and data radios.

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

4. DEPARTMENT OF PUBLIC WORKS

4a. Drainage/Road Maintenance - These funds will be used for professional services, including but not limited to engineering, permitting, and construction costs, and in-house construction costs associated with road maintenance and drainage on various public roadways in Town. This standard article represents our annual commitment to maintaining public roads, consistent with our Pavement Management Plan.

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

4b. Landfill Monitoring - These funds will be used to pay for services for regulatory landfill monitoring requirements including engineering, permitting, and construction costs required to continue to meet the landfill monitoring regulatory requirements.

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

4c. MS4 Stormwater Compliance - These funds will be used to pay for services for MS4 stormwater compliance including monitoring, design, permitting and construction for stormwater related projects.

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

4d. Landscape Trailer Replacement – These funds will be used to replace a 2018 DPW landscape trailer which is used to transport DPW equipment on a daily basis.

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

4e. Standup Mower – These funds will be used to add a more versatile mower to the landscape fleet. Public Works is responsible for upkeep of many town resources, and the additional mower will allow crews to be deployed more efficiently.

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

4f. One Ton Dump Truck Replacement - These funds will be used to purchase and equip one (1) dump truck, including but not limited to a plow package, material spreader, emergency lighting, and radio. The vehicle is used for daily operations, snow and ice operations and emergency response. The current vehicle is past its useful life.

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

4g. DWP Building Evaluation – These funds will be used Engage an Architect/Engineer/Design consultant to perform a feasibility study of existing Public Works structures as it relates to future space planning, mechanical systems, and building envelope improvements. The current buildings were built in the 1980s.

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

5. FACILITIES

5a. Security – These funds will be used to replace parts/software of existing town building security systems that were installed in 2015 and need to be replaced for the systems to continue to function.

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

5b. Town Hall Plumbing Repairs – These funds will be used to repair and replace plumbing piping and systems in Town Hall which have recently showed leaks due to their age. This facility is one of our most heavily trafficked buildings in terms of daily resident visits.

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

5c. Drummer Boy Shed & Gazebo Improvements – These funds will be used to purchase and install a new storage shed at Drummer Boy Park and to make necessary repairs to the gazebo. These improvements are consistent with the updated Drummer Boy Master Plan approved in 2024.

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

6. INFORMATION TECHNOLOGY

6a. Technology Upgrades / Replacement - These funds will be used to purchase upgraded desktop computers, servers, productivity and office software, backup systems, and other hardware and software for Town departments. Computers and servers are replaced on a 3-5 year rotating schedule, and older machines are issued to users with less intensive computer needs. This standard article represents our annual commitment to replacing equipment that is past its useful life.

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

6b. Orthoimagery & Planimetrics Update – These funds will be used to pay for Brewster's portion of the orthoimagery and planimetrics. The Cape Cod Commission has partnered with Cape Towns to provide orthoimagery of features to be collected from aerial photography to perform associated planimetric data. The imagery and data are updated every 5 years for participating towns.

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

7. POLICE DEPARTMENT

7a. Vehicle Replacement - These funds will be used to purchase, outfit, and equip two (2) new hybrid police cruisers and (1) motorcycle. The purchase of two hybrid vehicles reflects the Town's commitment to continuing to transition our fleet to hybrid and/or electric vehicles whenever feasible. The Police Department relies on these cruisers for patrol and emergency response. The addition of a police motorcycle will help support special events, provide enhanced traffic enforcement opportunities, and increase access to the Cape Cod Rail Trail for emergency response. Included in the cost is outfitting the vehicle with emergency lights/sirens and equipping the vehicle with the tools necessary for responding to a variety of emergencies. The purchased hybrid cruisers will be replacing outgoing vehicles, which will be sold via auction.

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

7b. Community Room & Building Improvements – These funds will be used to make improvements and repairs to the Police Station building and community room. The Police Station building is almost 25 years old. The Community Room is used on a regular basis by town and community groups.

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

8. FIRE DEPARTMENT

8a. Administration Vehicle Replacement - These funds will be used to purchase and outfit one administrative command vehicle. The current vehicle being replaced is a 2016 and administrative command staff are on call 24/7.

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

8b. Forestry Truck Repair - These funds will be used to replace the engine in the Fire Department's Forestry Truck which is currently inoperable. Replacement of the engine will extend the life of the vehicle for an additional 10 years since the rest of the truck is in good condition.

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

8c. Cardiac Monitor Replacement - These funds will be combined with grant funds to replace three cardiac monitors which are essential to life saving activities.

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

9. LIBRARY

9a. Roof Replacement Design – These funds will be used to hire a design professional to create plans and specifications and an estimate of cost to replace the roof at the Brewster Ladies Library. The Library roof is almost 30 years old and there are often interior leaks in the library due to roof and skylight failure. The Library recently had a Building Science Study done and replacement of the roof was identified as a priority.

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

10. GOLF DEPARTMENT

10a. Equipment Replacement – These funds will be used to replace several key pieces of landscaping equipment needed to maintain superior playing conditions on the course. This standard article represents our annual commitment to replacing equipment that is past its useful life.

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

10b. Golf Maintenance Building Design – These funds will be used to advance design plans for construction of a new maintenance facility which is in need of replacement and is original to the course. The Town through design professionals has studied the current facility restrictions and program needs to continue to offer safe and adequate maintenance operations and house critical equipment.

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

10c. Clubhouse Restroom Upgrades- This request is for additional funds to do a complete renovation of the bathrooms in the pavilion. The Captains hosts more than 90,000 rounds of golf a year; the bathrooms are heavily utilized and need a complete overhaul.

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

10d. Restaurant Equipment, Furnishings, and Repairs – These funds will be used to replace kitchen equipment and other furnishings related to the restaurant that are at the end of their useful life. This equipment is owned by the Town, and, in order to maintain a fully functioning restaurant at the golf course, it is necessary to regularly repair and/or replace it.

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

10e. Cart Path Improvements – These funds will be used to repave and repair the cart paths at Captains Golf Course. Many cart paths at the golf course are currently in disrepair and detract from the overall golfing experience for customers.

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

10f. Driving Range Improvements – These funds will be used to make facility, site, and equipment repairs at the Driving Range which is a highly used companion facility to the Captains Golf Course.

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

10g. Brush Removal – These funds will be used to have the brush pile at the course removed. The Captains maintenance staff handles large volumes of course materials which need to be removed every couple of years.

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

SEA CAMPS CAPITAL AND SPECIAL PROJECTS EXPENDITURES

ARTICLE NO. 7: 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 or 8, or any other enabling authority, for the capital outlay expenditures related to the Sea Camps properties listed below, including, in each case, all incidental and related costs, to be expended by the Town Manager; 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, be authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced, all as set forth below:

	Project	*Item*	*Funding Source(s)*	*Amount*
1	Pond Property (500 W.H. Besse Cartway)			
	a. Initial Design & Permitting	Professional services and costs for design and permitting activities associated with educational programming, expanding public access, stormwater treatment enhancements, building demolition, trail construction, and parking and/or trail improvements	Free Cash	$150,000
		Sub-Total		**$150,000**
2	Bay Property (3057 Main Street)			
		Infrastructure		
	a. Building Demolition Design (Phase 2)	Professional services and costs for design and permitting activities associated with building demolition and hazardous material abatement	Free Cash	$70,000
	b. Building Demolition (Phase 2)	Professional services and costs for building demolition and hazardous material abatement	Free Cash	$300,000
	c. New Parking Design	Professional services and costs for design and permitting activities associated with construction of new parking areas for the boathouse, nature center, community cabins, and First Light Beach overflow	Free Cash	$50,000
	d. Dune Restoration Design	Professional services and costs for design and permitting activities associated with restoration of coastal dune	Free Cash	$50,000
	e. Water Main Replacement Design	Professional services and costs for design and permitting activities associated with replacing and upgrading the existing water main	Free Cash & Water Retained Earnings	$100,000
		Sub-Total		**$570,000**

	Project	*Item*	*Funding Source(s)*	*Amount*
		Amenities		
	f. Tennis Courts Design	Professional services and costs for design and permitting activities associated with construction of new tennis courts	Free Cash	$50,000
			Sub-Total	**$50,000**
		General		
	g. Limited Maintenance and Stabilization of Existing Buildings	Costs for goods, materials, and professional services to maintain and stabilize buildings and associated utilities	Free Cash	$100,000
	h. Workforce Housing Improvements	Costs for goods, materials, and professional services to renovate buildings for reuse as workforce housing	Free Cash	$200,000
			Sub-Total	**$300,000**
			Grand Total	**$1,070,000**

or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

Following the results of last year's request to finance improvements to the Sea Camps properties with excluded debt, the Town engaged in listening sessions and conducted a community survey, asking for feedback from residents about how best to proceed with implementing the Comprehensive Plans that were adopted by Town Meeting in May 2024. The Sea Camps Advisory Committee and Town Administration have developed a revised phasing and financing plan that is responsive to this collective input.

The new plan requires no debt for initial phases. Project costs have been reduced, and timelines have been extended to limit the tax impacts of implementation. As a result, proposed Sea Camps capital improvements have been integrated into the Town's capital planning processes that account for all anticipated facility, fleet, property, and initiative needs across the entire organization. The new 4-Year Plan for the Sea Camps can be found in Appendix A of this warrant. It includes work expected to be completed in Phases 1 & 2 on the Bay Property and Phases 1-3 on the Pond Property. Going forward, this plan will be annually updated based on available funds, revised project costs, organizational capacity, and community priorities.

This article is organized in the same manner as the Town's standard capital and special projects article that is included in every Town Meeting warrant. In this way, residents have an opportunity to understand each funding request, estimated project amounts, and relevant funding sources. Our FY26 funding recommendations for Sea Camps improvements total $1,070,000, with all but $50,000 to be funded with available Free Cash, which was certified at approximately $3.75M.

1. POND PROPERTY

1a. Initial Design & Permitting – These funds will be used for design and permit work associated with numerous site improvements to the Pond Property, including trail maintenance and construction, building removal, additional parking, stormwater treatment enhancements, and public amenities. While some of these activities will be financed through grants and gifts, funding is needed to complete design and to secure all necessary permits. In general, the associated improvements aim to improve public access and provide better opportunities for nature-based programming on this property.

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

2. BAY PROPERTY

2a. Building Demolition Design (Phase 2) – These funds will be used to cover design costs to prepare specifications for bidding the next round of demolition of up to 35 buildings. Most of the design work for Phase 1 demolition can be updated and reused for Phase 2.

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

2b. Building Demolition (Phase 2) - These funds will be used to cover a portion of the costs to continue to remove buildings. Town Meeting previously appropriated funds for an initial round of demolition for 10 buildings that were identified to be structurally unsound and/or containing hazardous materials. We estimate this second round of demolition of up to 35 additional buildings will cost about $800,000. To keep our annual capital funding requests relatively consistent year over year, we have spread out this funding request over at least two years. Based on our current costs estimates, we anticipate requesting another $500,000 for this purpose in future years. These costs include all site work as well as addressing relevant utilities, including septic systems.

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

2c. New Parking Design – These funds will be used to design a new parking area identified in the 2024 Bay Property Comprehensive Plan to be located just south of the current First Light Beach parking lot. This lot will provide parking for the boathouse, nature center, and community cabins as well as overflow parking for the beach. Funding requests to construct this new parking lot will be brought to future Town Meetings once the design process is complete.

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

2d. Dune Restoration Design – These funds will be used to design and permit restoration of the coastal dune to the north of the First Light Beach parking lot. The Town plans to remove the two (2) remaining tennis courts in the dune that are in poor condition. The dune will be restored to its natural state, enhancing habitat and improving resilience. The Town plans to apply for state grant funding to help finance this project and will return any Town funds if grant funds are secured.

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

2e. Water Main Replacement Design – These funds will be used to design and permit a new water main across and through the Bay Property. The current main was installed in the early 1970s in the coastal dune. Water main piping of the same material and vintage has failed in recent years at other nearby locations in the dune. The installation of this new main will protect valuable utility infrastructure and will improve overall water system hydraulics, helping with fire protection and drinking water quality. The Water Department plans to install this new main with in-house staff, leading to significant cost savings. This $100,000 funding request is split between $50,000 in Free Cash and $50,000 in Water Retained Earnings. The Town plans to apply for state grant funding to help finance this project and will return any Town funds if grant funds are secured.

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

2f. Tennis Courts Design – These funds will be used to design four (4) new tennis courts in the northeast corner of the athletic fields as identified in the 2024 Bay Property Comprehensive Plan. Court space at the Stony Brook complex is at a premium, based in large part on the dramatic increase in residents playing pickleball over the past several years. The tennis and pickleball communities support the construction of these new tennis courts at the Sea Camps to alleviate demand on our existing courts. These new courts will be open to the public and will also be a critical asset to the Summer Rec program. The Town anticipates bringing a funding request to the Community Preservation Committee and Town Meeting for construction of the courts once design is complete.

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

2g. Limited Maintenance and Stabilization of Existing Buildings – These funds will be used to pay for ongoing maintenance of the 40+ buildings that are expected to remain long-term on site. While some are in good condition, others will need some attention in the next several years before they are restored for community use.

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

2h. Workforce Housing Improvements – These funds will be used to renovate two buildings on the Bay Property for reuse as workforce housing. The so-called Westcott House is a two-story building with an apartment on each floor that was used by the Sea Camps for staff housing. The 2nd floor of the historic white administration building has also historically been used for congregate staff housing. Both require some moderate renovation work to bring them up to code. We currently anticipate that the Westcott House units will be available for year-round housing for Town employees, while the 2nd floor of the administration building will be rented out as seasonal workforce housing for community organizations that have partnered with the Town on the Sea Camps.

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

CONSERVATION RESTRICTION ACQUISITION: THACHERS BOG (HARWICH)

ARTICLE NO. 8: To see if the Town will vote to authorize the Select Board to acquire and hold, for watershed protection and conservation purposes under the provisions of MGL Ch. 40, Sec. 41 and by purchase, gift and/or eminent domain, a conservation restriction on an approximately 20-22 acre portion of the parcel of land located at 379 Main Street in Harwich and described in a deed recorded with the Barnstable Registry of Deeds in Book 37024, Page 323, and, further, to raise and appropriate, transfer from available funds, and/or borrow $300,000 for the foregoing purposes and costs incidental or related thereto, or to take any other action relative thereto.

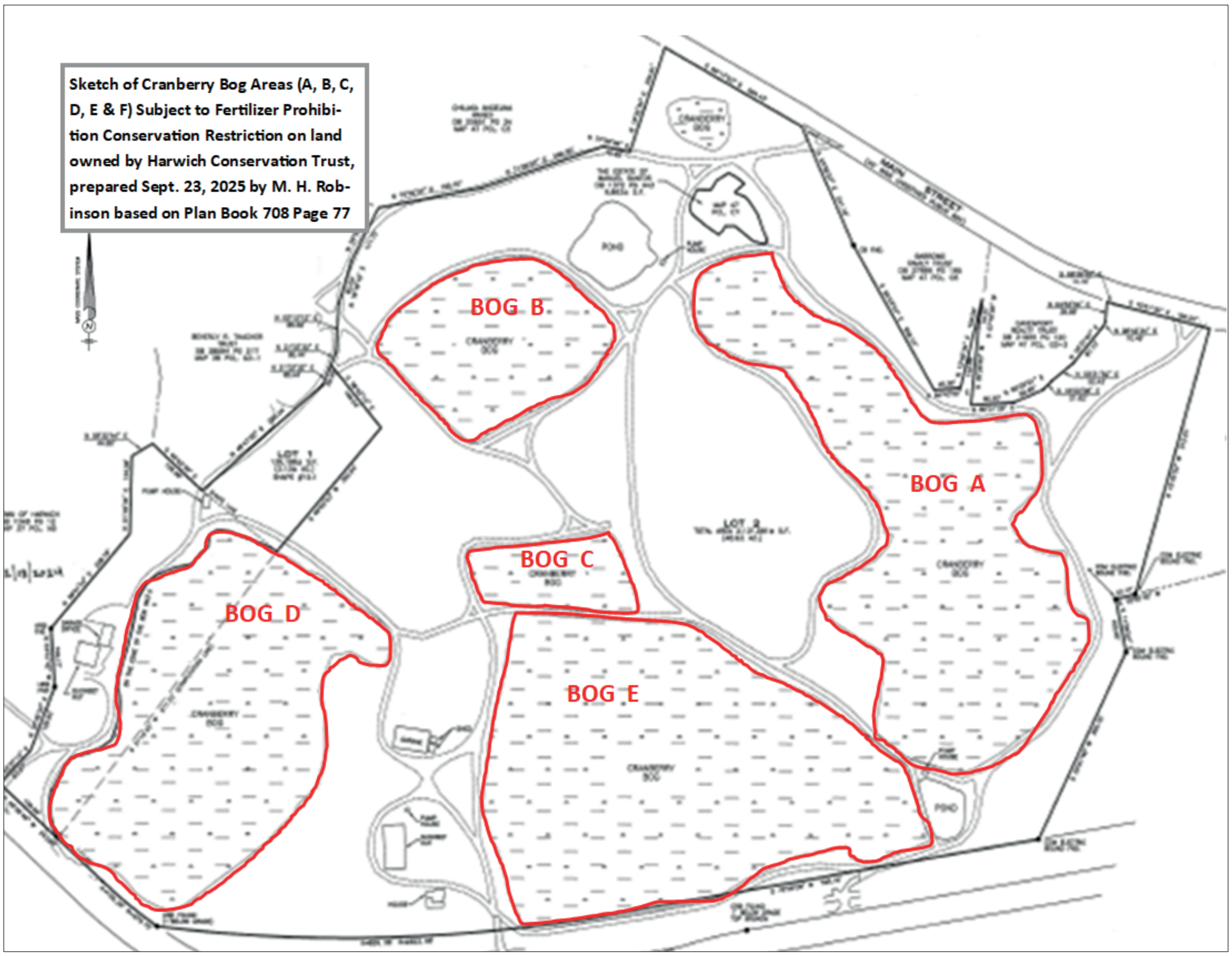
(Select Board) (Majority Vote Required)

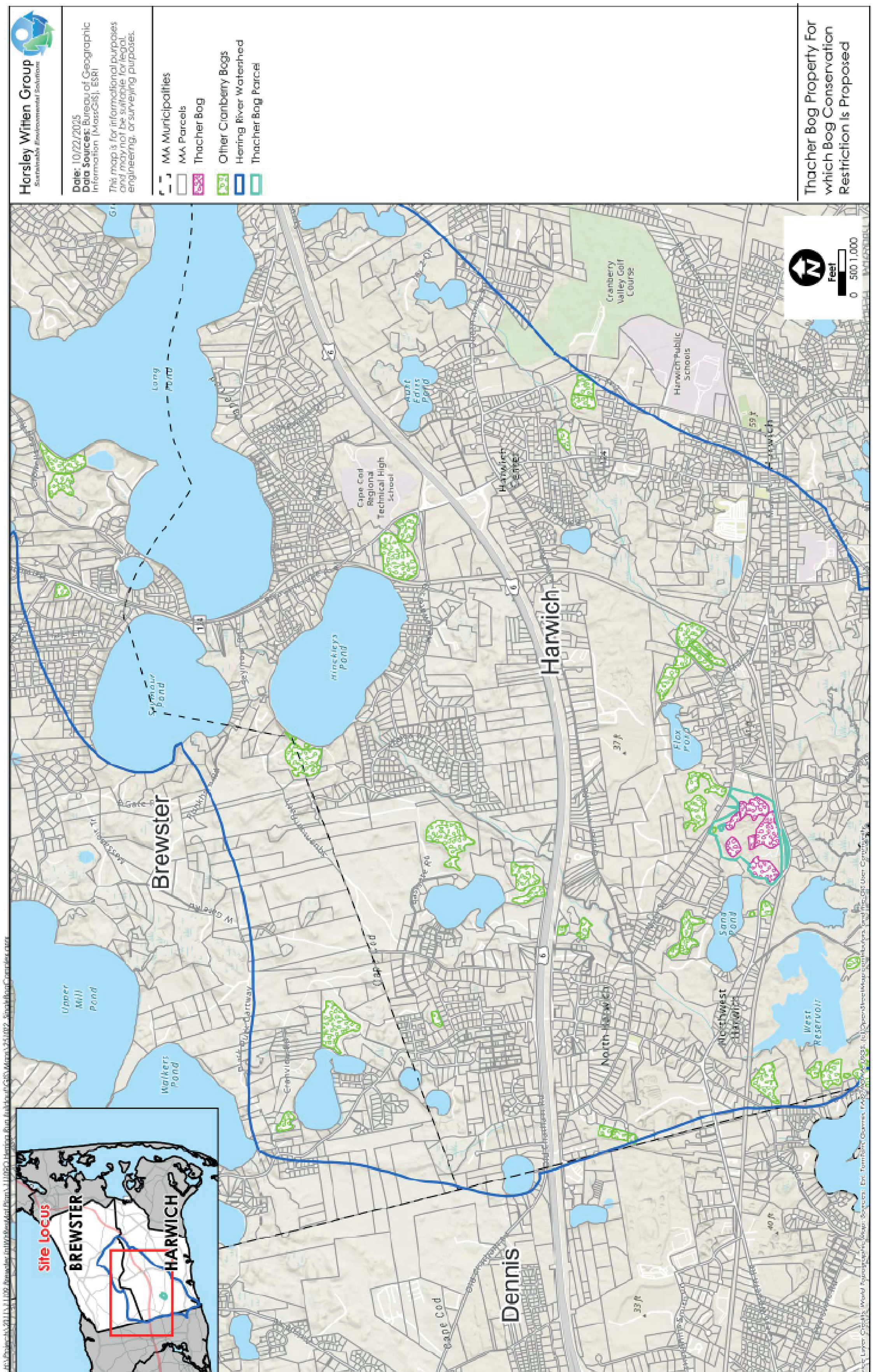
COMMENT

This article seeks to appropriate $300,000 in available funds from the Water Quality Stabilization Fund to purchase a conservation restriction that would prohibit future fertilizer application on an approximate 20 acre cranberry bog owned by the Harwich Conservation Trust. Under new state regulations, Brewster is obligated to reduce nitrogen contributions to the Herring River Watershed, which has been designated as a Nitrogen Sensitive Area. Brewster's portion of the Herring River Watershed includes Long Pond, Sheep Pond and Seymour Pond, and their surrounding neighborhoods. Over the past two years, the Town has secured state grant funding to develop a plan to address these new obligations.

After accounting for maximum future housing development in this area of town, Brewster will be required to reduce our annual nitrogen contributions to the watershed by 145 kg/year. After conferring with MA Department of Environmental Protection officials, we have confirmed that the purchase of this conservation restriction will ensure that Brewster not only meets but exceeds our obligations by over 40 kg/year. As a result, before our new permit is even finalized, the Town knows that we will not be required to install sewer infrastructure or require residents to upgrade their septic systems within this watershed to comply with these state regulations. In doing so, Brewster retains our ability to develop and implement water quality improvements in ways that best meet the needs and priorities of the community. This partnership also results in more immediate water quality improvements to the Herring River estuary. While this approach may seem novel, Brewster has previously partnered with both Dennis and Orleans to impose restrictions on conservation properties that have shared regional water quality benefits.

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




Horsley Witten Group
Sustainable Environmental Solutions
Date: 10/22/2025
Data Sources: Bureau of Geographic Information (MassGIS), ESRI
This map is for informational purposes and may not be suitable for legal, engineering, or surveying purposes.
MA Municipalities
MA Parcels
Thacher Bog
Other Cranberry Bogs
Herring River Watershed
Thacher Bog Parcel
Thacher Bog Property For which Bog Conservation Restriction Is Proposed
Feet
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Site Locus
BREWSTER
HARWICH
Brewster
Harwich
Dennis
Long Pond
Seymour Pond
Hinckleys Pond
Upper Mill Pond
Walkers Pond
Flax Pond
Sand Pond
West Reservoir
Cape Cod Regional Technical High School
Harwich Public Schools
Cranberry Valley Golf Course
Harwich Center
North Harwich
Northwest Harwich

CREATION OF NEW REVOLVING FUND: SHORT-TERM RENTALS

ARTICLE NO. 9: To see if the Town will vote to amend the General Bylaws, Section 21-8, to create a new revolving fund, consistent with MGL Ch. 44 Sec 53E½, for the purposes of managing registration and/or inspection systems related to short-term rentals, in a manner as follows:

Revolving Fund	Authority to Spend	Use of Fund	Fiscal Year Spending Limit
Short-Term Rentals	Department Heads – Community Planning & Land Use Management, Health Department, Fire Department	Expenses shall be related to salaries and operations of a short-term rental registration and/or inspection program, and not for any other purposes	$200,000

Or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

This article will create a new revolving fund which will separately account for fees collected to support operations of a new registration and/or inspection program for short-term rentals, consistent with the consensus recommendations of the Short-Term Rental Task Force. Creation of this revolving fund will allow the Town to fund additional staff to help manage this new program and to cover related operating expenses and one-time start-up costs, including but not limited to 3rd party data collection and monitoring of short-term rentals.

Select Board: Yes 3, No 0, Abs 0 Finance Committee: Yes 7, No 0, Abs 0

COMMITTEE REPORT: SHORT-TERM RENTAL TASK FORCE

ARTICLE NO. 10: To see if Town will vote to accept the report of the Short-Term Rental Task Force or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

<u>COMMENT</u>

As they have now released a Final Report, this is the third and final progress update from the Short-Term Rental Task Force to Town Meeting (the full report is included as Appendix B of this warrant).

In their monthly meetings throughout early 2025, the Short-Term Rental Task Force worked according to their charge to evaluate and the impacts of short-term rentals on the health, safety, and quality of life of our residents, on the local economy, and on year-round housing availability in our community, and to develop and report out on policy recommendations to the Select Board and other relevant stakeholder. To navigate this important and complicated subject which is evolving in real-time, they investigated various perspectives and topics related to short-term rentals in each of their monthly meetings, including the legal landscape, financial and budget impacts, inspections and licenses, housing impacts, and interaction with our local economy.

Having heard from staff and others on each of these topics at its meetings, the Task Force turned its attention in Summer 2025 to analyzing the information it had received. The Task Force identified consensus policy goals and outcomes, assessing potential policy solutions to achieve goals/outcomes, while accounting for operational, staffing, and cost impacts of each proposed approach. The Task Force prepared and released a draft report to capture these priorities and to summarize all they had learned.

Upon release of the draft report, the Task Force hosted a public listening session in August 2025 to hear and receive community feedback. The listening session was well-attended, with over 100 attendees. Residents provided a range of experiences and perspectives both on the report and on the topic of short-term rentals generally. Broadly, the feedback received from the community was largely in line with what the Task Force had captured in the draft report.

At the end of August, the Task Force issued their Final Report that reflected some minor revisions made based on the listening session, in particular, related to some neighborhood effects of STRs. Major report recommendations include establishing a registration, licensing, and inspection program for short-term rentals; adopting administrative and operational requirements by general bylaw and/ or regulations, including occupancy requirements consistent with state law; and refraining from amending zoning relative to STRs until MA law is settled.

The Select Board and other relevant boards and committees will continue to navigate implementation of these recommendations during their meetings. Further listening sessions and/or hearings may be convened for community feedback as policy development and implementation takes shape.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 7, No 0, Abs 0

PROPERTY VALUATION SERVICES CONTRACT

ARTICLE NO. 11: To see if the Town will vote to authorize the Town Manager to solicit bids and/or proposals, enter into a contract or contracts for the purposes of conducting revaluations of real and personal property for up to a five year period, or to take any other action relative thereto.

(Select Board) (Majority Vote Required)

COMMENT

The Town contracts with an outside firm for property valuation services required to annually set assessed value, collect new growth, and perform property inspections. The Town will solicit and evaluate bids received from private firms. The Town then awards a contract to the firm or individual submitting the most advantageous proposal, taking into consideration the proposal's relative merit and price. In this case, the Town is seeking to issue a contract for up to a five year period, which requires Town Meeting approval, in accordance with MGL Chapter 30B.

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

ZONING BYLAW AMENDMENTS: ACCESSORY DWELLING UNITS

ARTICLE NO. 12: To see if the Town will vote to amend the following sections of the Zoning bylaw as specified below by deleting the strikethrough language and inserting the **bold and underlined** language, and making other such changes, as indicated below, or to take any other action relative thereto:

§ 179-2.B. Definitions.

Deleting the definition for "Accessory Commercial Dwelling Unit" and inserting the definition for "Mixed Use Development".

~~ACCESSORY COMMERCIAL DWELLING UNIT (ACDU) — A housing unit, complete with its own sleeping, cooking and sanitary facilities, that is located within a structure containing a commercial, wholesale or industrial use, or in a separate structure on the same lot as a commercial, wholesale or industrial use. An ACDU shall have no more than two bedrooms and shall have a maximum habitable area of 900 square feet or 40% of the habitable area of the commercial, wholesale or industrial unit, whichever is less. Unenclosed additions constructed to serve an ACDU such as an entry, secondary egress or exterior stairs shall not be included in the maximum habitable area of the ACDU.~~

MIXED USE DEVELOPMENT – As defined in MGL Chapter 40A, Section 1A, a development containing a mix of residential uses and non- residential uses, including, without limitation, commercial, institutional, industrial or other uses. Dwelling units in a Mixed Use Development shall not be considered a Multi-Family Dwelling, a Row or Town House or a Single Family Dwelling as defined in this Section 179-2.

Deleting the definition for "Accessory Single-Family Dwelling Unit (ADU)" and inserting the definition for "ADU, Protected Use".

~~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~~.

ADU, PROTECTED USE- A secondary dwelling with the benefit of protections set out under MGL Ch. 40A, Section 3. A Protected Use ADU is defined in 760 CMR 71.02, except that pursuant to the authority reserved to the Town under 760 CMR 71.03, a Protected Use ADU may contain up to 1000 square feet of gross floor area.

Amending definitions as indicated below:

DWELLING, MULTIFAMILY — **As defined in MGL Chapter 40A, Section 1A, a residential** building containing three or more dwelling units, **or two or more residential buildings on the same lot with more than one dwelling unit in each building**.

DWELLING, **SINGLE**~~ONE~~ FAMILY ~~DETACHED~~-- A **detached** building **consisting of** ~~taining~~ 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" **or under 760 CMR 71.02 as a "single-family residential dwelling."**

DWELLING, ~~ONE FAMILY~~ SECURITY — **A single dwelling unit, limited to no more than 1000 sq ft gross floor area, for occupancy by a person(s) responsible for the protection of property and safe operation of a permitted commercial or industrial use on a lot. Such a unit shall not be considered a single-family dwelling or a Protected Use ADU within the meaning of this Chapter but shall be considered a use and/ or structure accessory to the permitted commercial or industrial use and development on a lot. There shall be no more than one such unit on a lot, and such unit may be within or attached to building, or in a separate detached building on the same lot as the principal commercial or industrial use to which the unit is accessory. Such unit shall not be used for Short Term Rental Use as defined under MGL Ch. 64G**.~~One family dwelling unit for owner occupancy or for occupancy by personnel hired by the owner for the protection of property and safe operation of a permitted use.~~

FLOOR AREA, **GROSS**~~NET~~ — **As defined in 760 CMR 71.02**.~~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.~~

Deleting Section 179-42.2 in its entirety and replacing it with the following:

§ 179-42.2. Protected Use ADUs.

The purposes of this 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.

Protected Use ADUs shall be subject to the following standards, which are intended to be "Reasonable Regulations" within the meaning of MGL Ch. 40A, Section 3 and 760 CMR 71. 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. To the extent there is conflict between the provisions in this section or chapter and MGL Ch. 40A, Section 3 or 760 CMR 71, the provisions of MGL Ch. 40A, Section 3 or 760 CMR 71 shall control:

A. A Protected Use ADU may be located within, connected to or adjoining the principal dwelling to which it is accessory, or in a detached, accessory residential building on the same lot as the principal dwelling. 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.

B. There shall be no more than one Protected Use ADU per lot.

C. A Protected Use ADU shall have no more than 1,000 square feet of gross floor area.

D. A minimum of one parking space for the Protected Use ADU shall be provided in addition to the parking spaces for the principal dwelling, provided, however, that no additional parking space shall be required for an ADU if any portion of its lot is located within 0.5 miles of a Transit Station as defined in 760 CMR 71.02.

E. A Residential Accessory Building in which a Protected Use ADU is located, or to which a Protected Use ADU is attached, shall not otherwise contain bedrooms outside the ADU portion of the building.

F. A Protected Use 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 that pertain to the underlying lot, either as set out in Table 2, Area Regulations, and Table 3, Height and Bulk Regulations, or as might be modified under Article VIII of this chapter, except that a lot on which a Protected Use ADU is located need not comply with the minimum lot area requirements of the zoning district in which the Protected Use ADU is or will be located, and provided further that such requirements are not more restrictive than is required for the Principal Dwelling or a Single-Family Residential Dwelling or accessory structure thereto in the zoning district in which the Protected Use ADU is or will be located. To the extent that a Protected Use ADU may be located on a nonconforming lot or within or attached to a nonconforming structure or use, the Protected Use ADU is also subject

to Article VIII of this chapter, except that the proposed alteration, extension or addition to accommodate a Protected Use ADU shall only require a finding by a majority vote of the Board of Appeals that the proposed alteration, extension or addition is not substantially more detrimental to the neighborhood than the existing structure or use. The construction of a Protected Use ADU within a nonconforming principal dwelling shall not be considered by itself to increase the nonconforming nature of the building.

G. The Protected Use ADU shall only be used for year-round dwelling purposes, and if leased or rented, shall be leased or sub-leased for periods of no less than ten (10) months at a time.

H. A Protected Use ADU shall not be used for Short Term Rental Use as defined under MGL Ch. 64G, and no such short-term rental use shall be permitted on a lot containing a Protected Use ADU.

I. A Protected Use ADU shall be used and designed consistent with the residential nature of the principal dwelling. An ADU shall not be used as or for commercial accommodations.

J. A Protected Use 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. A Protected Use ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory.

L. Lawfully existing Accessory Apartments, Family Apartments, One Family Security Dwellings and Accessory Single Family Dwelling Units approved under prior versions of this Chapter shall be considered Protected Use ADUs hereunder by operation of law, provided they meet the definition for a Protected Use ADU as set out herein

M. The Building Commissioner is authorized to establish, administer, and maintain, and may amend from time to time, an administrative permitting and/or registration process for Protected Use ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational, zoning compliance, or record-keeping purposes under 760 CMR 71.04.

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 a Protected Use ADU be removed in order to abate a violation of this section.

Deleting Section 179-42.3 in its entirety and replacing it with the following:

§ 179-42.3. Mixed Use Development.

A. **Mixed Use Development is allowed in the Village Business (VB) and Commercial High Density (CH) districts. The non-residential uses in a Mixed Use Development must be permitted or specially permitted uses in the subject district as set out in Table 1 of this Chapter, Use Regulations.**

B. **Mixed Use Development with more than three (3) dwelling units on a lot requires a special permit from the Planning Board.**

C. **There shall be no more than six (6) dwelling units on a lot in the Mixed Use Development.**

D. **Mixed Use Development is subject to all other applicable provisions and sections of this Chapter including but not limited to Table 2, Area Regulations; Table 3, Height and Bulk Regulations; Article VI, Signs; Article VII, Off-Street Parking and Loading; and Article XII, Site Plan Review. Notwithstanding the foregoing, mixed use buildings in Mixed Use Developments may be up to 35 feet in height.**

E. **Mixed Use Development shall be subject to review under Article XII of this Chapter, "Site Plan Review." Under site plan review for Mixed Use Development, the Planning Board may assess the proposed placement and arrangement of buildings on the lot for compatibility with the overall use and development program on the lot or on surrounding properties, and for consistency with the design guidance contained in this section.**

F. **The mixed residential and non-residential uses, along with common parking, drives and other infrastructure, facilities and amenities provided to serve the entire development, shall be integrated into a safe, efficient and coherent development scheme through coordinated site and building design. The optimal design intended by this section is a multi-story building(s) containing primarily non-residential uses on the ground floor and residential uses on the upper floor(s), with landscaped common areas or other site amenities encouraging a pedestrian-friendly site design.**

G. **Mixed Use Development may be contained in one or more buildings on a lot. If more than two buildings are proposed, at least one building must contain both residential and non-residential uses, with at least one non-residential use located on the ground floor of the building and facing the street. Mixed Use Development shall be designed so that dwelling units are primarily located on upper floors or are located to the rear of non-residential uses in buildings and on the lot. Where there are building(s) containing exclusively dwelling unit(s), such building(s) shall generally be less prominent and placed to the rear of the mixed use building(s) and the site**

H. **At least 30% of the gross floor area of the Mixed Use Development shall be for non-residential uses.**

I. **In addition to the base minimum lot size required in the applicable VB or CH district, there shall be a minimum of 5000 square feet of buildable upland provided on the lot per dwelling unit in a Mixed Use Development, for 2 or more dwelling units.**

J. **A dwelling unit in a Mixed Use Development shall be limited to a maximum of 1000 square feet gross floor area.**

K. **In addition to other parking standards, at least one parking space shall be provided per dwelling unit in a Mixed Use Development, unless waived or varied by the Planning Board through site plan review.**

L. **A dwelling unit in a Mixed Use Development shall not be used as a Short Term Rental (STR) as defined in MGL Ch. 64G.**

And revising Table 1 Use Regulations and Table 2 Area Regulations as follows:

Table 1
Use Regulations

KEY:
P = Permitted Use
S = Special Permit Use
Use with a dash ("-") = Prohibited Use

		District							
		R-R	**R-L**	**R-M**	**C-H**	**V-B**	**I**	**MRD**	**PWS-CF**
Residential									
1.	Accessory residential building	P	P	P	-*	P	-	-	-
2.	~~Accessory commercial dwelling unit "ACD"~~ **Mixed-Use Development, up to and including three dwelling units per lot**	-	-	-	~~S~~**P**	~~S~~**P**	-	-	-
3.	**Mixed Use Development, more than three dwelling units per lot, up to six dwelling units total per lot**	-	-	-	**S**	**S**	-	-	-
~~3~~.**4**	~~Accessory single-family dwelling unit "ADU" on a lot of 15,000 square feet or more~~ **Protected Use ADU**	P	P	P	-*	P	-	-	-
~~4.~~	~~Accessory single-family dwelling unit "ADU" on a lot less than 15,000 square feet~~	~~S~~	~~S~~	~~S~~	-*	~~S~~	-	-	-
5.	Affordable multifamily dwelling units "AMFDU"	-	-	-	P	-	-	-	-
6.	Cluster residential development	S	S	S	-	-	-	-	-
7.	Construction trailer	P	P	P	P	P	P	-	-
8.	Major residential development	S	S	S	S	-	-	-	-
9.	Multifamily dwelling	-	-	-	S	-	-	-	-
10.	**Single** ~~One~~-family ~~detached~~ dwelling	P	P	P	-	P	-	-	-
11.	~~One-family~~ sSecurity dwelling	-	-	-	~~P~~ -	~~P~~-	P	-	-
12.	Planned residential development	-	S	S	-	-	-	-	-
13.	Row or town houses	-	-	-	S	-	-	-	-
14.	Subsidized elderly housing	S	S	S	S	-	-	-	-

*Except as may be permitted for preexisting nonconforming single-family residential properties under Article VIII of this Chapter 179.

<u>Table 2</u>

Area Regulations

Minimum Required Lots[1]

District	Use	Area (square feet)	Lot Frontage[2] (feet)	Yards[3, 4, 5, 6, 7] Front (feet)	Side (feet)	Rear (feet)
R-R	Any permitted structure or principal use	100,000 plus 100,000 for the second principal dwelling	200	40	25	25
R-L	Any permitted structure or principal use	60,000 plus 60,000 for the second principal dwelling	150	40	25	25
R-M	Any permitted structure or principal use	60,000 plus 60,000 for the second principal dwelling	150	40	25	25
C-H/**V-B**	Row commercial	40,000	150	30	20	20
<u>C-H</u>	Multifamily dwellings	130,000 plus 10,000 per bedroom	200	100	30	30
<u>C-H</u>	Hotel and motel	130,000 plus 2,000 per unit	200	100	30	30
<u>C-H</u>	Row house or townhouse	130,000 plus 10,000 per bedroom	200	100	30	30
<u>C-H</u>	Any other permitted structure or principal use	15,000	80	30	15	15
V-B	Any permitted structure or principal use[14]	15,000	80	30	15	15
I	Any permitted structure or use, other than those listed above for the C-H District[9]	20,000	100	30	15	40

NOTES:

1 In general, only one principal structure shall be permitted on one lot. The exceptions are **<u>mixed use development</u>**, planned residential developments, row commercial development, subsidized elderly housing, planned business developments, community facilities, building and construction trade shop or garage uses, and public utilities. Also, residential lots may contain two principal single-family detached dwellings if the lot is twice that required by the Table of Area Regulations for single-family dwellings in that district and if each dwelling is provided proper street access.

...

13 ~~An owner-occupied building containing two dwelling units, one of which shall be an accessory apartment with a net floor area not exceeding 600 square feet and not more than one bedroom, is allowed by a special permit granted by the Board of Appeals. Such building shall be deemed to be owner-occupied if either dwelling unit is occupied by the property owner of record on a year-round basis, except for bona fide temporary absences. A lot shall not contain both an ADU and an accessory apartment~~. **<u>[Reserved]</u>**

(Planning Board) (Two-Thirds Vote Required)

<u>COMMENT</u>

The proposed zoning amendments, which the Planning Board has unanimously recommended for adoption, deal primarily with accessory dwelling units (ADU). An ADU is a type of secondary dwelling located on the same lot as a principal dwelling. Also included within the proposed amendments are matters closely related to or affected by the ADU amendments, including associated, clarifying or necessary changes to the definitions and Use and Area Tables of the Zoning Bylaw.

Brewster first adopted ADU zoning in 2018, amended in 2023. The Planning Board has crafted the current amendments in response to recent changes in state zoning law (MGL Ch. 40A) and regulations (760 CMR 71) resulting from the passage of the Affordable Homes Act, which limit a municipality's zoning authority to regulate certain ADUs. Under the state zoning law and regulations, a municipality must allow at least one ADU on a lot "by right" (referred to as a "Protected Use" ADU), as accessory to a primary residence on the lot, in a zoning district that allows single family dwellings. A municipality can apply "reasonable regulations" to the creation or use of an ADU. The regulations expressly allow municipalities to regulate or prohibit the Short-Term Rental use of Protected Use ADUs and provide that local zoning can be more permissive than state ADU zoning.

The proposed amendments aim to both adhere to state law but preserve as much as possible existing Brewster ADU zoning as previously adopted. Among other things, consistent with state law, the Protected Use ADU amendments eliminate special permit, owner occupancy and bedroom limitations; clarify that "year-round" rentals are defined as at least 10 months/year; maintain Brewster's existing allowance of 1000 sq ft of unit floor area by right; and continue the prohibition on Short-Term Rental use (MGL Chapter 64G) of a property containing a Protected Use ADU.

ADU amendments also provide a timely opportunity to amend other closely related provisions in the Zoning Bylaw dealing with secondary dwelling uses, for purposes of ensuring internal consistency, consistency with state law, and avoiding unintended consequences. The primary subject of these amendments is "Accessory Commercial Dwelling Units" (ACDU). ACDUs are dwelling units located within commercial developments on commercially-zoned lots. ACDUs were incorporated into the Zoning Bylaw at the same time ADUs were, presumably as a corollary to ADUs in the commercial setting. They are in fact very different land uses from ADUs because of the commercial vs. residential zoning context.

The proposed amendments eliminate ACDUs in favor of the use "Mixed Use Development," which is a long- and well-recognized concept in zoning and land use generally. ACDUs are essentially mixed-use development, so the name change should not be seen as a major substantive change from the existing zoning. A more direct approach and clear reference to Mixed Use Development in local zoning will hopefully be easier for staff, boards, applicants and other interested parties to understand and administer.

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

CITIZENS PETITION: A RESOLUTION DECLARING THE TOWN OF BREWSTER, MASSACHUSETTS A POLLINATOR-FRIENDLY COMMUNITY

ARTICLE NO. 13: A non-binding resolution endorsing the protection of pollinators and enhancement of pollinator habitat.

WHEREAS, bees and other pollinators are a crucial component of a healthy ecosystem and a vital link in our food system, providing the pollination responsible for over three quarters of the world's plant species; and

WHEREAS, pollinator populations are in sharp decline due to human land use practices that are causing ongoing habitat loss and fragmentation, expanded pesticide use by consumers and professionals, and increases in pathogens, parasites and the rate of global climate change; and

WHEREAS, extensive research has documented that neonicotinoids and other systemic pesticides cause illness and death to honey bees, native bees, butterflies, moths, other insect pollinators, and beneficial insects; and

WHEREAS, the Town of Brewster is cognizant of the need for safe and healthy landscapes for its residents and habitat for important pollinators; and

WHEREAS, guidelines for land management best practices are available that allow residents, businesses, farms, towns, and land trusts to manage their land in ways that increase pollinator forage and nest sites while decreasing maintenance costs.

NOW, THEREFORE, BE IT RESOLVED by this Select Board of the Town of Brewster that the Town of Brewster is hereby declared a Pollinator-Friendly Community and that the Town encourages the adoption of policies and practices set forth below that support pollinator health by minimizing the use of pesticides and increasing the use of native plants and other pollinator friendly practices;

BE IT FURTHER RESOLVED that the Town of Brewster will set an example by seeking to adopt the pollinator-friendly practices listed below on town-owned land, and encouraging property owners, residents, business owners, and land trusts to adopt pollinator-friendly practices on their properties, including:

(i) Plant more native plant species and remove invasive non-native plants where practicable;

(ii) Avoid the use of insecticides, fungicides, and herbicides; and avoid planting flowering plants treated with systemic insecticides or seeds coated with systemic neonicotinoids; and

(iii) Reduce area dedicated to managed turf lawns, converting this area to pollinator-friendly planting when possible; and

(iv) Adopt organic or chemical-free lawn and landscaping practices, including allowing plant stalks, seed heads and fallen leaves and pine needles to remain through fall and winter, when possible, to provide habitat, food for birds, soil nourishment, and to give important protection needed by overwintering pollinators.

(v) Identify invasive plants and develop strategies to control and/or eradicate them.
BE IT FURTHER RESOLVED that the Clerk of the Select Board of the Town of Brewster shall cause a copy of this resolution to be sent to Governor Maura Healey, Massachusetts Department of Agricultural Resources Commissioner Ashley Randle, State Senator Julian Cyr, and State Representative Christopher Flanagan or to take any other action relative thereto.

(Citizens Petition) (Majority Vote Required)

COMMENT

The Brewster Pollinators, a local organization that is part of a nationwide movement (Pollinator Pathway), have put forth this non-binding resolution to inform residents of the importance of pollinator-friendly habitats. With the Brewster Pollinators leading the way, along with the support of the Town of Brewster and the Brewster Conservation Trust, we hope to encourage residents, property and business owners, as well as land trusts to build and maintain safe and healthy landscapes for vital pollinators. This can be done through simple practices, including the planting of native plant species, avoiding the use of chemical insecticides, fungicides and herbicides, removing invasive plants, and adopting chemical-free lawn and landscaping practices.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 6, No 1, Abs 0

BYLAW AMENDMENT: ALEWIFE COMMITTEE

ARTICLE NO. 14: To see if the Town will vote to amend its General Bylaws, Article II – Alewife Committee, Section 12-7 by deleting the existing Section 12-7 and replacing it with the following, or take any other action relative thereto.

Article II – Alewife Committee

§12-7 **Establishment; membership**

There shall be an Alewife Committee, consisting of five members and one alternate, who shall be residents of the Town appointed by the Select Board for a term of three years, with said terms beginning on July 1 and terminating on June 30. The Select Board will appoint members with a background in the natural history of fishes, water protection and management, habitat management and conservation, environmental education, maritime and coastal history, operation and maintenance of fish ladders or any related experience. Members may include individuals serving as Herring Wardens.

§12-7.1 **Mission**

The mission of the Alewife Committee is to advise the Select Board, Town Manager, and Department of Natural Resources to improve the river herring fisheries and maintain abundant populations of alewife herring, blueback herring, and other species of fish, including but not limited to American eels, white perch, salter brook trout, tomcod, that migrate between the fresh and saltwater bodies within the Town of Brewster through sound management practices and public education.

§12-7.2 **Duties**

The Alewife Committee shall consult with the Commonwealth of Massachusetts Division of Marine Fisheries, and other state and federal agencies having similar jurisdiction, to advise and make recommendations to the Select Board, Town Manager and the Department of Natural Resources, with respect to the following:

a. Coordinating with, hearing reports from, and advising the Herring Wardens;

b. Providing public education about the life history and habitat needs of all migratory fish species in Brewster with emphasis on the river herring run at Stony Brook;

c. Creating and updating reports, planning documents, and operation and maintenance plans that address sustainable management of migration and spawning habitats and fish passage structures;

d. Working with and advising other Town Departments, committees and boards, and organizations on river herring related matters;

e. Providing a venue for public discussion and information exchange regarding river herring related activities including but not limited to habitat restoration projects, habitat management, water supply and control in fish runs and related spawning areas, fish passage infrastructure management, research projects, monitoring projects such as river herring volunteer count programs, water quality and the land and water management activities that affect water quality;

f. Periodically reviewing the state and regional requirements for allowing in-river harvest of river herring in Stony Brook, solicit public comment, and determine if sustainable harvest can be or will be allowed;

g. If and when in-river harvest of river herring is allowed, working with the relevant Town boards and departments to establish and/or revise regulations to ensure sustainable harvest and enforcement mechanisms; and

h. Developing and adopting a stream maintenance plan for Stony Brook watershed, to be implemented by the Department of Natural Resources in coordination with the Herring Wardens.

§12-7.3 **Existing appointments**

All existing appointments shall remain in effect until their normal expiration date.

(Select Board) (Majority Vote Required)

COMMENT

The Brewster Alewife Committee is one of the Town's oldest committees; it was in place prior to Brewster being incorporated as its own Town in 1803. This article seeks to define the purpose and charge for the Committee, clarifying their roles and responsibilities. It also seeks to expand the membership from 3 to 5 full voting members, plus an alternate.

The Alewife Committee is an advisory board to the Select Board and Natural Resources Department. This amendment affirms their authority over all anadromous and catadromous fish (fish that migrate between fresh and salt water to reproduce), including alewife, herring, eels, white perch, and similar fish.

Select Board: Yes 5, No 0, Abs 0 **Finance Committee: To Be Determined**

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 ___ day of October 2025.

Mary W. Chaffee, Chair	Amanda Bebrin, Vice Chair
Edward B. Chatelain, Clerk	Harvey (Pete) Dahl

Caroline McCarley

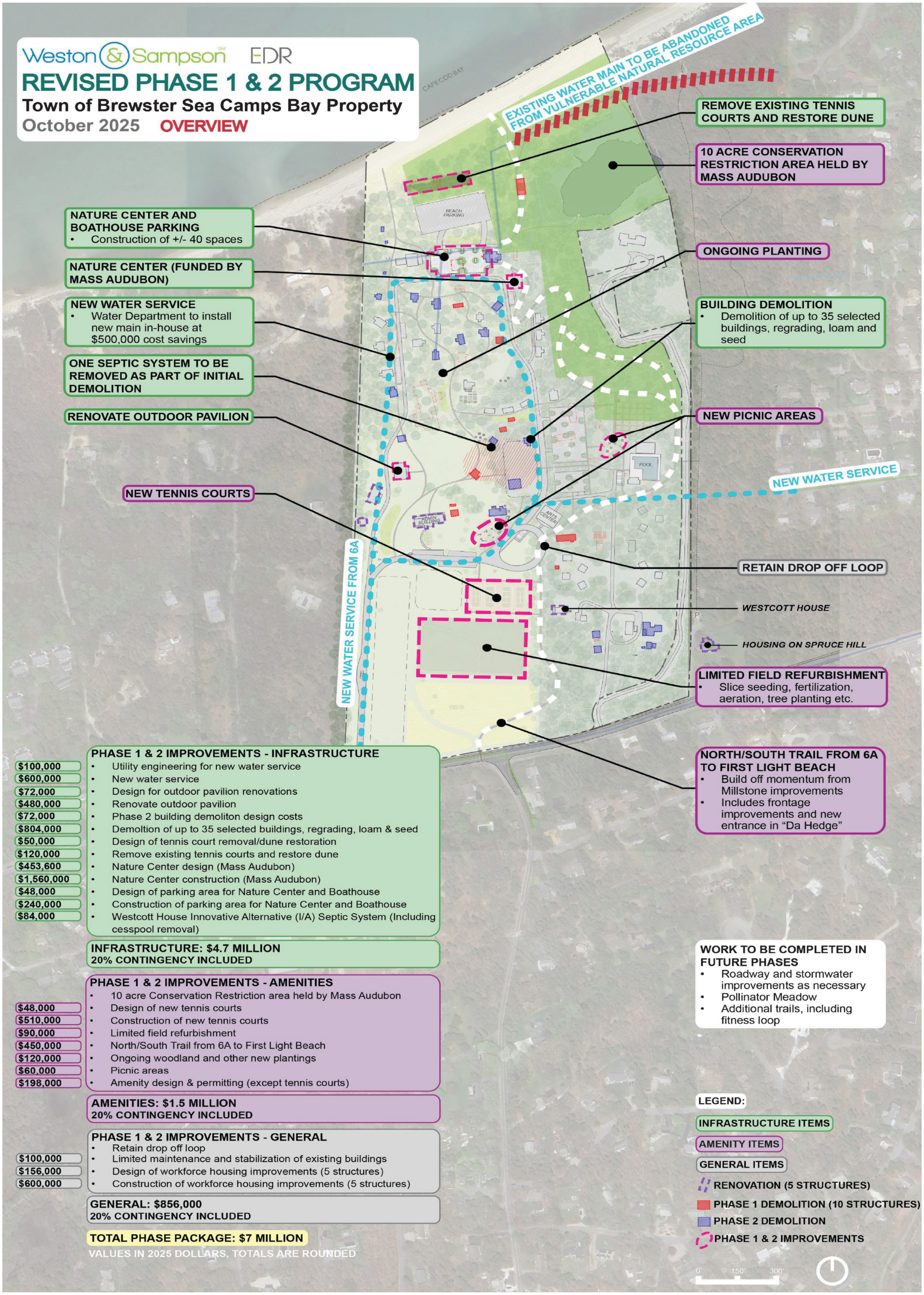
I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Town Meeting of November 17, 2025 by posting attested copies thereof, in the following locations in the Town on the ____ day of October, 2025.

Brewster Town Offices
Brewster Ladies Library
The Brewster General Store
U. S. Post Office
Café Alfresco
Brewster Pizza House
Millstone Liquors

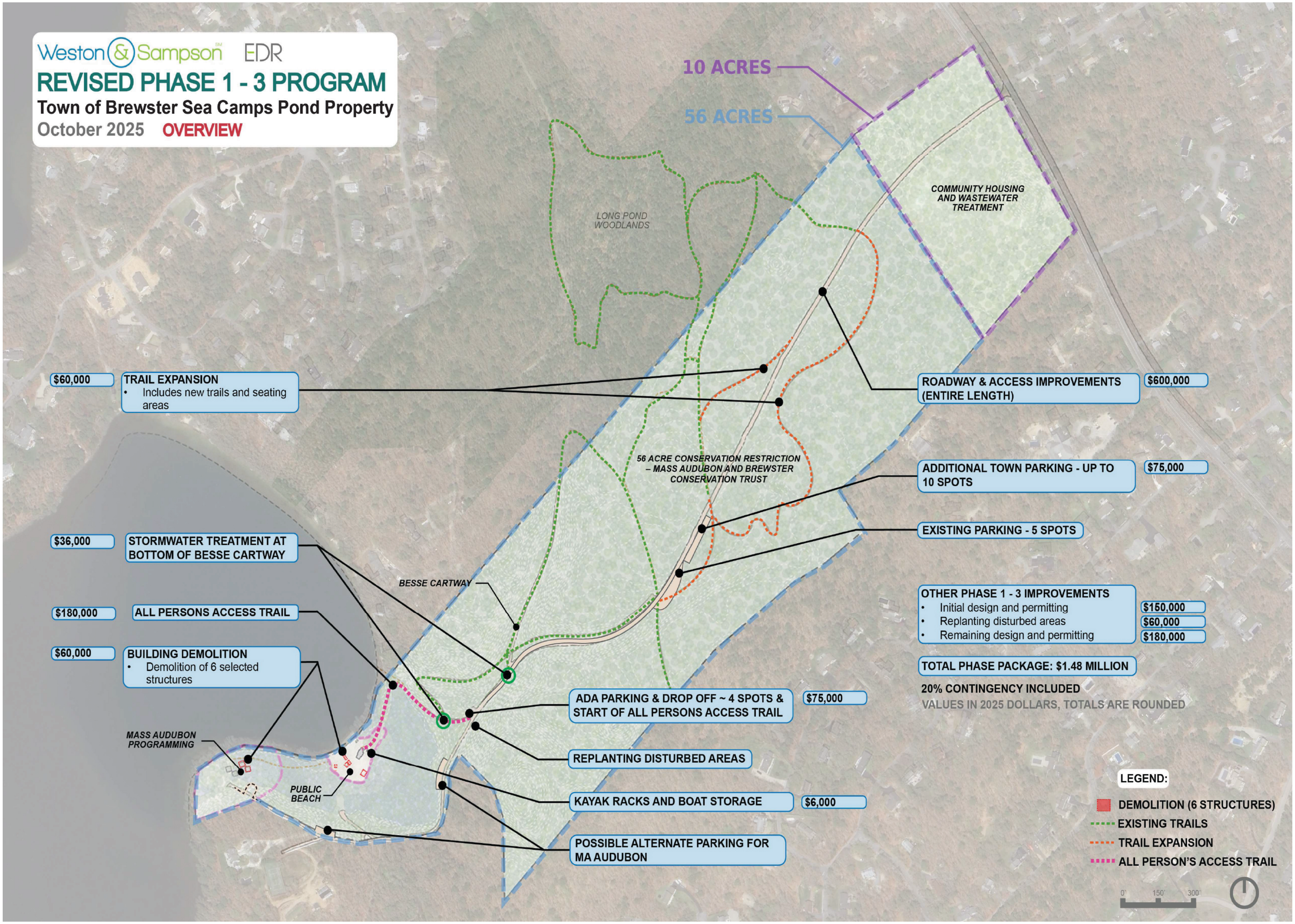
Roland W. Bassett, Jr. Constable

APPENDIX A:

Sea Camps Capital Plan FY26-29



Weston & Sampson
EDR
REVISED PHASE 1 & 2 PROGRAM
Town of Brewster Sea Camps Bay Property
October 2025 OVERVIEW
CAPE COD BAY
EXISTING WATER MAIN TO BE ABANDONED FROM VULNERABLE NATURAL RESOURCE AREA
REMOVE EXISTING TENNIS COURTS AND RESTORE DUNE
10 ACRE CONSERVATION RESTRICTION AREA HELD BY MASS AUDUBON
NATURE CENTER AND BOATHOUSE PARKING
• Construction of +/- 40 spaces
BEACH PARKING
NATURE CENTER (FUNDED BY MASS AUDUBON)
ONGOING PLANTING
NEW WATER SERVICE
• Water Department to install new main in-house at $500,000 cost savings
BUILDING DEMOLITION
• Demolition of up to 35 selected buildings, regrading, loam and seed
ONE SEPTIC SYSTEM TO BE REMOVED AS PART OF INITIAL DEMOLITION
RENOVATE OUTDOOR PAVILION
NEW PICNIC AREAS
POOL
NEW WATER SERVICE
NEW TENNIS COURTS
ADMIN BUILDING
ARTS CENTER
NEW WATER SERVICE FROM 6A
RETAIN DROP OFF LOOP
WESTCOTT HOUSE
HOUSING ON SPRUCE HILL
LIMITED FIELD REFURBISHMENT
• Slice seeding, fertilization, aeration, tree planting etc.
NORTH/SOUTH TRAIL FROM 6A TO FIRST LIGHT BEACH
• Build off momentum from Millstone improvements
• Includes frontage improvements and new entrance in “Da Hedge”
PHASE 1 & 2 IMPROVEMENTS - INFRASTRUCTURE
$100,000 • Utility engineering for new water service
$600,000 • New water service
$72,000 • Design for outdoor pavilion renovations
$480,000 • Renovate outdoor pavilion
$72,000 • Phase 2 building demoliton design costs
$804,000 • Demoltion of up to 35 selected buildings, regrading, loam & seed
$50,000 • Design of tennis court removal/dune restoration
$120,000 • Remove existing tennis courts and restore dune
$453,600 • Nature Center design (Mass Audubon)
$1,560,000 • Nature Center construction (Mass Audubon)
$48,000 • Design of parking area for Nature Center and Boathouse
$240,000 • Construction of parking area for Nature Center and Boathouse
$84,000 • Westcott House Innovative Alternative (I/A) Septic System (Including cesspool removal)
INFRASTRUCTURE: $4.7 MILLION
20% CONTINGENCY INCLUDED
PHASE 1 & 2 IMPROVEMENTS - AMENITIES
• 10 acre Conservation Restriction area held by Mass Audubon
$48,000 • Design of new tennis courts
$510,000 • Construction of new tennis courts
$90,000 • Limited field refurbishment
$450,000 • North/South Trail from 6A to First Light Beach
$120,000 • Ongoing woodland and other new plantings
$60,000 • Picnic areas
$198,000 • Amenity design & permitting (except tennis courts)
AMENITIES: $1.5 MILLION
20% CONTINGENCY INCLUDED
PHASE 1 & 2 IMPROVEMENTS - GENERAL
• Retain drop off loop
$100,000 • Limited maintenance and stabilization of existing buildings
$156,000 • Design of workforce housing improvements (5 structures)
$600,000 • Construction of workforce housing improvements (5 structures)
GENERAL: $856,000
20% CONTINGENCY INCLUDED
TOTAL PHASE PACKAGE: $7 MILLION
VALUES IN 2025 DOLLARS, TOTALS ARE ROUNDED
WORK TO BE COMPLETED IN FUTURE PHASES
• Roadway and stormwater improvements as necessary
• Pollinator Meadow
• Additional trails, including fitness loop
LEGEND:
INFRASTRUCTURE ITEMS
AMENITY ITEMS
GENERAL ITEMS
RENOVATION (5 STRUCTURES)
PHASE 1 DEMOLITION (10 STRUCTURES)
PHASE 2 DEMOLITION
PHASE 1 & 2 IMPROVEMENTS
0 150' 300'


Weston & Sampson
EDR
REVISED PHASE 1 - 3 PROGRAM
Town of Brewster Sea Camps Pond Property
October 2025 OVERVIEW
10 ACRES
56 ACRES
COMMUNITY HOUSING AND WASTEWATER TREATMENT
LONG POND WOODLANDS
56 ACRE CONSERVATION RESTRICTION – MASS AUDUBON AND BREWSTER CONSERVATION TRUST
BESSE CARTWAY
MASS AUDUBON PROGRAMMING
PUBLIC BEACH
$60,000
TRAIL EXPANSION
• Includes new trails and seating areas
$36,000
STORMWATER TREATMENT AT BOTTOM OF BESSE CARTWAY
$180,000
ALL PERSONS ACCESS TRAIL
$60,000
BUILDING DEMOLITION
• Demolition of 6 selected structures
ADA PARKING & DROP OFF ~ 4 SPOTS & START OF ALL PERSONS ACCESS TRAIL
$75,000
REPLANTING DISTURBED AREAS
KAYAK RACKS AND BOAT STORAGE
$6,000
POSSIBLE ALTERNATE PARKING FOR MA AUDUBON
ROADWAY & ACCESS IMPROVEMENTS (ENTIRE LENGTH)
$600,000
ADDITIONAL TOWN PARKING - UP TO 10 SPOTS
$75,000
EXISTING PARKING - 5 SPOTS
OTHER PHASE 1 - 3 IMPROVEMENTS
• Initial design and permitting
• Replanting disturbed areas
• Remaining design and permitting
$150,000
$60,000
$180,000
TOTAL PHASE PACKAGE: $1.48 MILLION
20% CONTINGENCY INCLUDED
VALUES IN 2025 DOLLARS, TOTALS ARE ROUNDED
LEGEND:
DEMOLITION (6 STRUCTURES)
EXISTING TRAILS
TRAIL EXPANSION
ALL PERSON'S ACCESS TRAIL
0'
150'
300'

SEA CAMPS FINANCING PLAN FY26-29

FUNDING SOURCES	FY2026	FY2027	FY2028	FY2029	TOTALS
FREE CASH	$1,020,000	$1,224,000	$965,000	$1,036,000	**$4,245,000**
GRANTS	$150,000	$945,000	$0	$0	**$1,095,000**
MA AUDUBON	$453,600	$1,560,000	$0	$0	**$2,013,600**
BREWSTER CONSERVATION TRUST	$330,000	$120,000	$100,000	$0	**$550,000**
COMMUNITY PRESERVATION ACT	$0	$510,000	$0	$0	**$510,000**
OTHER	$0	$84,000	$0	$0	**$84,000**
TOTALS	$1,953,600	$4,443,000	$1,065,000	$1,036,000	**$8,497,600**

APPENDIX B:

Short-Term Rental Task Force Report

Town Of Brewster
Planning Office
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 ext. 1133

Final Report: Executive Summary- Key Recommendations
Brewster Short Term Rental Task Force
2025.09.02

A. Establish a registration, licensing and inspection program for STRs.

B. Adopt STR administrative & operational requirements by a general bylaw and, as applicable, regulations:
   - Premises & inspection standards, including as might be required/ desired under building, fire and health codes. The Task Force specifically recommends establishing and regulating maximum occupancy limitations in compliance with health and building codes;
   - Application requirements and information, including proof of state registration & identification of 24/7 contact person;
   - Enforcement provisions;
   - Fees.

C. Refrain from amending zoning in Brewster relative to STRs until Massachusetts law is settled:
   - Once state law is settled, Brewster may have to amend its zoning bylaw, or may want to amend its zoning bylaw to promote certain policies, relative to STRs, consistent with established state law.

D. Consider initial funding in the short term for: additional building inspector and other staff hours necessary to administer and conduct “110” safety inspections for STRs as they are requested; additional costs associated with health department STR inspections and administration, as desired; to seed the administrative costs of an STR registration program; and for contracting STR host compliance services.

E. Work with the existing OpenGov, e-permitting software to investigate and prepare an STR registration and licensing platform along with data import “API.”

F. Continue discussions with STR host compliance vendors.

Town Of Brewster
Planning Office
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 ext. 1133

Final Report- Findings & Recommendations
Short-Term Rental Task Force
2025.09.02

INTRODUCTION

The seasonal, short term vacation rental of dwellings has long been a customary practice in Brewster and on Cape Cod. Traditionally, vacation rentals required an intermediary, like a realtor, to advertise, collect payments, provide keys and general oversight. The majority of homes were rented for at least a week and often longer, and it was not unusual for owners to rent to the same families year after year. The ascent and growing ubiquity of online hosting platforms like AirBnB beginning around 2010 changed some of these practices and increased the presence of short-term rentals on Cape Cod and beyond. Generally, online hosting platforms reduced owner's overhead, enabled shorter and more frequent stays, and reduced the need for face-to-face contact between the renters and the owner or an agent. In response, Massachusetts adopted significant amendments to the Room Excise Tax law (MGL Ch. 64G) in 2018 to account for the burgeoning STR market and online hosting platforms, specifically, to regulate, tax and require insurance for STRs.

In 2020, the world-wide COVID-19 pandemic hit, and drove the demand for STRs and second home purchases even higher on the Cape, as people looked to decamp to a quiet, rural area for social distancing and quality of life. In the aftermath of COVID, those who had purchased second homes on the Cape during COVID looked to short-term rent those homes to help carry the property costs when not using them for personal use, many in anticipation of retirement within the coming decade. Some second homeowners became full-time residents post-COVID. The supply of year-round housing in Brewster has continued to dwindle and prices continue to increase significantly year to year (or month to month).

With the growing presence of STRs in the Town, came some increased local concerns about them prompting Citizen's Petitions at Fall 2023 and Spring 2024 Town Meeting. The petitions sought to establish a local registration program and corresponding requirements for STRs, as well as to limit the number of STRs that one could operate in Brewster, with different limits for residents vs. non-residents. While there was robust discussion and some support on Town Meeting floor, ultimately the petitions were not approved.

Recognizing the growing local interest by the public in matters surrounding STRs, with the Citizen's Petitions serving as a sort of flash point, the Town's major policy plans all contain goals about evaluating the impacts on the community from STRs. The Housing Production Plan (HPP) and the Local

Comprehensive Plan (LCP) largely frame the goal in terms of housing impacts. The Select Board's Strategic Plan for FY24-25 casts a wider net and frames the goal in terms of "Community Character:" i.e. "*… the health, safety, and quality of life of our residents, […] the local economy, and […] year-round housing availability in our community.*"

Action on the Select Board's Strategic Plan goal led directly to the establishment of the Town's Short-Term Rental Task Force (STRTF), an ad hoc, 7-member committee made up of ex officio members from certain boards and committees in the Town (Select Board, Board of Health, Planning Board, Affordable Housing Trust) as well as 3, at-large community members, joined by 2 non-voting liaisons from the Finance Committee and the local real estate community.

In Fall 2024, the Select Board invited residents to apply to serve on the STRTF, and for boards and committees to nominate appointees from among their ranks to serve; the Select Board finalized the committee charge; and the Select Board empaneled the STRTF.

<u>Membership</u>

Rob Leavell, Chair (at-large)
John Goff, Vice Chair (at-large)
Sarah Stranahan, Clerk (at large)
Amanda Bebrin (Select Board)
David Bennett (Board of Health)
Carmel Gilberti, Esq. (Planning Board)
Maggie Spade-Aguilar (Affordable Housing Trust)
Blake Decker (Real Estate Liaison)
William Henchy, Esq. (Finance Committee Liaison)

The Task Force charge expressly sets out in relevant part:

Purpose:

a. Evaluate impacts of short-term rentals on the health, safety, and quality of life of our residents, on the local economy, and on year-round housing availability in our community
b. Identify consensus policy goals and outcomes
c. Assess potential policy solutions to achieve goals/outcomes, accounting for operational, staffing, and cost impacts of each proposed approach
d. Develop policy recommendations to present to relevant Town boards and committees, including but not limited to the Select Board, Board of Health, Affordable Housing Trust, and/or Planning Board, for their consideration Office of: Select Board Town Manager

Strategies:

a. Engage key stakeholders across all related policy areas
b. Actively communicate with residents, providing information and soliciting public feedback to help inform recommendations
c. Deliver status updates to Town Meeting in Fall 2024 and Spring 2025 via committee reports.

The Task Force began meeting in Fall 2024. Its initial work included business matters like selecting officers, discussing its charge and developing a general work plan. The Chair reported on the committee's status at Fall 2024 Town Meeting.

The Task Force has held monthly meetings throughout 2025, with each meeting devoted to "fact-finding" around a particular topic especially relevant to STRs in Brewster (and in some cases on Cape Cod and in Massachusetts): demographics, data and statistics; law; municipal finance and budgeting; housing; regulatory matters; registration and host compliance monitoring platforms; and the local economy. All of the Task Force meetings have been public, and also simulcast on/ recorded by Channel 18. Presenters included Town staff and community organizations: the planning, housing, building and health departments; the Town Manager's office and Finance team; Granicus, a host compliance vendor; and the Brewster Chamber of Commerce. The Chair reported on the committee's accomplishments, work and doings at Spring 2025 Town Meeting.

In Summer 2025, the Task Force turned its attention to analyzing the information gathered, and to begin developing draft findings and recommendations. The Task Force's meetings have all been open to the public. In July 2025, The Task Force released its draft report and recommendations and held a public listening session in August 2025 to gather feedback from the various interested stakeholders in the community on the draft, as well as about STRs generally.

The August public listening session was well-attended, with about 20 attendees in person and another 50 participating virtually. A number of written comments were provided as well. Comments represented the full spectrum of opinion: some commenters desired to prohibit STRs in the Town entirely, some favored no regulation or registration system at all. As at the committee level, there was consensus (including by STR owners and the real estate community) around establishing an STR registration, licensing and inspection program in the town. The consensus also expressed that registration was key to collecting, tracking and logging STR data, which could then be analyzed to help further assess the local impact of STRs within the community moving forward, as well as to assist with compliance and enforcement purposes.

A number of commenters mentioned what they believed were detrimental impacts to their neighborhoods from STRs: excess and inappropriate noise, erosion of community and familiarity with neighbors, overcrowding, parking. Some questioned the effect of STRs on year-round housing, while other commenters noted that STR tax revenues provide a significant amount of funds to the town's affordable housing trust. Other commenters mentioned the important role seasonal rentals have played in the history of the town, as well as with respect to the local economy (including in supporting other local businesses like restaurants). The Task Force reviewed and took stock of the comments received in revisions to the draft report at their regular August 2025 meeting.

In its advisory role, the Task Force will ultimately report its consensus findings and recommendations to the Select Board. These findings are intended to assist the Select Board in policymaking, budget development, and in prioritizing potential actions based on the recommendations.

While the Task Force has not aimed to offer definitive answers or solutions—intentionally so—it hopes that its work will nonetheless prove valuable. Its purpose has been directional: to outline the broad issues surrounding STRs that most affect the community; to help frame relevant lines of inquiry; and to highlight key areas for the Select Board and others to address in order to make the most effective use of the Town's resources and efforts.

Throughout its work, the Task Force has developed a deep understanding of the nuances and competing policy concerns associated with STRs—knowledge that few other groups currently possess. As much as the Task Force has learned, there is still more to educe from the information gathered, especially about more granular issues associated with STRs. Further complicating matters is the dynamic nature of STR-related issues, which continue to evolve in real time. While STRs offer clear benefits, there are equally compelling potential drawbacks and areas in need of further study—such as the complex and multi-factored relationship between STRs and the broader housing market.

LEGAL FRAMEWORK

Discussion

The Task Force met with Town Counsel, K-P Law Attorney Amy Kwessel on January 23, 2025, and had a detailed discussion of the legal landscape regarding the regulation and operation of Short-Term Rentals in Massachusetts.

A Town's authority to regulate Short-term Rentals stems from two basic sources: (1) a Town's power to regulate land uses under the Zoning power, all as set forth in G.L. c. 40A and as adopted by Town Meeting as zoning bylaws; and (2) a Town's authority to regulate the operation of a Short-term Rental pursuant to G.L. c. 64G.

These are different authorities, which share a common method of adoption, which is by Town Meeting action to adopt a bylaw.[1] The quantum of vote required for each is different: adoption of a zoning bylaw requires a 2/3 majority vote, while adoption of a bylaw under G.L. c. 64G requires a simple majority vote.[2]

In addition, the 10th edition of the Massachusetts Building Code became effective in 2025 and establishes a use category for Short-term Rentals which requires that an owner engaged in certain Short-term Rental

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[1] The Committee has not explored the question of whether a Town may adopt a bylaw or regulations regulating Short-term Rentals under the Town's Home Rule Charter Powers, which generally speaking, permits the adoption of any bylaw not inconsistent with, or precluded by, the General Laws adopted by the Legislature. There may be a question of whether any such effort would be precluded by G.L. c. 64G. In any event, the Committee has not considered this question, and if the Select Board wishes to explore this avenue, the Committee recommends seeking the assistance of Town Counsel.

[2] Bylaws and ordinances are distinguished from "policies" and "regulations," which can be adopted by a public authority without the requirement for Town Meeting approval. Generally, when policies or regulations are adopted to accompany a bylaw, the bylaw authorizes, establishes or reflects a certain subject matter authority, and the regulations or policies implement that authority and control activities within the scope of the authority. The use of regulations and policies can be beneficial and appropriate when regulatory agility is needed to adjust to changing circumstances that come within the jurisdiction of the subject authority rather than within that of Town Meeting as the legislative body. An example is the authorization of fees under a bylaw, with the actual fees set and amended from time to time under companion regulations or a fee schedule/ policy.

use request and submit to an annual safety inspection by the Building Department. The committee met with the Building Commissioner to discuss this process which at the time of our meeting with him, was still under development. The implementation of this inspection requirement will be a concern of the Building Commissioner and the Town, and the Committee has a recommendation with respect to this matter, detailed below.

Section 14 of Chapter 64G expressly reserves to municipalities the authority to regulate STR operators through the adoption of local bylaws or ordinances. It should be confirmed by counsel whether reference to "bylaws and ordinances" in the statute is exclusive or whether a municipality may adopt and promulgate regulations or policies in furtherance of such Section 14 bylaws or ordinances. It is also assumed that the Town maintains its jurisdiction to regulate public health issues related to STRs, like septic systems, habitability, occupancy, and water supply, under MGL Chapter 111 and local regulations adopted pursuant thereto.

Under such Chapter 64G authority, a municipality can establish, administer and enforce licensing, registration, and safety requirements for STR operations.

Chapter 64G authority expressly includes the ability to limit or restrict the total number of STR licenses within the town, classes of operators, total days annually that an STR can operate, or the number of licenses that any single operator can hold. A municipality may assess reasonable fees to cover the costs of STR administration and enforcement, including for inspections.

Under Chapter 64G, a Town has the authority to limit or prohibit STRs in the context of affordable deed restrictions or similar land use restrictions.

STRs have also been recognized by the Commonwealth's highest court as a distinct type of zoning land use. In general terms, Towns may regulate land uses via the adoption of zoning bylaws, which Brewster has done[3]. There are, however, unsettled questions regarding STRs under Massachusetts zoning law that are currently pending adjudication. These cases involve distinctions between principal and accessory zoning uses, and about when an STR becomes a commercial use distinct from a single-family dwelling, requiring specific authorization under a local zoning bylaw.

State regulations at 760 CMR 71 specifically allow a community to limit or prohibit the short-term rental use of Accessory Dwelling Units under its zoning, which Brewster already does.

The complex legal question arises as to whether or not Short-term Rentals are allowed as residential uses, accessory uses to a residential use, some other kind of use all together, and whether that "other" use is allowed by the Town's zoning bylaw. Short-Term Rentals are not at present expressly permitted under the Brewster zoning bylaw.

There is an answer to at least one of these questions. The Supreme Judicial Court has decided in a case arising from the City of Lynnfield, that Short-term Rentals are of a different character of use than

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[3] Brewster first adopted zoning in 1960, effective in December 1960.

residential single-family uses, being "transient" in nature. *Styller v. Board of Appeals of Lynnfield,* 487 Mass. 588 (2021).

The issue becomes, then, whether this "different" use is allowed by the Town's Zoning Bylaw. This precise question has not been addressed directly by the Appellate Courts in Massachusetts.
One subsidiary, but important issue, is whether a Town's Zoning Bylaw is "permissive," which seems at first to be a misnomer. "Permissive" zoning refers to a zoning bylaw which states that, unless specifically allowed, any particular use is prohibited. Brewster's Zoning Bylaw is generally of such a "permissive"-type.

There are at present two Land Court cases under consideration that have decided that, at least in Nantucket where the zoning bylaw is also of the "permissive" type, Short-Term Rentals are not expressly allowed by the zoning bylaw as a Primary Residential use, *Ward v. Town of Nantucket,* 2024 WL 1110950 (2024)("Ward I").

Short-Term Rentals were also found not to be a lawful accessory use *Ward v. Town of Nantucket,* 2025 WL 1684110 (2025)("Ward II") because under that Town's particular bylaw definition of an "accessory use," though a Short-term accessory rental is a "customary" use on Nantucket, and was shown to be also "subordinate," it was not also shown to be "incidental" to the primary residential use. Short-term room rentals in an owner-occupied dwelling were recognized in the case as an expressly allowed uses under Nantucket zoning. These are fine and nuanced distinctions that may or may not be presently applicable to Brewster's Zoning.

The Nantucket Select Board has voted to appeal the Land Court decision in Ward II. Over the past several years, Nantucket Town Meeting has failed to adopt by the required super majority a variety of competing short-term rental zoning amendments that have come before it.

The Task Force also learned from Town Counsel that there is another zoning case working its way through the Land Court from Mashpee, where the issue of whether a landowner may rent out rooms in a residential home as a Short-term Rental.

The Task Force believes that, given the cases and circumstances cited above, the law is not yet settled with respect to the Town's power to regulate Short-Term rentals through the zoning bylaw. Until these cases are decided by the Appeals Court or the Supreme Judicial Court, there is no clear basis upon which the Committee can recommend one way or the other whether any amendments to the zoning bylaw are appropriate for Short-Term Rentals.

It is anticipated that appellate level court decisions will eventually resolve these questions, including the establishment of judicial tests about what constitutes an STR as a "principal" zoning use and alternately, as an "accessory" use. It is likely that owner-occupancy status, whether the STR is an "investment only" use type, and whether an STR is considered a traditional, customary use in the community will factor in the decisions.

Recommendations

The Select Board should refrain from amending zoning to address STRs until appellate courts have resolved and decided Massachusetts zoning law around STRs. At that time, the Town can align Brewster zoning with established case law and the provisions of Chapter 64G, along with whatever other local land use policies are desired with respect to STRs consistent with state law, such as potentially revising the use table and locations/ districts for STRs. Resolution of the zoning issues first may also help inform decisions about adopting operational and licensing regulation under Chapter 64G.

Ultimately, at the time it considers amending zoning to address STRs, the Town should be mindful that existing properties may be "grandfathered" with respect to potential zoning amendments and also be aware of the potential staffing and resourcing implications of new STR zoning requirements and processes for an estimated 1000+ existing STR properties in the town.

The Task Force notes that if the Land Court cases cited above are affirmed, then Brewster's zoning may need to be amended if the Town wishes to expressly allow Short-Term Rentals. Given that a 2/3rds vote of the Town Meeting would be necessary in that case, the Select Board and Planning Board may wish to consider some level of planning for that eventuality.

In addition to land use regulation of STRs through zoning, the Town should consider adoption of some commonsense licensing and operational requirements, and life safety and health regulation under Chapter 64G to accompany a registration and inspection program, provided it intends to adopt such a registration and licensing program.

Finally, as with all matters legal, the Committee recommends close coordination with Town Counsel in the creation and adoption of any of the options available to the Town, either under Zoning, pursuant to G.L. c. 64G, or otherwise.

LOCAL REGULATION[4]

Discussion

As referenced above, Massachusetts General Laws Chapter 64G is the source law in the Commonwealth governing the operation of Short-Term Rentals (STRs).

Chapter 64G, Section 1 defines an STR as "an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such."

[4] Chapter 64G Section 14 expressly references regulation via local bylaws or ordinance. This paper refers generally and more broadly to local "regulation," where it's assumed that a municipality may promulgate regulations or policies in furtherance of such bylaws or ordinances adopted pursuant to MGL Ch. 64G, and/ or adopt appropriate regulations under existing public health jurisdiction, policies consistent with the state building code, or other appropriate regulation under home rule authority. As used herein, "regulation" is intended to encompass all of the above.

Relative to STRs, said Section 1 defines “Occupancy” as “… the use or possession or the right to the use or possession of a room in a short-term rental normally used for sleeping and living purposes for a period of not more than 31 consecutive calendar days, regardless of whether such use and possession is as a lessee, tenant, guest or licensee…”

There are several property types excluded or exempted from this STR definition, such as motels, hotels, timeshares and lodging houses.

Section 6 requires STR registration with the MA Department of Revenue (DOR).

Section 3 requires the withholding and the remitting of rooms taxes for STRs to DOR.

Under Chapter 175 Section 4F, every STR must be covered by a minimum $1M liability insurance policy. Local bylaws or ordinances adopted under MGL Ch. 64G Section 14 allow a municipality to:

> *(i) regulate the existence or location of operators under this section within the city or town, including regulating the class of operators and number of local licenses or permits issued to operators under this section and the number of days a person may operate and rent out an accommodation in a calendar year;*
> *(ii) require the licensing or registration of operators within the city or town; provided, however, that a city or town may: (A) accept a certificate of registration issued to an operator in accordance with section 67 of chapter 62C in lieu of requiring an operator to obtain a local license or registration under this section; or (B) issue a provisional license or registration to permit an operator to offer accommodations on temporary or seasonal basis;*
> *(iii) require operators to demonstrate that any properties or premises controlled, occupied, operated, managed or used as accommodations subject to the excise under this chapter are not subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices;*
> *(iv) require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections;*
> *(v) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this section; provided, however, that a city or town that suspends or terminates an operator's right to operate an accommodation for a violation of any ordinance or bylaw shall notify the commissioner of revenue of the suspension or termination; and*
> *(vi) establish a reasonable fee to cover the costs associated with the local administration and enforcement of regulating operators and accommodations.*

It is unclear whether this list is intended to be comprehensive and exclusive in terms of a municipality’s authority over STR operators. This should be discussed with and confirmed by counsel.

Local regulation adopted under Chapter 64G can address operational requirements such as the identification of an agent physically available to deal with STR operational issues as they might arise, along with the agent's contact information; identification of true "natural person" owners if title to a property is held under an entity; proof of insurance; local registration and licensing; and proof of payment of rooms taxes to DOR. Such regulation can also limit the classes of operators who can hold a license and operate an STR; can limit STRs to certain locations in the town; and can limit the total number of licenses in a town or that can be held by a single operator. Enforcement can include that an STR license or permit may be revoked or withheld for violations of the bylaw or for nonpayment of local property taxes.

Chapter 64G regulation can also include provisions to address health, welfare and safety concerns. Examples of operational topics that can be and have been addressed by communities are lighting; noise; garbage/ recycling; parking; occupancy limitations (number of days per year an STR can be rented; minimum length of rental; number of allowable occupants in the STR; determination of legal bedrooms and habitable areas); necessary facilities and utilities to serve the STR, such as water service, sanitary facilities, septic systems, and electrical service; structural stability of building; fenestration requirements; requirement for working smoke and CO detectors; and minimum access/ egress requirements. Many of these requirements and concerns align with state law: fire, health and building codes.

Once such health, safety and welfare regulation has been introduced, so is the need for regulatory field inspections to assure compliance with such requirements (whereas compliance with operational requirements, such as providing agent contact information, can largely be self-certified). Chapter 64G allows a municipality to determine the frequency and topics covered by inspections.

Notwithstanding local regulation that might be adopted for STRs, Chapter 64G requires that the location of fire extinguishers, gas shut off valves, and fire exits be posted inside the STR.

In crafting and adopting this regulation, the Town first needs to consider its objectives and identify its primary concerns the regulation is intended to address. Regulation should be tailored to these goals and concerns. As regulation can be accomplished in phases, the Town might consider in a first phase of adoption focusing on basic health and safety requirements and that data is available to compile an accurate list of STRs in the Town. Considerations should also include fairness to property owners, feasibility of administration and enforcement, unintended consequences of regulation, and that the regulation shouldn't substantially interfere with any of the positive impacts of STRs identified, which benefits the Town seeks to retain. Regulation that is too onerous or overly complicated is difficult to administer and enforce on the municipal side and are more likely to be disregarded on the operator side.

Public health concerns can also be addressed through regulation and corresponding inspection requirements: water supply, sanitary facilities, septic system and other matters of habitability. Occupancy limitations for STRs are normally established based on the number of legal bedrooms and allowable occupancy within those bedrooms under state and local health codes.

There has also been discussion of prohibiting or limiting "corporate" ownership of STRs, as a class of operator. This topic requires careful analysis before potentially taking any action. Many properties, including single family homes, are held by entities (trusts, LLCs, corporations, etc.) for estate planning, privacy or liability purposes, sometimes with the "off record" owner being another entity. Towns that have regulated corporate ownership seem to require that the off-record owner be a "natural person." The Town, as stated above, should be clear and intentional about what it is looking to achieve if it regulates in this space, including defining "corporate" ownership.

For instance, if the concern with entity ownership is ensuring a "human" contact and agent in the event of a day-to-day management issue, this can be achieved without the need for limiting or restricting corporate ownership. If the issue is perceived as a commercial entity, unaccountable to the community, owning so many units that it weakens the local economy or impacts housing availability, then the town should consider analyzing these issues prior to adopting such regulation (for instance, conducting an ownership study).

It does not appear from testimony educed at the Task Force meetings that "true" corporate ownership is prevalent or an issue in Brewster's STR stock, i.e. a commercial entity, especially a non-local one, controlled by stakeholders, owns a disproportionate number of the STR units in the town and is renting them as investment-only properties.

As discussed in greater detail below, adoption of STR regulation, registration, licensing, fees and inspections are interwoven matters and cannot be discussed individually without considering them all. For instance, regulation should be accompanied by clear and detailed inspection checklists, and a user-friendly registration platform.

Recommendations

The Task Force was in general agreement about the establishment of a registration, licensing and inspection program for STRs, to ensure public health and safety of renters and the general public, with inspection standards, application requirements, enforcement provisions and fees to cover the program costs set out through adoption of regulation under G. L. c. 64G, Section 14. This would promote, inter alia, (a) the creation of a database of short-term rentals in Brewster, so that Town Boards and Committees can have a clear understanding of the number and extent of Short-Term Rental use in Brewster; (b) implementation of a system of fees to support this of registration program as well as the necessary implementation of inspections by the Building Department and other relevant municipal department; and (c) assurance that all Short-Term Rentals carry appropriate levels of insurance for the protection of users of these rentals.

If a registration/licensing system with health and safety inspections is established, then the Town should consider adopting regulation under Chapter 64G (and/ or relevant public health laws) to set standards for the condition and inspections of the property in its use as an STR, as well as to establish information that must be provided or certified by or on behalf of the operator for the STR license.

The Town might consider including in these bylaws compliance with applicable provisions of state and local health codes, and the building code; providing a physically available local agent and as well as agent's contact information; identification of "natural person" owners; proof of insurance; obtaining annual local registration/ licensing; proof of payment of rooms taxes to DOR; proof of payment of local property taxes; and certification that there are no outstanding enforcement actions against the property under local bylaws and regulations and state laws or regulations under which the relevant town departments have jurisdiction. The local regulation would also include enforcement and penalty provisions for non-compliance.

After the initial adoption of regulation addressing the most immediate and pressing concerns the Town identifies, the Town can consider adopting amendments in the future to limit the classes of operators (including "corporate" ownership), numbers of licenses, frequency/ length of stays, etc. As discussed above, it would behoove the Town to wait for resolution of state zoning issues first, not only to allow alignment of the zoning bylaw with state case and statutory zoning law, but also because this zoning resolution (dealing with "investment only," commercial use STRs) may indirectly address operational issues like locations in the Town where STRs may be allowed, allowable classes of operators, frequency/ length of stays and limits on the number of STRs/ licenses. Before adopting limits or restrictions on licenses or classes of operators, the Town should agree on the necessity and benefit of doing so. Commissioning additional study prior to such potential amendments might be warranted as well, for instance, about the economic effects of limiting licenses, or about STR ownership in the town.

If there is some desire to regulate STRs in the context of noise, it would be best to first revise the Town's outdated "noise" bylaw as a broad baseline for potential STR noise regulation.

INSPECTIONS & COMPLIANCE

Discussion

Independent of the inspection requirements a Town might establish for STRs under Chapter 64G regulation, Section 110 of the recently amended, 10^{th} edition of the state building code requires safety inspections/ certificates of inspection for STRs; in some cases these are annual inspections, and in all cases must first be requested by the owner/ operator/ agent. There are still questions about whether every STR requires a 110 inspection, or just "lodging house"- type STRs and non-owner-occupied STRs. The required frequency of inspections differs based on the categories of STRs established under the building code (1 year vs 5 year).

Another point that will require clarification is that the building code defines an STR differently than MGL Chapter 64G (and a lodging house differently than in MGL Chapter 140 or the Brewster Zoning Bylaw).

At this time, there is not a specific list of inspection items for STRs formalized by the Commonwealth for STRs, though it appears "lodging house" -type STRs have different inspection requirements, based on the commercial building code vs. STRs that essentially remain single family dwellings. Inspection requirements normally relate back to the building code version that was in place when the STR building/ unit was constructed or substantially altered; not necessarily the most current code. However, this depends on whether new construction or alterations might accompany the STR use, and whether the establishment of the STR changes the use and occupancy group of the building. Basic inspection items normally include among other things determining the presence of functional smoke and CO detectors; and safe access/ egress.

So-called “110” inspections must be conducted by a certified building official, cannot be privatized, and thus as a practical matter must be conducted by and through the Town’s building department. The most recent guidance from the Massachusetts Office of Public Safety & Inspections (7/1/25) leaves significant discretion to the local building officials as to these STR 110 inspection requirements.

It also appears that some STRs will be required under the state building code and/ or fire code to be outfitted with automatic sprinkler system (though the building and fire code sprinklering requirements or thresholds do not exactly align).

There is also a bill pending before the MA legislature, “Maggie’s Law,” that would require compliant smoke and CO detectors for STRs, including annual inspections by the town and the requirement for hosting platforms and agents to obtain a detector certificate or compliance; identifying the local inspection authority is one of the current discussion points in the legislative process. As currently pending, the Fire Department would be the responsible authority for inspections and certification.

Some more unique items Brewster might potentially consider including in health regulations and inspections for STRs are private wells, swimming pools and hot tubs, none of which are annually inspected when used solely for single family residential purposes. If private wells and septic systems are to be inspected under STR regulation, the Town would have to consider the frequency of such inspections (these inspections are normally privatized, and the results furnished to the health department). Pools and hot tubs are normally inspected if they are public/ commercial, and they have different construction and permitting requirements. If there is a desire to inspect pools and hot tubs associated with STRs, then the STR regulation and corresponding forms would have to identify the specific inspection requirements involved (i.e. fencing? water testing? pool operator certification?). However, applying all the construction and inspection requirements for public or quasi-public pools might be infeasible.

It has also been suggested that insurance carriers in the Commonwealth might have inspection “checklists” for STRs coverage, which could serve as a basis for municipal inspections, or at the least, municipal and insurance checklists should not conflict.

Local regulation will also have to assign responsibility for enforcement, which will presumably involve the relevant inspection authority(ies) designated by the regulation. Related to enforcement, re-inspection may be required to confirm compliance after an order and remedial action taken. There are companies that specialize in assisting towns with STR operator/ host compliance (see Registration and Licensing discussion, below).

Recommendations

If the town adopts STR regulation to accompany a registration program, the town will need to develop an inspection process to assess and determine compliance.

Massachusetts law already requires a town building department to conduct a safety inspection for a certain STRs if requested by the owner/ operator. Brewster will have to establish what inspection subjects and requirements over and above those in a “110” safety inspection it might adopt through regulation.

The inspection process should be coordinated across all responsible departments, including the building department inspections required under Section 110 of the state building code.

Balanced against health and safety concerns, the availability of staff resources and budget will likely influence the scope and type of inspections. Compliance review, inspections and enforcement will require additional staff time, including potentially new inspector and administrative positions, as well as associated costs and resources like office space, supplies and potentially vehicles. The Town should consider what departments other than the building department would be involved (the health department, perhaps the Town Manager's office, or fire department as well). The Town might also investigate whether inspectors can be shared by towns regionally or whether some inspections can be done by private contractors, given the number of STRs that would require inspections relative to the number of municipal inspection staff.

The inspection provisions of the bylaws and corresponding guidance documents should expressly state whether STRs are required to meet current codes, portions thereof, or codes that might have existed at the time of their construction. It may be unfair and impractical to require all construction to meet current codes. To augment the bylaws, the Town should develop a clear checklist of inspection requirements and tasks.

In deciding what elements to include in an STR inspection, the Town should consult with counsel to confirm that it is not creating legal liability in the Town for doing so, e.g. residential pools associated with STRs.

It would make sense to require annual inspections, to align with annual licensing and registration. If the Town ultimately requires septic system and/ or private well inspections as part of STR licensing, then it might be appropriate and fairer to require this type of inspection less frequently.

The Town should consider appropriating funds as soon as possible for additional building inspector and other staff hours to administer and conduct 110 safety inspections as they are requested. The building commissioner can provide guidance about how many additional hours might be necessary, given the estimated number of STRs in Brewster.

If the Town adopts regulation with some level of STR health inspections required, the Town should estimate the additional health department staffing needs and consider an appropriation in 2026 (when it's assumed the regulation and registration system will have been adopted).

REGISTRATION & LICENSING

Discussion

The principal purpose of a local STR registration program would be to establish a master list of all STRs in town. As the state building code already requires a safety inspection for at least some STRs (inasmuch as the owner/ operator needs to request the inspection), it is important that the Town have such a registry so that the building department is aware of the scope of its inspection responsibilities. MA DORs registry cannot be used for this purpose, among other reasons, because it may not be an accurate snapshot of current STRs in Brewster (the DOR Registry includes all STRs that have been registered over time, not just those currently operating). A licensing component would serve to certify that an STR has not only been registered but complies with all administrative, inspection and other regulatory requirements the Town has established. Registration and licensing would be required annually.

The Town already uses an e-permitting platform, OpenGov, for building and health permits, which it could use for STR registration and licensing. Additionally, there are companies that can assist municipalities with STR administration, compliance and enforcement. Specifically, as part of host compliance support, these companies research online listings from the major STR hosting platforms like Air BnB, VRBO, etc., which can be cross-referenced against the Town's registry to reveal unregistered STRs. These companies can then assist the town with bringing the units into compliance through auto-generating letters, etc. The host compliance vendor's data can be integrated into the town's registration and licensing platform through an application programming interface (API). One of the leading host compliance vendors has estimated such service for Brewster at around $50K/ yr.

MGL Chapter 64G allows a municipality to publish a public registry of all short-term rentals registered with DOR. Further, a municipality may determine what information may be listed in the registry, including where the accommodation is located.

Basic information to be collected in a registration system include things like proof of insurance and DOR registration, and identifying a physically available local agent as well as their contact information. The Town will also have to decide what other information and documentation to require and collect from applicants in its registration platform, which should be geared towards facilitating and assisting with STR administration, inspections and potential enforcement as necessary. Information collected may also serve general data gathering purposes on which to base future decisions and policy-making.

Granicus, a host compliance company that presented and provided testimony to the task force during its fact-finding process, suggested that in its experience it is not uncommon for a municipality to request identification, as applicable, of the "natural person" beneficial owners underlying a property holding or management entity like an LLC. As state laws and codes seem to be heading in this direction, it may also be helpful to require information to determine "owner-occupied" vs. "non-owner-occupied" STRs.

There was not consensus on the Task Force about the benefit, utility or practicality about collecting ownership data. There was consensus that, if ownership data is collected, these efforts should be pursuant to and for the purposes of an identified, valid public purpose.

Recommendations

Town staff should start working with OpenGov to create and test an STR registration and licensing portal. It appears that this may already be included in the Town's OpenGov contract (exclusive of any consulting services that might be required). We learned from the committee presentation by Granicus that host compliance vendors can also assist with establishing and operating a registration system. This possibility should be investigated, as it may be more cost-effective than using town staff for some of the operational registration system responsibilities.

The Town might consider an appropriation to contract for host compliance support and an API to integrate the selected vendor's data with OpenGov software.

In its regulation, the Town should consider what department will have primary responsibility over registration and licensing, and what information or documentation will be required to provide for registration within the online platform. The additional administrative responsibilities associated with registration and licensing (and follow-up) may require funding and hiring additional permitting staff.

The Town should also consider whether the registration and licensing would just be for STRs or would include long-term rentals as well. From a health and safety perspective, it's as if not more important to include long-term rentals in registration, compliance and inspection requirements. Because there are no state requirements to register or inspect long-term rentals, the Town would have more latitude in determining local requirements and standards for them. The Town would have to consider what associated costs and resources might be required to include long-term rentals in addition to STRs.

FEES

The building department currently collects a $50 fee to undertake 110 safety inspections, which would not be sufficient to cover all costs attendant to STR administration. Chapter 64G authorizes a town to collect fees to cover costs associated with STR administration and enforcement. A survey of such fees around Cape Cod varies between $50 and $750 a year (both of which seem like outliers- the mean for an all-inclusive STR annual fee is around $350). In some cases, inspection fees are included (especially with the higher fee towns), in others, they are assessed separately. Charging a single, all-inclusive fee for annual registration, licensing and inspections seems to be the simplest approach for both town staff and operators.

Towns that have registration and inspection programs that include all rental units (STRs and long-term rentals) generally have a lower annual fee for long term rentals, presumably so as not to discourage year-round housing opportunities. Fees should be reasonable, matched to the town's actual administrative and enforcement costs associated with the STR program, and ultimately the program should be self-sustaining.

A revolving fund or similar mechanism could be employed to hold the annual fees collected in order to fund the program over time. The program would need to be funded with a new appropriation after its inception.

HOUSING

<u>Discussion</u>

Housing in Brewster continues to become less affordable, and less available. The Brewster median home sales price increased 68% from 2019 ($415,000) to 2023 ($699,000). The link between housing and short-term rentals is unclear: more specifically, the relationship between housing stock, prices and STRs.

On one hand, what is relatively clear is that second/vacation homes reduce year-round housing stock, both as ownership units and likely as rental units given the recognized paucity of long-term rentals in Brewster learned from testimony and information received by the Task Force. What's less clear is the relationship between second homes and STRs, i.e. how many such homes are used as STRs, to what degree and extent owners employ such homes as STRs, so as to assess STR influence on home prices and demand. It might be instructive for the town to study or collect data on how greatly the anticipation of future STR income influences the second home market.

It is a seductively simple, but unsupported, proposition that if STRs were limited in number or restricted in ownership, housing would be more available and more affordable. This does not necessarily follow, where there is such high demand for seasonally used and/or second homes in Brewster, and a large gap between wages and housing affordability.

Rather than focusing on STR limits, it may be more productive from a housing perspective to create incentives and facilitate ready opportunities for second homeowners to use their properties for year-round or longer term rentals, which might require or benefit from efforts, funding and legislative action beyond the Town's jurisdiction.

To this end, a housing initiative recently pursued by other Lower and Outer Cape communities that could be further explored by Brewster is a "Lease to Locals" Program. This program offers incentive payments to property owners who agree to convert their housing units into year-round rentals and then lease to qualified local tenants. Funded with local Town/ Housing Trust funds, both Provincetown and Nantucket have both partnered with Placemate to manage their "Lease to Locals" program. Housing Assistance Corporation has a similar financial incentive-based rental program, Rent 365.

The primary solution is to keep doing what the Brewster Housing Office, Housing Trust and others have been doing in Brewster: continuing to tackle year-round housing and affordability issues, including production and preservation of such housing, and advocating for housing choice to meet community needs.

The Town could conduct a study much like Provincetown did with UMass-Amherst (and that Yarmouth intends to do) analyzing the relationship of STRs on housing stock and affordability. In Provincetown's case, their study concluded that STR restrictions would not materially impact house prices, and would not necessarily lead to greater housing availability or affordability. The study did recognize a lack of certain potentially important data sets, such as whether second homeowners that rent necessarily need the STR income to carry the property.

The Town could also study the direct relationship between second homes and STRs which may provide valuable information on which to base future policy decision, i.e. determine how many second homes are being used for STR use.

Additionally, with the passage of the Affordable Homes Act in Summer 2024, certain communities across the state are now eligible to be designated as seasonal communities, including many Cape towns. Brewster has been identified as meeting these preliminary criteria, which may be refined through relevant regulation, since state data shows that 42% of our housing stock is seasonal in nature. If Brewster Town Meeting votes to accept this new state designation, we could access numerous novel housing policy solutions available only to such seasonal communities, including but not limited to acquiring year-round occupancy restrictions, developing housing for municipal employees, and establishing attainable housing trust funds to help address our unique housing challenges.

LOCAL ECONOMY

Discussion

The Task Force received testimony from the Brewster Chamber of Commerce that STRs have not interfered with traditional accommodations and that they help drive the economy and support local businesses like restaurants by introducing customers. There is a history and tradition of seasonal rentals in the Town of Brewster as a cornerstone of what had long been primarily a tourist economy on the Cape. STRs continue to play a role as Brewster transitions to a "second home" and retiree economy, with real estate as a driver. Brewster's draw is its natural beauty, amenities, local commerce and small-town residential character. Many renters return year or year, decade after decade and have become part of the local fabric, invested in the community as seasonal visitors. Though the core summer months remain peak season for STRs, there is now a longer shoulder season, and vacation rentals are not limited to the summer in Brewster.

Neighborhood complaints to Town departments about STRs have been rare in Brewster to date. It appears Brewster STRs tend to be compatible with their neighborhoods, quiet, upscale and well maintained and managed. Some public comments received by the Task Force, however, suggest some localized concerns with STRs, with commenters citing quality of life disruptions, overcrowding, concerns about strangers and noise, etc. in particular neighborhoods, and suggesting that the lack of complaints received by the town to date might relate to the town not currently having STR regulations or a licensing program, including a formal "repository" for STR complaints. Turnover, and frequency/ length of stays, were cited as what seems to be most "commercial" in an otherwise residential neighborhood. Neighborhood complaints are another example where establishing an STR registration system may prove beneficial for data collection and compliance purposes.

Testimony from the Task Force's Real Estate Liaison, based on his professional observations and experience, indicates that many STR operators in Towns use professional management, and still occupy the property for part of the year: these STR's are not "investment only" properties, and not corporately owned but owned by "real" people. It appears that a typical situation in Brewster is that people in their 50's who are planning retirement purchase a second home in anticipation of retirement and full-time residency in the coming decade. STRs may be an interim use for them to help defray acquisition and carrying costs, not the exclusive use of the property. If these owners still use the property themselves seasonally, that may be another reason they don't rent to someone long term. Owner revenues for STRs, especially in recently purchased homes, may often be lower than sometimes assumed, given high acquisition costs, taxes and operating expenses: rentals are more a way to help carry the property as second homeowners transition to year-round residency and retirement. The companies that do manage and own STR units tend to be local companies, not a Berkshire Hathaway, etc. STR rental rates appear to have stabilized since the COVID peak.

Another common Brewster fact pattern cited in the Task Force presentations and discussions is that of year-round residents vacating their houses seasonally to short term rent them, in order to afford year-round housing and other living expenses. The Task Force is particularly sympathetic to these circumstances and have referred to them as the primary traditional and historic pattern of vacation rentals in the Town.

There is still much we do not know about the STR market. Among other open questions set out in this report: is the market growing and if so, at what rate? how many year-round residents rent their homes as STRs to supplement their income? How do closely do STRs align with "seasonal rentals?" More study and monitoring of this dynamic market could help Brewster guide local policy, regulation and decision-making moving forward.

Recommendation

It is recommended that if the Town intends to limit or restrict STR licenses or classes of operators through local regulation, that it first have listening sessions, including with the Brewster Chamber and local businesses to discuss the potential effects of such regulation on the local economy.

MUNICIPAL FINANCES AND BUDGET

The Task Force received testimony from the Town that it receives about $1.5M/ yr from STR rooms taxes.

The Select Board has a policy that 50% of forecasted STR revenue is earmarked for the Town's Affordable Housing Trust ("AHT") ($600k in FY26, based on a conservative estimate of $1.2M). STR revenues are thus one of if not the primary funding sources for the AHT to use for various affordable housing initiatives in Brewster. The AHT has committed $1.8M to date which will lead directly to the creation of affordable housing in Brewster: $1M for 45 units of rental housing at Spring Rock Village (off Millstone Road): $100K for two, Habitat for Humanity ownership units on Mackie Drive, East Brewster (former Washington Chase Bog property, Rte. 6A); and eight additional affordable units at the age 55+ Serenity Apartments, which would result in 39 total affordable units in the development. In addition to the AHT, the 50% remainder of the forecasted balance goes to the water quality stabilization fund (15%), capital stabilization fund (25%), and operating expenses related to Select Board Strategic Plan (10% - Sea Camps).

Actual receipts over and above the forecasted amount go to free cash and have been used for a variety of municipal purposes over the past few years such as helping to pay down the Sea Camps Pond Property acquisition costs and covering a portion of the Millstone Road improvement project expenses.

The Town's AHT and Finance Team have developed a 5-Year Financing Plan for the Trust which is annually updated and relies heavily on the projected STR revenues that are transferred to the Trust through the Town's annual operating budget. Reduction of these revenues would be disruptive to the Town's robust housing program and would likely lead to reductions in financial support and continued investments in these critical services and projects.

On Cape Cod, a portion of STR rooms taxes also funds the Cape Cod and Islands Water Protection Fund (CCIWPF) at the county level, which subsidizes eligible wastewater and water quality projects around Cape Cod. Brewster contributes approximately $1M/year to the CCIWPF through STR taxes.

MODERATOR'S RULES REGARDING TOWN MEETING

Priority shall be given to registered voters of the Town for admission to all Town Meetings, whether annual or special meetings. Therefore, the following rules shall apply:

1. Prior to admission, persons desiring admission shall check in with the Town Meeting Tellers, who will be present at the main entrance with voter registration lists.
2. Non-voters, who desire to be present, will be seated in the area designated as the non-voter section. Voters take priority seating.
3. Non-voters will not address the Town Meeting without the unanimous consent of all voters present and will not participate in voting. Non-Resident Town staff will be permitted to address Town Meeting as appropriate and consistent with past precedent.

TOWN MEETING PROCEDURE

THE MODERATOR has absolute control of the town meeting.

GENERAL LAWS CHAPTER 39 SECTION 15: The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

WHEN A VOTER WISHES TO SPEAK, the voter may rise, say, "Mr. Moderator," and wait for recognition. Then, with the microphone, please give your name. The voter may continue with due regard to reasonable brevity, as long as the voter speaks directly to the question under discussion.

THERE WILL BE NO SMOKING OR STANDING in the meeting location.

ANYTIME THE MOTION TO BE VOTED ON IS UNCLEAR, ask the Moderator before voting.

VOTERS WILL PLEASE HOLD THEIR BREWSTER VOTER TAG in their right hand, so that the tellers when counting hand votes will count them.

NO PERSON IS TO INDULGE IN PERSONALITIES OR DEROGATORIES. Let us maintain decorum and reason together.

MOTIONS

MAIN MOTIONS are always on articles in the Town warrant. They are made, seconded, and then opened for consideration.

SECONDARY MOTIONS are motions which refer to main motions. Secondary motions usually amend, postpone, or limit consideration.

AMENDMENTS may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon if the proposed change is agreeable to the proponents of original motion. Voters must submit amendments in legible writing.

POSTPONE

TO REFER TO COMMITTEE "COMMIT" if changes in a main motion are numerous, take too much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report.

POSTPONE TO A DEFINITE TIME: defers action on a main motion to a stated hour, usually during the meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

"LAY ON TABLE" intends to temporarily lay aside an article. Not debatable; two-thirds vote carries. An article not taken from table before the meeting adjourns is not actionable. To be considered at a subsequent meeting, it must reappear in the warrant for that meeting.

"TAKE NO ACTION" "PASS OVER" "POSTPONE INDEFINITELY" are debatable motions and require majority vote. The intent is to defeat the motion.

LIMIT CONSIDERATION

LIMIT DEBATE. This secondary motion requests a vote to be taken at a specific time. Requires a 2/3 majority vote.

"MOVE THE PREVIOUS QUESTION" demands an immediate vote on any motion under consideration without further debate on the motion. May not be debated or amended. Requires 2/3 vote to carry. If it carries, we vote on the main motion that we voted to end the debate on.

POINT OF ORDER

IF A VOTER QUESTIONS THE LEGALITY or propriety of the proceedings, the voter may rise, interrupt the speaker and say, "I rise to a point of order" or "question of privilege."

VOTES ON MAIN MOTIONS

Usually carries (passes) with the majority of those attending. Quantum of vote for each article is noted in the warrant book.

EXCEPTIONS

2/3 MAJORITY VOTE REQUIRED for borrowing of money appropriations for land purchases; land purchase for public domain; sale or abandonment of unneeded land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning bylaws.

4/5 USUALLY REQUIRED payment of a bill for which insufficient appropriations made in a previous year, at the Annual Town Meeting. A 9/10 vote is required at a Special Town Meeting.

POSTPONE INDEFINITELY requires a majority vote, may be debated, and may not interrupt the speaker.

GLOSSARY OF FINANCIAL TERMS

Appropriation	An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and as to the time when it may be expended. Only town meeting can authorize money appropriated for one purpose to be used for another. Any amount that is appropriated may be encumbered (see encumbrance). Any part of an annual operating appropriation not spent or encumbered by June 30 automatically reverts to the undesignated fund balance that may result in free cash. If departments know of remaining unpaid bills at the close of the fiscal year and properly notifies the Town Accountant (MGL Ch. 41 ss. 58), the departmental appropriation is encumbered. This action extends the annual spending authorization until such time that the bill is paid, or it is decided not to spend the funds. If these encumbrances are not acted on within ninety days, the Town Accountant generally notifies the department and closes them out. A special purpose appropriation, on the other hand, may carry forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.
Audit	An examination of systems, procedures, and financial data by a certified public accountant, reporting on the fairness of financial statements and compliance with statutes and regulations. The audit is a valuable management tool for evaluating the fiscal performance of a community.
Available Funds	Funds established through previous appropriations or resulting from financial operations. They may be appropriated to meet unforeseen expenses, capital expenditures, or other one-time costs. Examples include free cash, stabilization fund, overlay surplus, water surplus, and enterprise retained earnings.
Betterments (Special Assessments)	Whenever a limited area of a community receives benefit from a public improvement (*e.g.,* water, road, sewer, sidewalk, etc.), special property taxes may be assessed to reimburse the governmental entity for all or part of the costs it incurred. Each parcel receiving benefit from the improvement is assessed for a proportionate share of the cost of such improvements. The proportionate share may be paid in full, or the property owner may request the assessors to apportion the betterment over a period of up to 20 years. Over the lifetime of the betterment, one year's apportionment along with one year's committed interest computed from October 1 to October 1 is added to the tax bill until the betterment has been paid.
Bond	A written promise to pay a specified sum of money, called the face value (par value) or principal amount, at a specified date in the future, called the maturity date, together with periodic interest at a specified rate. The difference between a note and a bond is that the latter runs for a longer period of time.
Bond Anticipation Note (BAN)	A short-term note to provide cash for initial project costs issued in anticipation of bond proceeds. BANs may be issued for a period not to exceed five years, provided principal repayment begins after two years. Communities with approved projects on the School Building Assistance (SBA) priority list may defer principal payments up to five years (approved annually in outside sections of the budget). The final maturity date of the project borrowing, beginning from the date the short-term note was issued, may not exceed the term specified by statute. BANs are full faith and credit obligations.
Bond Authorized And Unissued	Bond authorized but not yet sold. Issuance is contingent only on action by the Town Treasurer and a majority of the Board of Selectmen.
Bond Counsel	An attorney or law firm engaged to review and submit an opinion on the legal aspects of a municipal bond or note issue.
Bond Issue	Generally, it represents the actual sale of a certain number of bonds at one time by a governmental unit.
Bond Rating (Municipal)	A credit rating to help investors determine the risk of losing money in a given fixed-income investment. Agencies specializing in municipal bonds assign a rating, designated by letters or a combination of letters and numerals, based on their opinion of the future ability, legal obligation, and willingness of a bond issuer to make timely debt service payments.

Budget	A plan of financial operation embodying an estimate of proposed revenues and expenditures for a given period and the proposed means of financing them. A budget may be "preliminary" (the financial plan presented to the town meeting), or "final" (the plan approved by that body). The budget should be separated into basic units, either by department, program, or service. Formatting the budget in this way helps local officials and citizens make policy decisions when allocating scarce resources. It is also important to include as much information as possible concerning the output or accomplishments expected of a given program or department during the year.
Capital Improvements Program	A comprehensive plan for planning a community's capital expenditures. It coordinates community planning, fiscal capacity and physical development. While all of the community's needs should be identified in the program, there is a set of criteria that prioritizes the expenditures. The capital program is a plan for capital expenditures that usually extends at least five years beyond the capital budget.
Capital Outlay Expenditure Exclusion	A vote by a community at an election to exclude payments for a capital project from the levy limit. The exclusion may temporarily increase the levy above the levy ceiling.
Cash	Currency, coin, checks and bankers' drafts on hand or on deposit with an official or agent designated as custodian of cash and bank deposits.
Cash Management	The process of managing a local government's money in order to ensure maximum cash availability and maximum yield on short-term investment of idle cash.
Cemetery Perpetual Care	Funds donated by individuals for the care of gravesites. According to MGL, funds from this account must be invested and spent as directed by perpetual care agreements. If no agreements exist, the interest (but not principal) may be used as directed by the Cemetery Commissioners for the purpose of maintaining cemeteries.
Chapter 90 Highway Funds	The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 ss. 34, hence the terms Chapter 90 funds. The Chapter 90 highway formula is comprised of three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U. S. Census Bureau. Under this formula, those communities with a larger number of road miles receive proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD.
Cherry Sheets	Named for the cherry colored paper on which they were originally printed, the Cherry Sheets are the official notification of the next fiscal year's state aid and assessments to communities and regional school districts from the Commissioner of Revenue. State aid to municipalities and regional school districts consist of two major types – distributions and reimbursement. Distributions provide funds based on formulas while reimbursements provide funds for costs incurred during a period for certain programs or services. In addition, communities may receive "offset items" that must be spent on specific programs. Cherry Sheet assessments are advance estimates of state assessments and charges. Local assessors are required to use these figures in setting the local tax rate. Because these figures are estimates, it should be noted that based upon filing requirements and/or actual information, the final aid or assessment may differ.
Cherry Sheet Offset Items	Local aid accounts that may be spent without appropriation in the budget, but which must be spent for specific municipal and regional school district programs. Current offset items include racial equality grants, school lunch grants, and public libraries grants.
Collective Bargaining	The negotiations between an employer and union representative regarding wages, hours, and working conditions.
Conservation Fund	This fund may be expended for lawful conservation purposes as described in MGL Ch. 40 ss. 8C. It may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by two-thirds vote of town meeting.
Contingent Appropriation	An appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of

	the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 ss. 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2-½ override or exclusion question for the same purpose.
Debt Authorization	Formal approval by a two-thirds vote of town meeting to incur debt, in accordance with procedures stated in MGL Ch. 44.
Debt Exclusion	A vote by a municipality at an election to exclude debt service payments for a particular capital project form the levy limit. The amount necessary to cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.
Debt Limit	The maximum amount of debt that a municipality may have authorized for qualified purposes under state law.
Debt Service	The cost usually stated in annual terms, of the principal repayment and interest of any particular issue.
Deficit	The excess of expenditures over revenues during an accounting period. Also refers to the excess of the liabilities of a fund over its assets.
Education Reform Act Of 1993	An act that seeks to remedy educational funding inequities between local communities by providing adequate state funding over a seven year period for all local and regional school districts and by mandating equity based upon a particular community's ability to pay. One of the Act's major goals is to improve student achievement.
Eminent Domain	The power of a government to take property for public purposes by condemnation provided that fair compensation is paid to the owner. This method is frequently used to obtain real property that cannot be purchased from owners by means of a voluntary transaction.
Encumbrance	Obligations in the form of purchase orders, contracts, or salary commitments that are chargeable to an appropriation and for which a part of the appropriations is reserved.
Enterprise Fund	Those funds which are established for specific uses under M.G.L. c.44, §53F1/2 that require an annual appropriation to operate (i.e. The Brewster Water Department). Enterprise fund revenue streams are segregated from the general fund into a separate fund and available as a separate financing source for services that generate, or for purposes supported by, those revenues. These include the revenues of enterprise funds established for services typically financed and delivered in a manner similar to private enterprises for the purpose of accounting for all costs, direct or indirect, of providing the services.
Estimated Receipts	An estimate of state and local miscellaneous receipts based upon the previous year's receipts that assessors deduct from the gross amount to be raised in order to arrive at the tax levy.
Excess And Deficiency	Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is made based upon the balance sheet that is submitted by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.
Excess Levy Capacity	The difference between the levy limit and the amount of real and personal property taxes actually levied in a given year. Annually, the Board of Selectmen must be informed of excess levy capacity and their acknowledgment must be submitted to the Department of Revenue when setting the tax rate.
Fiscal Year	Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2020 fiscal year is July 1, 2019 to June 30, 2020 and is usually written as FY2020. Since 1976, the federal government has had a fiscal year that begins October 1 and ends September 30.
Fixed Costs	Costs that are legally or contractually mandated such as retirement, FICA/Social Security, insurance, debt service or interest costs.

Foundation Budget	The target imposed by the Education Reform Act of 1993 for each school district, defining the spending level necessary to provide an adequate education for all students.
Free Cash	Unrestricted funds from operations of the previous fiscal year that are certified by the Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax recapitulation sheet, and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount that can be certified as free cash. The calculation of free cash is based upon the balance sheet as of June 30, which is submitted by the Town Accountant. A community should maintain a free cash balance to provide a hedge against unforeseen expenditures and to ensure there will be an adequate reserve to prevent sharp fluctuations in the tax rate. Maintenance of an adequate free cash level is not a luxury but a necessary component of sound local fiscal management. Credit rating agencies and other members of the financial community expect municipalities to maintain free cash reserves and make judgments regarding a community's fiscal stability, in part, on the basis of free cash.
Fund	An accounting entity with a self-balancing set of accounts that are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions, or limitations.
Fund Accounting	Organizing the financial records of a municipality into multiple funds. A fund is a distinct entity within the municipal government in which financial resources and activity (assets, liabilities, fund balances, revenues and expenditures) are accounted for independently in accordance with specific regulations, restrictions and limitations. Examples of funds include the general fund and enterprise funds.
General Fund	The fund used to account for most financial resources and activities governed by the normal town meeting appropriation process.
General Obligation (GO) Bonds	Bonds issued by a municipality that are backed by the full faith and credit of its taxing authority.
Hotel/Motel Excise	A local option that allows a community to assess a tax on room occupancy. The community may levy up to 6% of the taxable rents of hotels, motels and lodging houses in that community.
Indirect Cost	Costs of a service not reflected in the service's operating budget. An example of an indirect cost of providing water service would be health insurance costs for water department employees. A determination of these costs is necessary to analyze the total cost of service delivery and a Mutual Agreement for reporting and paying indirect costs is required between the Select Board and respective Department / Committee.
Interest	Compensation paid or to be paid for the use of money, including amounts payable at periodic intervals or discounted at the time a loan is made.
Interest Rate	The interest payable, expressed as a percentage of the principal available, for use during a specified period of time. It is always expressed in annual terms.
Law Enforcement Trust Fund	A revolving fund established to account for a portion of the proceeds from the sale of property seized from illegal drug-related activities. Funds may be expended to defray certain qualified law enforcement costs as outlined in MGL Ch. 94C ss. 47. Funds from this account may be expended by the Police Chief without further appropriation.
Levy	The amount a community raises through the property tax. The levy can be any amount up to the levy limit.
Levy Ceiling	The maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 ss. 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.
Levy Limit	The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and any overrides. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, debt exclusion, or special exclusion.

Line-Item Budget	A budget that focuses on inputs of categories of spending, such as supplies, equipment, maintenance, or salaries, as opposed to a program budget.
Local Aid	Revenue allocated by the commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets". Most Cherry Sheet aid programs are considered revenues of the municipality's or regional school districts' general fund and may be spent for any purpose, subject to appropriation.
Local Receipts	Locally generated revenues, other than real and personal property taxes and enterprise fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals, and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet.
Motor Vehicle Excise (MVE)	Every motor vehicle and trailer registered in the Commonwealth is subject to the MVE unless expressly exempted. MVE is imposed for the privilege of registering a motor vehicle. Registering a motor vehicle automatically triggers the assessment of the excise.
Municipal(s)	Municipal refers to any state or subordinate governmental unit. "Municipals" (i.e., municipal bonds) include not only the bonds of all local subdivisions, such as cities, towns, school districts, special districts, but also bonds of the state and agencies of the state.
Municipal Revenue Growth Factor (MRGF)	An estimate of the percentage change in a municipality's revenue growth for a fiscal year. It represents the combined percentage increase in the following revenue components; automatic 2 ½ percent increase in the levy limit, estimated new growth, the change in selected unrestricted state aid categories, and the change in selected unrestricted local receipts (Education Reform Act of 1993).
Net School Spending (NSS)	School budget and municipal budget amounts attributable to education, excluding long-term debt service, student transportation, school lunches and certain other specified school expenditures. A community's NSS funding must equal or exceed the NSS Requirement established annually by the Department of Education (DOE) (Education Reform Act of 1993).
New Growth	The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying all increases in value which are not the result of revaluation by the tax rate of the previous fiscal year, for example, FY2023 new growth is determined by multiplying the value on January 1, 2022 by the FY2022 tax rate. Assessors must submit documentation of new growth to the BLA annually before setting the tax rate. Documentation should be retained for five years in the event of a BLA audit.
Operating Budget	A plan of proposed expenditures for personnel, supplies, and other expenses for the coming fiscal year.
Overlay (Overlay Reserve or Allowance for Abatements and Exemptions)	An account established annually to fund anticipated property tax abatements, exemptions and uncollected taxes in that year. The overlay reserve is not established by the normal appropriation process but rather is raised on the tax rate recapitulation sheet.
Overlay Surplus	Any balance in the overlay account in excess of the amount remaining to be collected or abated can be transferred into this account. Within ten days of a written request by the chief executive officer of a city or town, the Board of Assessors must provide a certification of the excess amount of overlay available to transfer. Overlay surplus may be appropriated for any lawful purpose. At the end of each fiscal year, unused overlay surplus is "closed" to surplus revenue.
Override	A vote by a community at an election to permanently increase the levy limit. An override vote may increase the levy limit no higher than the levy ceiling. The override question on the election ballot must state a purpose for the override and the dollar amount).
Override Capacity	The difference between a community's levy ceiling and its levy limit. It is the maximum amount by which a community may override its levy limit.
Payments In Lieu Of Taxes (PILOT)	An agreement between a municipality and an entity not subject to taxation, such as charitable or educational organizations, in which the payer agrees to make a voluntary payment to the municipality. By law, a city or town must make such payment to any other community in which it owns land used for public purposes.

Proposition 2 ½ (Prop 2 ½)	M.G.L. c.59, §21C was enacted in 1980 and limits the amount of revenue a city or town may raise from local property taxes each year. This amount is the community's annual levy limit. The law allows the levy limit to increase each year by 2.5% plus any new growth revenue derived from taxes from new construction and alterations. This amount may not exceed the community's levy ceiling. Proposition 2 ½ also established two types of voter approved increases in local taxing authority – overrides and exclusions.
Receipts Reserved	Proceeds that are earmarked by law and placed in separate accounts for appropriation for particular purposes. For example, parking meter proceeds may be appropriated to offset certain expenses for parking meters and the regulation of parking and other traffic activities.
Reserve Fund	An amount set aside annually within the budget of a city (not to exceed 3% of the tax levy for the preceding year) or town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for "extraordinary or unforeseen" expenditures. Other uses of the fund require budgetary transfers by town meeting.
Revenue Anticipation Borrowing	Cities, towns and districts may issue temporary notes in anticipation of taxes (TAN's) or other revenue (RAN's). The amount of this type of borrowing is limited to the total of the prior year's tax levy, the net amount collected in motor vehicle and trailer excise in the prior year and payments made by the Commonwealth in lieu of taxes in the prior year. According to MGL Ch. 44 ss. 4, cities, towns and districts may borrow for up to one year in anticipation of such revenue.
Revenue Anticipation Note (RAN)	A short-term loan issued to be paid off by revenues, such as tax collections and state aid. RANs are full faith and credit obligations.
Revenue Bond	A bond payable from and secured solely by specific revenues and thereby not a full faith and credit obligation.
Revolving Fund	Allows a community to raise revenues from a specific service and use those revenues without appropriation to support the service. For departmental revolving funds, MGL Ch 44 ss. 52E ½ requires each revolving fund must be established by ordinance or charter and stipulates that each fund must be re-authorized each year at annual town meeting action, and that a limit on the total amount that may be spent form each fund must be established at that time. The aggregate of all revolving funds may not exceed ten percent of the amount raised by taxation by the town in the most recent fiscal year, and not more than one percent of the amount raised by taxation may be administered by a single fund. Wages and salaries for full-time employees may be paid from the revolving fund only if the fund is also charged for all associated fringe benefits. Revolving funds for other programs as provided by statute are still allowed, and a departmental revolving fund may be implemented in addition to or in conjunction with other existing statutory revolving funds, provided that the departmental revolving fund does not conflict with provisions of other revolving funds.
Sale Of Cemetery Lots Fund	A fund established to account for proceeds of the sale of cemetery lots. The proceeds may only be appropriated to pay for the cost of the land, its care and improvement or the enlargement of the cemetery under provisions of MGL Ch. 144 ss. 15.
Stabilization Fund	A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose. Communities may appropriate into this fund in any year an amount and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.
State Aid Anticipation Note (SAAN)	A short-term loan issued in anticipation of a state grant or aid (MGL Ch. 44 ss. 6A).
State House Notes	Debt instruments for cities, towns, counties and districts certified by the Director of Accounts. State House Notes, payable annually, are usually limited to maturities of five years. The notes are generally less costly and easier to issue than conventional issues for borrowing. They are commonly used for temporary loans and smaller long-term issues.
Tax Rate	The amount of property tax stated in terms of a unit of the municipal tax base; for example, $14.80 per $1,000 of assessed valuation of taxable real and personal property.

Tax Rate Recapitulation Sheet (Recap Sheet)	A document submitted by a city or town to the Department of Revenue in order to set a property tax rate. The recap sheet shows all estimated revenues and actual appropriations that affect the property tax rate. The recap sheet should be submitted to the Department of Revenue by September 1 (in order to issue the first-half semiannual property tax bills before October) or by December 1 (in order to issue the third quarterly property tax bills before January 1).
Five Year Valuation Certification	The Commissioner of Revenue is required to review local assessments every five years and to certify that they represent FFCV. The Bureau of Local Assessments is responsible for this process.
Trust Fund	In general, a fund held for the specific purpose stipulated by a trust agreement. The Town Treasurer acts as a custodian of trust funds and invests and expends such funds as stipulated by trust agreements or as directed by the Commissioners of Trust Funds or by town meeting. Both principal and interest may be used if the trust is established as an expendable trust. For non-expendable trust funds, interest but not principal may be expended as directed.
Underride	A vote by a community to permanently decrease the tax levy limit. As such, it is the exact opposite of an override.
Unfunded Pension Liability	Unfunded pension liability is the difference between the value assigned to the retirement benefits already earned by a municipality's employees and the assets the local retirement system will have on hand to meet these obligations. The dollar value of the unfunded pension liability is driven by assumptions about interest rates at which a retirement system's assets will grow and the rate of future costs of living increases to pensioners.
Uniform Municipal Accounting System (UMAS)	The Department of Revenue regards UMAS as the professional standard for municipal account system that conforms to Generally Accepted Accounting Principles modern municipal accounting in Massachusetts. Among the benefits of conversion to UMAS is increased consistency in reporting and record keeping and enhanced comparability of data among cities and towns.
Unreserved Fund Balance (Surplus Revenue Account)	The amount by which cash, accounts receivable, and other assets exceed liabilities and restricted reserves. It is akin to a "stockholders' equity" account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected.
Warrant	An authorization for an action. For example, a town meeting warrant establishes the matters that may be acted upon by that town meeting. A treasury warrant authorizes the treasurer to pay specific bills. The assessors' warrant authorizes the tax collector to collect taxes in the amount and from the persons listed, respectively.
Water Surplus	For water departments operating under MGL Ch. 41 ss. 69B, any revenues in excess of estimated water receipts or unspent water appropriations closeout to a water surplus account. Water surplus may be appropriated to fund water-related general and capital expenses or to reduce water rates.
Waterways Improvement Fund	An account into which fifty percent of the proceeds of the boat excise is deposited. Use of these proceeds is limited to certain waterway expenses as outlined in MGL Ch. 40 ss. 5G.

TOWN OF BREWSTER, MASS. CHAIR OF ELDER BREWSTER INCORPORATED FEB. 19, 1803