

Report of the  
**ANNUAL TOWN MEETING**  
**May 2<sup>nd</sup> & 3<sup>rd</sup>, 2011**

In accordance with the Warrant, the Annual Town Meeting was held in the Stony Brook Cafetorium on Monday, May 2<sup>nd</sup>, 2011 and reconvened on Tuesday, May 3<sup>rd</sup>, 2011.

The meeting was called to order at 7:00p.m. by the Moderator, Stephen L. Doyle.

The tellers were David Lahive, David Quinn, Jackie Dufresne, Ed Swiniarski, Bill Reed, Pete Scheffer, Lou Dufresne and Pat Galante. The checkers were June Gallant, Mary Myers, Elizabeth Hardy, Ann Golini, Barbara Bender, Jayanne Sci, Joan Scheffer and Maureen Steinmann. Joanne Hush, Chairman of the Board of Registrars.

A quorum was present, with 1236 registered voters in attendance.

The Town Clerk, Colette M. Williams, read the Annual Town Meeting Warrant and the return of the Warrant. There being no objection, the Moderator dispensed with the reading of the articles.

***CAPE COD VOCATIONAL TECHNICAL SCHOOL OPERATING BUDGET***

**ARTICLE NO. 1:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray Cape Cod Vocational Technical High School charges and expenses for the Fiscal Year ending June 30, 2012, as follows:

<u>item</u>	<u>DEPARTMENT</u>	<u>EXPENDED</u> <u>FY 2010</u>	<u>APPROPRIATED</u> <u>FY 2011</u>	<u>REQUEST</u> <u>FY 2012</u>
1	CAPE COD TECH. ASSESSMENT	\$683,190.00	\$688,641.00	\$694,838.00
	TOTAL ASSESSMENT	\$683,190.00	\$688,641.00	\$694,838.00

or to take any other action relative thereto.

(Majority Vote Required)

(Cape Cod Technical School Committee)

**MOTION:** I move that the town vote to approve article no. 1 as printed in the warrant and to raise and appropriate the sum of \$694,838.00 for this purpose.

**ACTION:** ADOPTED UNANIMOUSLY

***ELEMENTARY SCHOOLS OPERATING BUDGET***

**ARTICLE NO. 2:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray the Elementary Schools' charges and expenses, for the Fiscal Year ending June 30, 2012, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED</u> <u>FY 2010</u>	<u>APPROPRIATED</u> <u>FY 2011</u>	<u>REQUEST</u> <u>FY 2012</u>
ELEMENTARY SCHOOL BUDGET	\$5,257,028.22	\$5,858,061.00	\$6,308,567.00
TOTAL ELEMENTARY SCHOOL	\$5,257,028.22	\$5,858,061.00	\$6,308,567.00

or to take any other action relative thereto.

(Majority Vote Required)

(Elementary School Committee)

**MOTION:** I move that the town vote to approve article no. 2 as printed in the warrant and to raise and appropriate the sum of \$6,308,567.00 for this purpose, however that the

sum of \$341,157.00 which is required to fully fund this budget is contingent on the approval of Proposition 2 1/2 levy limit override under General Laws Chapter 59, s. 21C(g).

**MOTION: To cut off debate: ADOPTED**

**ACTION: ADOPTED**

<b>TOWN OPERATING BUDGET</b>
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**ARTICLE NO. 3:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray town charges and expenses, and furthermore, to fix the salary and compensation of all elected officials of the town as provided in Section No. 108 of Chapter 41 of the General Laws, as amended, for the Fiscal Year ending June 30, 2012, as follows:

<u>item</u>	<u>DEPARTMENT</u>	<u>EXPENDED</u> <u>FY 2010</u>	<u>APPROPRIATED</u> <u>FY 2011</u>	<u>REQUEST</u> <u>FY 2012</u>
1	MODERATOR WAGES	\$300.00	\$300.00	\$300.00
2	SELECTMEN'S WAGES	\$5,250.00	\$5,250.00	\$5,250.00
	STAFF WAGES	\$54,169.60	\$56,073.00	\$55,816.00
	EDUCATIONAL REIMB	\$2,044.30	\$2,000.00	\$2,000.00
	EXPENSES	\$53,589.30	\$28,725.00	\$28,780.00
	ADMINISTRATOR			
	WAGES	\$250,913.56	\$256,850.00	\$269,521.00
	EXPENSES	\$6,421.99	\$9,800.00	\$9,580.00
	LEGAL EXPENSES	\$127,150.00	\$105,000.00	\$105,000.00
	TOWN REPORT			
	EXPENSES	\$4,019.46	\$6,500.00	\$5,700.00
3	FINCOM EXPENSES	\$1,746.09	\$2,000.00	\$2,000.00
	RESERVE FUND	\$28,912.00	\$92,000.00	\$92,000.00
4	ACCOUNTANT WAGES	\$139,260.09	\$143,331.00	\$150,349.00
	AUDIT OF ACCOUNTS	\$16,500.00	\$29,500.00	\$25,500.00
	EXPENSES	\$1,958.66	\$2,970.00	\$2,585.00
	ASSESSOR WAGES	\$121,779.17	\$103,549.00	\$108,766.00
	EXPENSES	\$1,942.13	\$3,800.00	\$3,350.00
	TREAS/COLL WAGES	\$172,842.66	\$197,694.00	\$192,130.00
	EXPENSES	\$23,113.11	\$26,900.00	\$26,900.00
	INFORMATION TECHNOLOGY			
	WAGES	\$72,217.89	\$74,381.00	\$77,535.00
	EXPENSES	\$47,285.81	\$57,081.00	\$57,623.00
	DEBT SERVICE	\$3,107,152.98	\$2,985,891.00	\$2,871,672.00
	FRINGE BENEFITS	\$2,658,000.21	\$2,841,450.00	\$3,034,234.00
	RETIREMENT/PENSION	\$1,219,950.32	\$1,352,615.00	\$1,386,662.00
5	TOWN CLERK'S WAGES	\$62,940.62	\$48,352.00	\$0.00
	CLERK STAFF WAGES	\$56,041.09	\$65,925.00	\$114,300.00
	EXPENSES	\$20,972.82	\$25,355.00	\$21,030.00
	TOWN HALL MAINT			
6	WAGES	\$87,296.35	\$77,973.00	\$82,005.00
	EXPENSES	\$17,347.80	\$19,500.00	\$15,850.00
	COA BLDG EXPENSES	\$6,231.67	\$7,200.00	\$7,200.00
	DRUMMER BOY			
	EXPENSES	\$62.06	\$800.00	\$500.00
7	CONSTABLE	\$250.00	\$250.00	\$250.00

	POLICE WAGES	\$1,762,061.03	\$1,822,160.00	\$1,923,643.00
	EXPENSES	\$115,220.47	\$134,905.00	\$132,774.00
8	FIRE/RESCUE WAGES	\$1,365,608.99	\$1,410,732.00	\$1,471,815.00
	EXPENSES	\$101,798.52	\$98,300.00	\$103,600.00
	RESCUE EXPENSES	\$86,841.78	\$87,000.00	\$91,000.00
	STATION EXPENSES	\$40,219.73	\$32,000.00	\$41,000.00
9	PLANNING WAGES	\$126,600.99	\$134,301.00	\$140,997.00
	PLANNING/APPEALS			
	EXPENSES	\$2,332.08	\$3,315.00	\$3,190.00
10	BLDG INSP/HDC WAGES	\$229,847.64	\$286,955.00	\$291,853.00
	BUILDING/HDC			
	EXPENSES	\$4,049.59	\$6,300.00	\$6,300.00
11	NATURAL RESOURCES AND			
	CONSERVATION WAGES	\$182,219.42	\$187,142.00	\$195,427.00
	EXPENSES	\$31,603.51	\$32,350.00	\$32,000.00
	PROPAGATION	\$6,000.00	\$6,000.00	\$10,000.00
	BOARD OF HEALTH			
12	WAGES	\$157,754.94	\$163,412.00	\$169,414.00
	VISITING NURSE ASSOC.	\$18,345.00	\$18,357.00	\$18,357.00
	EXPENSES	\$4,211.11	\$4,000.00	\$4,000.00
13	DPW WAGES	\$781,186.21	\$809,830.00	\$848,845.00
	ROAD MACHINERY	\$64,763.40	\$40,800.00	\$40,800.00
	SNOW & ICE CONTROL	\$139,719.34	\$120,000.00	\$120,000.00
	EXPENSES	\$185,722.51	\$218,590.00	\$232,120.00
	SOLID WASTE DISPOSAL	\$170,435.86	\$161,552.00	\$172,802.00
	STREETLIGHTING	\$8,697.23	\$9,800.00	\$9,800.00
14	WATER STAFF WAGES	\$654,856.29	\$669,003.00	\$687,055.00
	OPERATING EXPENSES	\$301,609.06	\$424,291.00	\$424,291.00
	EQUIPMENT EXPENSES	\$8,996.30	\$12,570.00	\$12,570.00
15	GOLF DEPT WAGES	\$1,121,751.53	\$1,167,511.00	\$1,177,837.00
	EXPENSES	\$781,328.30	\$816,075.00	\$881,620.00
16	RECREATION WAGES	\$98,741.82	\$98,716.00	\$97,151.00
	EXPENSES	\$16,596.42	\$16,562.00	\$17,051.00
	COUNCIL ON AGING			
17	WAGES	\$142,700.78	\$158,105.00	\$172,413.00
	EXPENSES	\$10,800.96	\$11,982.00	\$13,254.00
18	LADIES LIBRARY	\$517,739.13	\$521,402.00	\$531,400.00
19	ALEWIVE COMM. WAGES	\$2,421.60	\$2,500.00	\$2,500.00
	EXPENSES	\$843.83	\$900.00	\$900.00
	OLD MILL SITE COMM.	\$3,427.12	\$4,000.00	\$4,000.00
20	UTILITIES	\$422,114.63	\$471,000.00	\$450,000.00
	LIABILITY INSURANCE	\$266,813.25	\$305,000.00	\$330,000.00
21	ASSESSMENTS	\$40,769.01	\$41,789.00	\$43,356.00
	MEMORIAL/VETERANS			
	DAY EXP.	\$1,500.00	\$1,500.00	\$1,500.00
	VETERANS SERVICES	<u>\$33,013.48</u>	<u>\$26,000.00</u>	<u>\$30,000.00</u>
	GRAND TOTAL	\$18,378,924.60	\$19,165,722.00	\$19,691,023.00

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 3 as printed in the warrant and in order to appropriate this total sum of \$19,691,023.00 that the town raise and appropriate the sum of \$17,884,751.00, and transfer the sums of:

- \$125,000.00 from the Overlay Surplus account,
- \$375,000.00 from the Golf Cart Receipts Reserved for Appropriation account,
- \$125,000.00 from the Pension Reserve account,
- \$310,333.00 from the Community Preservation Fund Balance Reserved for Open Space,
- \$75,000.00 from the Tele-communications account,
- \$212,460.00 from the Water Revenues account,
- \$358,600.00 from the Ambulance Receipts Reserved for Appropriation account,
- \$10,000.00 from the Sale of Cemetery Lots account, and
- \$12,000.00 from the Cable Franchise Fee account,
- \$202,879.00 from the Road Betterment account,

for this purpose, however that the sum of \$214,769.00 which is required to fully fund this budget is contingent on the approval of Proposition 2 1/2 levy limit override under General Laws Chapter 59, s. 21C(g).

**ACTION:** ADOPTED

<b><i>NAUSET REGIONAL SCHOOLS OPERATING BUDGET</i></b>
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**ARTICLE NO. 4:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to defray the Nauset Regional School's charges and expenses for the Fiscal Year ending June 30, 2012, as follows:

<u>DEPARTMENT</u>	<u>EXPENDED FY 2010</u>	<u>APPROPRIATED FY 2011</u>	<u>REQUEST FY 2012</u>
NAUSET ASSESSMENT	\$8,745,345.00	\$8,924,962.00	\$8,648,613.00
TOTAL ASSESSMENT	\$8,745,345.00	\$8,924,962.00	\$8,648,613.00

or to take any other action relative thereto.

(Majority Vote Required)

(Nauset Regional School Committee)

**MOTION:** I move that the town vote to approve article no. 4 as printed in the warrant and to raise and appropriate the total sum of \$8,648,613.00 for this purpose, however that the sum of \$243,596.00 which is required to fully fund this budget is contingent on the approval of Proposition 2 1/2 levy limit override under General Laws Chapter 59, s. 21C(g).

**ACTION:** ADOPTED

<b><i>LAND USE FOR RENEWABLE ENERGY</i></b>
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**ARTICLE NO. 22:** To see if the Town will vote, pursuant to G.L. chapter 40 section 15A, to authorize the transfer of the care, custody, management and control of the three parcels shown on Brewster Assessors' Map 46 a Lots 12-2, 12-3 and 12-5 to the Board of Water Commissioners for public water supply, watershed protection and passive recreation purposes pursuant to G.L. chapter 40, section 39B, and to authorize the Board of Selectmen, if necessary, to petition each branch of the General Court to effect this transfer, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 22 as printed in the warrant.

**ACTION:** ADOPTED

**RENEWABLE ENERGY CONTRACT AUTHORIZATION**

**ARTICLE NO. 37:** To see if the Town of Brewster will authorize its Board of Selectmen to enter into long-term contracts not to exceed a term of twenty-five years on behalf of the Town with private entities or governmental organizations related to renewable energy projects developed, sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc, which contracts may include, but not be limited to: power purchase agreements, renewable energy certificate contracts, renewable energy project development agreements, and leases of land or buildings related to the development of renewable energy; or take any other action relative thereto. Proposal for wind turbines will not site any Medium-Scale Wind Energy Turbine or Large-Scale Wind Energy Turbine within 1.2 miles of the nearest residence. Any proposed project will pose no threat to Zone I or Zone II watershed areas.

(Majority Vote Required)

(Citizens Petition)

**MOTION: I move that the town vote to indefinitely postpone consideration of article no. 37.**

**ACTION: ADOPTED TO INDEFINITELY POSTPONE**

The Moderator, Stephen L. Doyle adjourned the meeting at 10:47p.m. until May 3<sup>rd</sup>, 2011 at 7pm.

▪**May 3<sup>rd</sup>, 2011**

**The ANNUAL TOWN MEETING of MAY 2<sup>ND</sup>, 2011 RECONVENED**

The tellers were David Lahive, David Quinn, Jackie Dufresne, and Pat Galante. The checkers were June Gallant, Elizabeth Hardy, Ann Golini, Barbara Bender, Jayanne Sci, Joan Scheffer and Maureen Steinmann. Joanne Hush, Chairman of the Board of Registrars.

A quorum was present with 266 registered voters in attendance.

The meeting was called to order at 7:00p.m. by the Moderator, Stephen L. Doyle.

**ASSESSMENT FORMULA FOR NAUSET REGIONAL SCHOOLS**

**ARTICLE NO. 5:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 71, Section 16B, which would allocate the sum of the member towns' contributions to the Nauset Regional School District in Fiscal Year 2013 in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto.

(Majority Vote Required)

(Nauset Regional School Committee)

**MOTION: I move that the town vote to approve article no. 5 as printed in the warrant.**

**ACTION: ADOPTED**

**COMMUNITY PRESERVATION ACT FUNDING / Allocations**

**ARTICLE NO. 6:** To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fiscal Year 2012 revenues and/or from previously reserved funds or to set aside for future use the amounts shown below; to authorize the Town Administrator to enter into contracts for the award of grants to the following agencies; to authorize the Community Preservation Committee, pursuant to the provisions of Massachusetts General Laws, Chapter 184, Sections 31 through 33, to acquire Historic Preservation Restrictions and Affordable Housing Restrictions in consideration of the awarding of the following grants; all as follows:

**Item: Category:**

**1. Historic Preservation:**

**a. Brewster Meeting House Preservation Project:**

**Meeting House Restoration**

**\$250,000.00**

(\$75,000.00 from Estimated Revenues; \$79,000.00 from Fund Balance Reserved for Historic Preservation, \$96,000.00 from the Budgeted Reserve)

**b. Related Purpose Expenditures/Professional Services** **\$10,000.00**

**c. Reserve Funds.** To hold in reserve for the purpose of Historic Preservation the sum of **\$53.00** from the Fund’s Fiscal Year 2012 revenues for future expenditure;

**2. Community Housing:**

**a. Related Purpose Expenditures/Professional Services** **\$10,000.00**

**b. Reserve Funds.** To hold in reserve for the purpose of Community Housing the sum of **\$75,053.00** from the Fund’s Fiscal Year 2012 revenues for future expenditure;

**3. Open Space:**

**a. Related Purpose Expenditures/Professional Services** **\$50,000.00**

**b. Reserve Funds.** To hold in reserve for the purpose of acquiring Open Space the sum of **\$64,931.00** from the Fund’s Fiscal Year 2012 revenues for future expenditure;

**4. Reserve Funds**

**a. Recreation:**

**Related Purpose Expenditures/Professional Services** **\$10,000.00**

**b. Reserve Funds.** To hold, pursuant to the provisions of Section 17-4 of the Brewster Community Preservation Committee Bylaw, in reserve for the purpose of Historic Preservation, Community Housing and Recreation the sum of **\$149,158.00** from the Fund’s Fiscal Year 2012 revenues for future expenditure;

**5. Administration and Operating Expenses:**

**a. Administration and Operating Expenses.** To appropriate the sum of **\$15,000.00** from the Fund’s Fiscal Year 2012 revenues for expenditure by the Community Preservation Committee and the Town Administrator for the general administration and operating expenses related to carrying out the operations of the Community Preservation Committee;

**Grand-total** **\$634,195.00**

or to take any other action relative thereto.

(Majority Vote Required)

(Community Preservation Committee)

**MOTION: I move that the town vote to approve article no. 6 as printed in the warrant, except to correct item 1a to read 0 (zero) from Estimated Receipts instead of \$75,000.00, \$75,000.00 from Fund Balance Reserved for Historic Preservation instead of \$79,000.00 and \$175,000.00 from the Budgeted Reserve instead of \$96,000.00 and item 1c to read \$75,053.00 instead of \$53.00 and item 4B to read \$70,158.00 instead of \$149,158.00 and to appropriate the total sum of \$634,195.00 from the Community Preservation Fund for these purposes.**

**ACTION: ADOPTED**

***HUMAN SERVICES FUNDING***

**ARTICLE NO. 7:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ***SIXTY-TWO THOUSAND EIGHT HUNDRED THIRTY-NINE AND 00/100 (\$62,839.00) DOLLARS*** for the following organizations and in the following respective amounts:

- |    |   |            |
|----|---|------------|
| 1. | Cape Cod Child Development Program, Inc.              | \$5,020.00 |
| 2. | Consumers Assistance Council, Inc.                    | \$500.00   |
| 3. | Gosnold   | \$9,360.00 |
| 4. | Independence House, Inc.                              | \$4,200.00 |
| 5. | Interfaith Council for the Homeless of Lower Cape Cod | \$7,934.00 |
| 6. | South Coastal Counties Legal Services, Inc.           | \$4,400.00 |
| 7. | Lower Cape Outreach Council, Inc.                     | \$8,500.00 |

8.	capeAbilities	\$6,425.00
9.	Sight Loss Services, Inc. of Cape Cod & Islands	\$1,000.00
10.	Elder Services of Cape Cod "Meals on Wheels"	\$8,000.00
11.	Aids Support Group of Cape Cod	\$2,500.00
12.	Cape Cod Children's Place	\$5,000.00
	<b>GRAND TOTAL</b>	<b>\$62,839.00</b>

and to authorize the Board of Selectmen, the Board of Health, and the School Committee, as appropriate, to enter into contracts with these organizations in order to provide desired social services for residents of Brewster, or to take any other action relative thereto.

(Majority Vote Required)

(Human Services Committee)

**MOTION: I move that the town vote to approve article no. 7 as printed in the warrant and to transfer the sum of \$62,839.00 from Free Cash for these purposes.**

**ACTION: ADOPTED UNANIMOUSLY**

***CAPITAL AND SPECIAL PROJECT EXPENDITURES***

**ARTICLE NO. 8:** To see if the Town will vote to raise and appropriate, transfer from available funds and/or borrow a sum of money for the purpose of funding the following capital acquisitions and special project expenditures to be undertaken during Fiscal Year 2012 and to authorize the Town Administrator to sell, trade, lease, exchange or otherwise dispose of, in the best interests of the town, old equipment or vehicles deemed available, the proceeds from any such disposition to be applied toward the cost of acquiring said equipment or services as the case may be:

**Transfer from**

<i>Item Department:</i>	<i>Funds:</i>	<i>Available</i>
<b>1. <u>Board of Selectmen:</u></b>		
a. Stony Brook Millsite Dam Design & Reconstruction		\$10,000.00
b. All Citizens Access Improvement Project		\$5,000.00
c. Phase II / Telephone System Upgrade Project		\$25,000.00
<b>2. <u>Fire Department:</u></b>		
a. Rescue Billing Services		\$10,000.00
b. Protective Clothing Acquisition Project		\$30,000.00
c. Dispatch Service Expense		\$30,000.00
d. Technology Expense		\$25,000.00
e. Automatic Defibrillator Equipment		\$13,000.00
f. Rescue Tool Equipment Replacement		\$20,000.00
g. Self Contained Breathing Apparatus Equipment		\$60,000.00
h. Fire Station Building Repair Project		\$50,000.00
i. Regional Radio Grant for 400 Megahertz System		\$11,000.00
<b>3. <u>Department of Public Works:</u></b>		
a. Roadway/Drainage Repair Funding		\$150,000.00
b. DPW Air Conditioner/Heating System Project		\$20,000.00
c. Riding Mower Replacement Project		\$14,500.00
d. Transfer Station Monitoring Expense		\$30,000.00
<b>4. <u>Police Department:</u></b>		
a. Police Cruisers Replacement Expense		\$88,000.00
b. Body Armor Equipment Expense		\$20,000.00
<b>5. <u>Golf Department:</u></b>		
a. Tee & Approach Mower Replacements (7 units)		\$45,000.00
b. Golf Course Operations Review Expense		\$24,000.00
<b>6. <u>Nauset Regional School District:</u></b>		
a. Capital Plan Projects		<u>\$221,304.00</u>

**Grand-total**

**\$901,804.00**

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 8 as printed in the warrant and to appropriate the total sum of \$901,804.00 for these purposes, and in order to appropriate this sum of money that the town raise and appropriate the sum of \$221,304.00 and transfer the sums of:**

- **\$45,000.00 from the Golf Cart Receipts Reserved for Appropriation account,**
- **\$424,000.00 from Free Cash,**
- **\$12,500.00 from the Telecommunications account, and**
- **\$199,000.00 from the Ambulance Receipts Reserved for Appropriation account.**

**ACTION: ADOPTED**

***LOCAL BUSINESS ORGANIZATION FUNDING***

**ARTICLE NO. 9:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, the sum of ***TWENTY-FOUR THOUSAND FIVE HUNDRED AND 00/100 (\$24,500.00) DOLLARS***, to be expended under the direction of the Board of Selectmen to help defray costs associated with the annual publication and distribution of the *Brewster Book* and *Beach Map Guide*, as well as the monthly publication of Brewster advertising and website, which advertises the Town's attractions, amenities, and services; to provide funds for the operation of the Brewster Visitor Information Center; and, under a contract with and at the direction of the Board of Selectmen, to enable the Chamber of Commerce and Board of Trade United to appropriately advertise Brewster in order to increase room tax and beach pass revenue for the town, promote the Town's golf course, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 9 as printed in the warrant and to transfer the sum of \$24,500.00 from Free Cash for this purpose.**

**ACTION: ADOPTED**

***BREWSTER TOWN BAND / Funding Request***

**ARTICLE NO. 10:** To see if the Town will vote to authorize the Board of Selectmen to enter into a contract with the Brewster Town Band in order to obtain instrumental performances for the town and to raise and appropriate and/or transfer from available funds the sum of ***TWO THOUSAND AND 00/100 (\$2,000.00) DOLLARS***, and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts, accept donations and grant proceeds and expend said funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 10 as printed in the warrant and to transfer the sum of \$2,000.00 from Free Cash for this purpose.**

**ACTION: ADOPTED UNANIMOUSLY**

***BAYSIDE SKIPPERS / Funding Request***

**ARTICLE NO. 11:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of ***FOUR THOUSAND FIVE HUNDRED AND 00/100 (\$4,500.00) DOLLARS*** to pay for public performances of team skipping, and to authorize the Town Administrator



to solicit bids and/or proposals, enter into a contract or contracts, accept gifts and expend said funds for this purpose or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 11 as printed in the warrant and to transfer the sum of \$4,500.00 from Free Cash for this purpose.**

**ACTION: ADOPTED**

***SPECIAL REVENUE FUND / Crosby Mansion Revolving Fund***

**ARTICLE NO. 12:** To see if the Town will vote to reauthorize the Crosby Mansion Revolving fund for the 2012 fiscal year, to credit the fund with the fees and charges received from the Crosby Mansion and cottages during that year, to authorize the Crosby Property Committee to administer the fund and to expend from it the sums needed to pay for the salaries, expenses, and contracted services required to operate the mansion and cottages, and to limit during that fiscal year the total expenditures from the fund to the lesser of \$100,000.00 or the balance in the fund, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 12 as printed in the warrant.**

**ACTION: ADOPTED**

***SPECIAL REVENUE FUND / Cable Franchise Fee Account***

**ARTICLE NO. 13:** To see if the Town will vote to transfer the sum of ***TWO HUNDRED TEN THOUSAND ONE HUNDRED SEVENTY THREE AND 00/100 (\$210,173.00) DOLLARS*** from the Cable Franchise Fee account for the 2012 fiscal year for local cable television related purposes, including, but not limited to the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; hiring of full-time and part-time staff with associated employee benefit expenses and/or any other appropriate cable-related purposes, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 13 as printed in the warrant.**

**ACTION: ADOPTED UNANIMOUSLY**

***SPECIAL REVENUE FUND / Recreation Revolving Fund***

**ARTICLE NO. 14:** To see if the Town will vote to re-authorize the Recreation Department Revolving fund under section 53E 1/2 of Chapter 44 of the General Laws for the 2012 fiscal year, to credit the fund with the fees and charges received from the Recreation Department during that year, to authorize the Recreation Committee to administer the fund and to expend from it the sums needed to pay for the salaries, benefits, expenses, and contracted services required to operate the recreation program, and to limit during that fiscal year the total expenditures from the fund to the lesser of \$200,000.00 or the balance in the fund, or to take any other action relative thereto.

(Majority Vote Required)

(Recreation Commission)

**MOTION: I move that the Town vote to approve article no. 14 as printed in the warrant.**

**ACTION: ADOPTED UNANIMOUSLY**

**PROPERTY VALUATION SERVICES**

**ARTICLE NO. 15:** To see if the Town will vote to transfer from the Overlay Surplus account the sum of **SEVENTY TWO THOUSAND FIVE HUNDRED AND 00/100 (\$72,500.00) DOLLARS** for the purposes of performing the interim year update services of real and personal property and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts and expend said funds for this purpose, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Assessors)

**MOTION: I move that the town vote to approve article no. 15 as printed in the warrant.**

**ACTION: ADOPTED**

**TEMPORARY BORROWING AUTHORIZATION / Grants**

**ARTICLE NO. 16:** To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money for a period of not more than two years in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17 and/or any other enabling authority, and to issue temporary bonds and/or notes of the Town therefor, in anticipation of grant proceeds, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow a sum of money for a period of not more than two years in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17 and/or any other enabling authority, and to issue temporary bonds and/or notes of the Town therefor, in anticipation of grant proceeds, or to take any other action relative thereto.**

**ACTION: ADOPTED UNANIMOUSLY**

**ACCEPTANCE OF GRANT PROCEEDS**

**ARTICLE NO. 17:** To see if the Town will vote to authorize the Board of Selectmen to apply for and accept any and all grants from private entities, the Federal Government or the Commonwealth of Massachusetts and to expend those funds for the purposes for which said grants are authorized, or to take any other action relative thereon.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 17 as printed in the warrant.**

**ACTION: ADOPTED UNANIMOUSLY**

**CUSTODY OF LAND**

**ARTICLE NO. 18:** To see if the Town of Brewster will vote, pursuant to General Laws chapter 40, section 15A, to authorize the transfer of the care, custody, management and control of the Brewster Sanitary Landfill, taken by the Town via an Order of Taking by Eminent Domain dated July 9, 1973 (recorded in Book 1903, Page 45) and an Order of Eminent Domain Taking August 9, 1973 (recorded as Document No. 177987) for public disposal purposes, to the Board of Selectmen for public disposal purposes and general municipal purposes, which shall include, but not be limited to, the development of a photo voltaic renewable energy project, and to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 18 as printed in the warrant.**

**ACTION: ADOPTED UNANIMOUSLY**

**REPAIR AND RESURFACE TOWN ROADS / Chapter 90 Funds**

**ARTICLE NO. 19:** To see if the Town will vote to transfer from available funds a sum of money, as provided under Chapter 90 of the Massachusetts General Laws, for local roads and highways, and to authorize the expenditure of these funds under the direction of the Board of Selectmen, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 19 as printed in the warrant and to transfer the sum of \$322,441.00 from available funds for this purpose.

**ACTION:** ADOPTED UNANIMOUSLY

▪Article 19 of the May 2<sup>nd</sup>, 2011 Annual Town Meeting was presented by Charles L. Sumner.

**PRIVATE ROAD BETTERMENT PROJECT / Allen Drive**

**ARTICLE NO. 20:** To see if the Town will vote to authorize the Board of Selectmen to undertake a series of temporary road repairs to the following road:

**Allen Drive**

and furthermore, to authorize the Board of Selectmen to proceed with the reconstruction of this way after it has determined that the provisions of the Brewster Town Code, Chapter 157, Article VIII, Section 157-20 have been satisfied; to raise and appropriate, transfer from available funds, and/or to obtain by borrowing the sum of **NINETY-SIX THOUSAND SIX HUNDRED TWENTY AND 00/100 (\$96,620.00) DOLLARS** to pay for the costs of engineering, construction, reconstruction, and related expenses in connection therewith; to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow a sum of money, under and pursuant to Massachusetts General Laws Chapter 44, Section 7 or any other enabling authority, and to issue notes and bonds of the Town therefor; and, initially, to raise and appropriate and/or transfer from available funds the sum of **THREE THOUSAND AND 00/100 (\$3,000.00) DOLLARS**, to be recovered with all road repair costs through the betterment assessments against the abutters, to pay the first year's principal and interest expenses for this project, or to take any other action relative thereto.

(Two-thirds Vote Required)

(Board of Selectmen)

**MOTION:** I move that the Board of Selectmen is authorized to undertake a series of temporary road repairs to the following road:

**Allen Drive**

and furthermore, the Board of Selectmen is authorized to proceed with the reconstruction of this way after it has determined that the provisions of the Brewster Town Code, Chapter 157, Article VIII, Section 157-20 have been satisfied; that the sum of **NINETY-SIX THOUSAND SIX HUNDRED TWENTY AND 00/100 (\$96,620.00) DOLLARS** is appropriated to pay for the costs of engineering, construction, reconstruction, and related expenses in connection therewith; that to meet the aforesaid appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to Massachusetts General Laws Chapter 44, Section 7 or any other enabling authority, and to issue notes and bonds of the Town therefor; and the additional sum of **THREE THOUSAND AND 00/100 (\$3,000.00) DOLLARS** is transferred from the Fund Balance Reserved for Road Betterments account, to be recovered with all road repair costs through the betterment assessments against the abutters, to pay the first year's principal and interest expenses for this project.

**ACTION:** ADOPTED UNANIMOUSLY

**CAPTAINS GOLF COURSE RESTAURANT LEASE**

**ARTICLE NO. 21:** To see if the Town will vote to authorize the Town Administrator to enter into a contract or contracts for the lease of the restaurant facilities at the Captains Golf Course for up to a five year period, or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 21 as printed in the warrant.

**ACTION:** ADOPTED UNANIMOUSLY

***TRANSFER CUSTODY / Tax Title Property***

**ARTICLE NO. 23:** To see if the Town will vote to transfer to the Conservation Commission for conservation and passive recreation purposes the care, custody, control and management of the following parcels acquired after non-payment of real estate taxes:

<u>Assessors' Information:</u>	<u>Acres:</u>	<u>Location:</u>
a) Map No. 21, Parcel No. 9	0.40	0 Main Street
b) Map No. 45, Parcel No. 39	11.33	0 Route 39 Rear

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 23 as printed in the warrant.

**ACTION:** ADOPTED UNANIMOUSLY

***TOWN CODE AMENDMENT / Operation of Vehicles on Beaches***

**ARTICLE NO. 24:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 65, Beaches/Article I, Operation of Vehicles, S 65-3. Violations and penalties, as follows:

Current language:

Any person violating this Article shall be punished by a fine of not more than \$200 for each offense.

Proposed language:

Any person violating this Article shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 24 as printed in the warrant.

**ACTION:** ADOPTED

***TOWN CODE AMENDMENT / Operation on Ponds***

**ARTICLE NO. 25:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 69-1, BOATS/ARTICLE I, Operation on Ponds, as follows:

Current language:

- A. No person shall operate any motorboat on the waters of Sheep Pond for the manipulation of water skis, surfboard or similar device.
- B. Whoever violates any part of this section shall be punishable by fine of not more than \$200 for each offense.

Proposed language:

- A. No person shall operate any motorboat on the waters of Sheep Pond for the manipulation of water skis, surfboard or similar device.
- B. Whoever violates any part of this section shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION:** I move that the town vote to approve article no. 25 as printed in the warrant.

**ACTION:** ADOPTED

**TOWN CODE AMENDMENT / Noise**

**ARTICLE NO. 26:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 125, NOISE /S 125-3. Violations and penalties, as follows:

Current language:

Any person shall be deemed in violation of this chapter, who shall make or aid and abet or cause or suffer or countenance or assist in making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter and shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this chapter shall be punished by a fine of not more than \$50 for each offense.

Proposed language:

Any person shall be deemed in violation of this chapter, who shall make or aid and abet or cause or suffer or countenance or assist in making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter and shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this chapter shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 26 as printed in the warrant.**

**ACTION: ADOPTED**

**TOWN CODE AMENDMENT / Peeping and Spying**

**ARTICLE NO. 27:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 132, PEEPING OR SPYING/S 132-1. Restricted activities, as follows:

Current language:

- A. Any person found violating this chapter shall be subject to arrest without a warrant in accordance with MGL C.276, s28.
- B. Any person violating this chapter shall be punished by a fine of not more than not more than \$200 for each offense.

Proposed language:

- A. Any person found violating this chapter shall be subject to arrest without a warrant in accordance with MGL C.276, s28.
- B. Any person violating this chapter shall be punished by a fine of \$200 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 27 as printed in the warrant.**

**ACTION: ADOPTED UNANIMOUSLY**

**TOWN CODE AMENDMENT / Pollution**

**ARTICLE NO. 28:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 135, Pollution, Article I, Soap or Detergents, as follows:

Current language:

**§ 135-1. Prohibited activities.**

The use of soap or detergent of any type is prohibited in the waters along the shorelines of all town landings on freshwater ponds.

Proposed language:

The use of soap or detergent of any type, or washing or rinsing of vehicles or boats, is prohibited in the waters along the shorelines of all town landings ~~on freshwater ponds.~~

and

Current language:

**§ 135-2. Violations and penalties.**

Any person violating this article shall be punished by a fine of not more than \$200 for each offense.

Proposed language:

Any person violating this article shall be punished by a fine of \$100 for each offense.

or to take any other action relative thereto.

(Majority Vote Required)

(Board of Selectmen)

**MOTION: I move that the town vote to approve article no. 28 as printed in the warrant.**

**ACTION: ADOPTED**

***ZONING BYLAW AMENDMENTS/ Staff Review***

**ARTICLE NO. 29:** To see if the Town will vote to amend the Code of the Town of Brewster by repealing Chapter 83, Article I, Section 83-1, 83-2, and 83-3, and Article II, Sections 83-4 and 83-5, and by substituting therefore the following:

**ARTICLE I, General Provisions; Staff Review**

**§83-1. Intent.**

The intent of staff review is to provide non-binding, coordinated review of preliminary development proposals by Town Staff; to improve inter-department communications; to facilitate compliance with applicable development controls, including Town by-laws, such as the Wetlands By-law and the Zoning By-law, and Town board regulations, such as Health and Subdivision Regulations; and to discuss potential development impact. It is also intended to act as a guide to those proposing to enter the development and permitting process by providing early comment and information on the proposed development and the requirements of the permitting process. Applicants shall complete the staff review process prior to applying to or appearing before any other Town board or committee regarding an application for a permit for the same project. Failure to complete the staff review process prior to seeking any permit may result in procedural denial of permits by other boards and/or committees.

**§83-2. Staff Review.**

Staff participating in staff review include the Town Planner, or a designee, who shall be the coordinator of staff plan reviews, plus one representative designated by each of the following: Town Administrator, Building Department, Health Department, Conservation Department, Water Department, Natural Resource Department, Department of Public Works, Police Chief and Fire Chief. Department representatives shall not be elected or appointed board or committee members. Each department head shall determine its representative and shall provide for alternates to act in the event that the representative is unable to attend. It shall be the responsibility of each representative to report back to his/her department in order to provide ongoing information related to a proposed plan. It shall also be necessary for said department to formulate questions or comments related to the application and review process as described under §83-4 of this chapter.

**ARTICLE II, Procedure**

**§83-3. Applicability.**

- A. Proposed developments are required to complete staff review pursuant to this section if they include any one or more of the following:
  1. A new principal non-residential building.
  2. An increase in floor area by more than 500 square feet through a new accessory building or a 500 square foot building addition or an increase in lot coverage by 10% or more; provided, however, that this provision shall not apply to single-family or two-family dwellings or to their accessory buildings, or to the coverage of their lots.
  3. Alteration to a parking facility having 10 or more spaces.
  4. Removal of existing vegetative ground cover from more than 10,000 square feet of site area, whether a structure is proposed or not.
  5. Any change of use of an existing building and/or property as listed in Chapter 179 of the Code of the Town of Brewster, Massachusetts.
  6. Any use or development required by the Zoning By-law to seek Staff Plan Review.

7. A new personal wireless services facility.
  8. A new medium-scale wind energy turbine (MWET) or large-scale wind energy turbine (LWET) as defined in Chapter 179, Article IX, Section 179-40.2, Subsection C.
  9. A new utility-scale solar energy installation.
- B. Any person proposing a development of any kind wishing to present proposed plans for plan review on an informal basis are encouraged to do so.
  - C. This chapter shall not apply to single-family or two-family dwellings, or to their accessory buildings and structures.
  - D. This chapter shall not apply to developments which, prior to its effective date, have been granted a special permit under Chapter 179 Section 51, of the Zoning By-law, or a building permit.
  - E. Chapter 179, Article XII (Site Plan Review) requires either a special permit or a waiver for developments subject to review under Section 83-3.A. The review afforded by the staff review process is believed to greatly benefit the applicant and relevant Town boards, committees and departments. As a result, applicants are required to go through staff plan review prior to appearing before the Planning Board for the special permit.

#### **§83-4. Staff Review Process**

- A. Pre-submittal information: Those submitting plans for review are urged to confer with the Town Planner regarding materials necessary or appropriate for submittal for plan review.
- B. Submittal and distribution: All staff review submission material shall be submitted to the Town Planner, with twelve (12) copies so that each staff member participating in the review shall be provided a copy. The Town Planner shall transmit copies of those materials to those staff members. Within 14 days of submittal, each of those staff members shall notify the Town Planner of any specific further information or materials needed.
- C. Staff review meeting: A staff review meeting shall be held within 30 days of receipt of a submission for review or such later time as the submitter may agree to. When the date has been established, the departments to which the submittals have been distributed shall be notified.
- D. Report: The staff performing the review shall determine what further review and/or permitting is required and provide the submitter with a written report to that effect and shall notify the Building Commissioner of its findings within 14 days of the staff review meeting. The report shall be generated by the Planning Department.

#### **§83-5. Required submissions.**

The following materials shall be submitted for review, except for any determined by staff to not be germane to the specific case, as communicated to the submitter prior to submittal:

- A. Site plan showing the following:
  1. The location and boundaries of the site and of any lots proposed.
  2. An indication of each zoning district and overlay district involved.
  3. The use and ownership of adjacent premises, approximate location of buildings within 50 feet of the site and, if the proposal may include on-site sewage disposal, the approximate location of any wells on or off the premises within 300 feet of the leaching field or other discharge location.
  4. The existing and proposed buildings, streets, ways, drives, walks, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells and drainage facilities, to the extent these have been designed.
  5. The existing and proposed topography and vegetation, indicating areas of retained vegetation and identifying the location of any trees exceeding eight inches in trunk diameter 4 1/2 feet above grade, if proposed for removal, and identifying size and species of trees and shrubs to be planted, if known.
  6. An indication of wetlands if known and other areas subject to control under the Wetlands Protection By-law, and the one-hundred-foot zone surrounding such areas.
  7. The location of signs and exterior lighting and accompanying materials to describe those elements, if known.
- B. Building plans. Building plans and elevations in a general manner.
- C. Any other information that could assist staff in understanding the proposal.

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**MOTION: I move that article 29 be "laid on table". (requires a 2/3 vote)**

**ACTION: DEFEATED YES – 103 NO – 124**

**MOTION: I move that the town vote to approve article no. 29 as printed in the warrant.**

**ACTION: ADOPTED BY A DECLARED 2/3 VOTE**

**ZONING BYLAW AMENDMENT/*Site Plan Review***

**ARTICLE NO. 30:** To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 179, by repealing Article XII (Corridor Overlay Protection District) in its entirety and by substituting therefore the following:

**ARTICLE XII  
Site Plan Review**

**§179-63. Purpose.**

The purpose of this Article is the protection of public health, safety and welfare through the preservation of the Town's transportation corridors and protection of its historic and cultural character for the residents and visitors of the Town of Brewster. In addition, the Site Plan Review process assures that the site functions in a logical fashion with minimal impacts. The Site Plan Review of development activities can reduce the potential number of vehicular trips along the Town's road systems, thereby reducing congestion and improving safety. The adoption of standards for transportation, access, parking, landscaping and appearance ensures that future development will not degrade the existing character of the Town's roadways and surroundings and will maintain or enhance the ability of the corridors to serve as cultural assets for the residents and visitors of the Town of Brewster.

**§ 179-64. Applicability.**

In addition to any other permits required, the following development activities shall require a site plan special permit from the Planning Board:

- A. Any development required to undertake Staff Review pursuant to Section 83-3 A of the General By-laws
- B. The establishment of any new commercial, industrial, or multi-family use.
- C. For commercial, industrial, or multi-family uses, any increase of floor area by more than 500 square feet through either a new principal building; a new accessory building; or an addition to a pre-existing building shall be allowed only if granted a special permit in accordance with this § 179-66 and § 179-51.
- D. A change of use of an existing structure or lot from its current use to any other commercial, industrial, or multi-family use specified in the Table of Uses, §179-11. However, change of a home occupation shall not require a special permit.
- E. An increase in lot coverage by 10% or more associated with any previously developed commercial, industrial, or multi-family use.

**§ 179-65. Regulations.**

- A. The special permit granting authority (SPGA) shall be the Planning Board.
- B. The Planning Board shall not grant a special permit under this article until a project required to undergo Staff Review has completed that process.
- C. If the site plan meets the requirements of this article, the Planning Board shall approve it. Notwithstanding the foregoing, such approval may include reasonable conditions to ensure that:
  - (a) Reasonable measures are implemented to provide for screening of parking areas or other parts of the premises, for adjoining premises or from the street, by walls, fences, plantings or other devices.
  - (b) The convenience and safety of vehicular and pedestrian traffic are enhanced.
  - (c) Surface water from parking areas and driveways will be efficiently and safely disposed of by means of a proper drainage system as specified in the Planning Board's approval.

However, the Planning Board cannot deny approval of a site plan for a use which is allowed by right (not by special permit) in the district but may impose reasonable conditions on the



proposed use. The Planning Board may not impose conditions on the grant of a special permit the implementation of which would be contrary to any requirement of this by-law or require a variance from it or any other applicable provision of law.

- D. If the project proponent needs both a special permit from the Planning Board acting under this article and a special permit from the Board of Appeals acting under Article VIII, Nonconforming Uses, Structures and Lots, §179-28, Change of nonconforming uses, Subsection A, the proponent may file a single, combined, special permit application with the Planning Board, and in those instances, the Planning Board is authorized to grant all special permit relief in one proceeding and decision. The proponent shall comply with all pertinent requirements, and the Planning Board shall apply the appropriate criteria to the different components of such an application.

### **§ 179-66. Site Plan standards.**

The purpose of these standards is to improve roadway safety and internal site circulation, aesthetics and retention of historic character. All uses requiring a special permit under this Article shall meet the following standards as a condition of approval.

#### **A. Transportation standards.**

1. Proposed uses shall not degrade the existing levels of service of surrounding roads and intersections, below level of service (LOS) C, based on summer peak-hour traffic volumes. The proponent shall demonstrate that the proposed use shall maintain Level of Service (LOS) C. If the existing level of service is presently below LOS C or if the LOS with the new use would fall below LOS C, the Planning Board may require a traffic study that would indicate ways to maintain or improve performance indicators. The analysis shall be performed using the Highway Capacity Manual published by the Transportation Research Board. When the existing LOS is below C, the proponent shall maintain or improve performance indicators.
2. Driveways shall be designed to provide exiting motorists with safe sight distance. Sight distance at any driveway serving at least 20 trips per day shall meet American Association of State Highway and Transportation Officials standards as well as those set forth in Brewster's Sight Line By-law (Chapter 157, Article VI, of the Town Code).

#### **B. Trip reduction standards.**

All retail and service uses and wholesale and manufacturing uses (see § 179-11, Table 1, Use Regulations) shall prepare a trip reduction plan as a condition for issuance of a special permit. The trip reduction plan shall describe traffic impact mitigation strategies designed to reduce traffic generation and may include strategies such as company-sponsored carpooling/vanpooling; bicycle and pedestrian incentive measures; and/or variable work hour or flextime programs. The applicant shall also present a plan for future enforcement of proposed trip reduction measures following permit issuance.

#### **C. Access standards.**

1. The number of curb cuts on Route 6A, Route 124, Route 137, Underpass Road and Tubman Road shall be minimized. To the extent feasible, access to businesses shall be provided through one of the following means:
  - i. Access through a common driveway serving adjacent lots or premises;
  - ii. Access through an existing side or rear street; or
  - iii. Access through a cul-de-sac or loop road shared by adjacent lots or premises.
2. The special permit granting authority may relax setback requirements to accommodate joint driveways in cases where it is deemed advantageous to the Town.
3. Existing businesses are encouraged to consolidate existing access points, especially in cases where separate parcels are assembled under one purpose, plan, entity or usage.
4. Businesses shall be permitted one access driveway by right. Two driveways shall be permitted only when deemed necessary by the SPGA and shall be clearly marked "entrance" and "exit."
5. Internal circulation shall be provided, to the greatest extent possible, among adjoining premises to encourage internal property-to-property pedestrian, bicycle and vehicular movements. Site circulation shall have clarity from the driver's perspective, aided by simple patterns and use of planting islands or other devices in larger circulation areas.

6. An occupancy permit shall not be issued for proposed developments requiring access on a state highway until a permanent state curb cut permit is issued and all necessary site improvements are completed.
7. Pedestrian and bicycle circulation shall be provided for between the principal building and the street and, where appropriate, connection to any adjacent developed premises.
8. Pedestrian access and bicycle and wheelchair access where possible, shall be provided among all facilities on the site, between them and the street and between them and adjacent premises developed for uses open to the public.
9. Driveway locations shall provide the maximum practicable separation between access locations, using shared access where feasible.
10. All access drives shall be separated by at least 120 feet in the C-H District and V-B District, as measured between the center line of each access drive at the street line. This standard may only be modified in cases where the SPGA believes it is in the best interest of the Town to do so.
11. A project resulting in more than 100 vehicle trips per day may be required to provide a traffic study to outline the impacts and mitigations opportunities

**D. Parking design standards.**

1. The Town of Brewster recognizes that reliance on rigid parking and loading lot standards precludes the development of parking lots that are sensitive to the Town's historic and rural character. Yet, it also recognizes that some standards for parking and loading lot design are required, provided that they can be administered with flexibility given the individual requirements of development proposals and the parcels on which they are proposed.
2. Through provisions of its special permit, the SPGA is authorized to relax any and all of numerical standards established by §179-22, Parking and loading requirement tables, and by §179-23, Parking and loading lot standards, if the SPGA finds that:
  - i. Such relaxation will not conflict with the minimum standards established by this article or the purpose of this article; and
  - ii. It will result in a development that is at least as beneficial to the Town of Brewster as the development without a relaxation of the numerical standards.
3. The following guidelines are set forth to assist the applicant and the SPGA:
  - i. Loading and unloading areas shall be provided of a sufficient size to accommodate the numbers and types of vehicles likely to use the premises, given the nature of the development proposed. Loading and unloading areas shall be located and designed to allow vehicles to safely maneuver to and from a public right-of-way and to prevent obstruction or interference with a public right-of-way, parking space or parking aisle.
  - ii. Loading areas shall be provided to the rear of the lot, wherever possible.
  - iii. Parking areas shall be located to the side or rear of the structure. No parking is permitted in the required front yard setback for the structure.
  - iv. To the extent possible, parking areas shall be shared with adjacent businesses and should be situated to the side and rear of the lot (frontage on Route 6A shall be considered the "front" of the lot).
  - v. In cases where shared parking is provided, the SPGA may permit a reduction in necessary spaces since complementary uses may require less total parking area than each use individually.
  - vi. Bicycle users shall be accommodated by provision of on-site bicycle parking storage and bicycle and walking paths.
  - vii. Drainage facilities shall be designed and constructed for parking areas in such a way as to contain and treat stormwater runoff on the premises, as well as comply with design standards referred to in § 179-57 of the Zoning By-law.

**E. Landscaping, design and appearance standards.**

1. A landscaped buffer strip shall be provided adjacent to any public road to visually separate parking and other uses from the road, where feasible and without interfering with vehicular or

pedestrian safety. The buffer strip shall be approximately 15 feet in depth and planted with a combination of grass, medium-height shrubs [approximately two to eight (2 to 8) feet tall, evergreen varieties preferred] and shade trees planted at least every forty to sixty (40 to 60) feet along the road frontage. Trees and shrubs shall be set back at street and driveway entrances, exits or intersections to allow adequate sight distance and ensure vehicular and pedestrian safety while entering or exiting the site. Applicants are encouraged to review Brewster's Sight Line By-law, Chapter 157, Article VI, of the Town Code, prior to designing parking lot landscaping plans.

2. At least 25% of the required front yard area shall be vegetated.
3. A landscaped buffer strip of approximately ten-foot depth shall be provided adjacent to adjoining uses, excluding areas providing shared access and parking. The buffer strip shall be planted with a combination of grass, medium-height shrubs (evergreen varieties preferred) and shade trees.
4. Large parking areas shall be interrupted with landscaped islands such that no parking surface exceeds 60 feet in width, not including the area(s) used for parking aisles/stalls. A minimum of one shade tree shall be provided per five parking spaces to be placed in a protective pervious plot of at least 60 square feet in area.
5. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using plantings, a wall or tight fence complemented with plantings or through some other means deemed acceptable to the permit granting authority.
6. All landscaped areas shall be maintained. Shrubs and trees which die shall be replaced within one growing season.
7. Buildings and architectural design shall be compatible with the character and scale of the adjacent roadway and surrounding neighborhood.
8. Structures shall be sited so as to allow separations between buildings, particularly to encourage open space in the site and reduce massiveness in the project.
9. The use of bituminous paving shall be minimized.
10. Old, well-established trees shall be protected by siting buildings and parking around or within the existing landscape.
11. Building design shall adhere to the guidelines of the Brewster Historic District Committee in locations subject to review by the Committee. Of significant concern to the Committee are the issues of mass and size, impact of projects on sites and settings, harmony of design and detail within the project and setting and compatibility of projects, while encouraging variety and diversity.

#### **F. Environmental protection requirements.**

1. Stormwater management. All development shall be designed so that resulting stormwater patterns resemble, as nearly as possible, preexisting conditions of volume, velocity, quality and location of runoff. Any increase over predevelopment runoff peak rate shall be authorized only if Staff Review determines that any potential problems with capacity, downstream erosion or siltation will be prevented through on- or off-site improvements or compensatory actions and that the public interest is better served by allowing the increase than by denying it.
2. Erosion control.
  - i. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving or other means of eliminating wind or water erosion. Such stabilization must be completed prior to building occupancy or, where no building is committed, within 60 days of exposure, or a performance bond must be posted in an amount sufficient to assure completion of such work.
  - ii. Existing grade shall be changed minimally, typically departing from existing grade by no more than six feet and resulting in a balance on site between cut and fill, except for basement and cellar excavations. Existing grade shall be changed minimally, typically departing from existing grade by no more than six feet and resulting in a balance on site between cut and fill, except for basement and cellar excavations.

iii. All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership and for developments exposing 20,000 to 60,000 square feet of bare earth where the Plan Review Committee deems such plan to be necessitated by slopes in excess of 10% highly erodible soils or other unusual conditions. Such plan shall have sufficient information on existing and proposed topography, vegetation and control measures to allow determination of compliance.

- a. Stripping of vegetation, regrading or other development shall be done in a way which will minimize soil erosion.
- b. Whenever practical, trees and other natural vegetation shall be retained, protected and supplemented.
- c. The disturbed area shall be kept to a minimum.
- d. Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
- e. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
- f. The angle of graded slopes and fills shall be no greater than two horizontal to one vertical. Slopes left exposed must immediately be planted or otherwise provided with permanent ground cover or other means sufficient to restrain erosion.
- g. A ground cover sufficient to restrain erosion must be planted or otherwise provided within 30 working days, season permitting, on any portion of the tract upon which further active construction is not being undertaken.
- h. The development plan shall be fitted to the topography and soils so as to minimize erosion potential.

**G. Plants and animals.**

1. Location and design shall not cause avoidable damage to wildlife habitats, forests or corridors or to any plant or animal species listed as rare, endangered, watch list or of special concern by the Massachusetts Natural Heritage Program or to any tree exceeding 12 inches in trunk diameter at a height of 4 1/2 feet above grade.
2. Specimen plants and trees shall be preserved or relocated when possible. Applicants shall be required to submit signed documentation from the Conservation Commission or its agent that the project has been reviewed by the Conservation Commission with respect to these considerations. The Conservation Commission or its agent may determine that the proposed site either contains no such habitats or species or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the proposal. The Conservation Commission or its agent may refer the project to the Massachusetts Natural Heritage Program for further review or comment.

**H. Lighting.**

1. The following lighting zones are hereby created:
  - i. Zone A: locations within a C-H, C-L, I, V-B or MRD District as established in the Brewster Zoning By-law.EN
  - ii. Zone B: all other locations.
2. Fixtures. Lighting fixture types are defined as follows:
  - i. Type 1: no light cutoff.
  - ii. Type 2: luminaire shielded such that peak candlepower is at an angle of 75° or less from vertical and essentially no light is emitted above the horizontal.
  - iii. Type 3: luminaire shielded such that total cutoff is at less than 90° from vertical and no light source is in direct view from five feet above the ground at any point off the premises.
3. Lighting limitation. The following limitations shall be observed by all uses, unless Staff Review determines that it is inherently unfeasible for that use (e.g., public outdoor recreation) to meet these standards, and that all reasonable efforts have been made to avoid glare or light overspill.

i. Maximum luminaire mounting height:

Fixture Type	Zone A (feet)	Zone B (feet)
--------------	---------------	---------------

1	20	10
2	30	15
3	40	20

ii. Maximum off-site overspill:

Fixture Type	Zone A (footcandles)	Zone B (footcandles)
1	0.3	0.2
2	1.0	0.3
3	3.0	0.5

- No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing reflected from the sky.
- When the Conservation Commission determines that lighting as proposed by an applicant may have a detrimental effect on plants, wildlife or a wildlife habitat or corridor, Staff Review may recommend more stringent restrictions or further mitigation.

**§ 179-67A. Waivers.**

When in the opinion of the Planning Board the requirements of §179-66, Use Regulations, do not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan for special permit approval is not required. Upon application, such a determination may be made by an affirmative vote of a majority of the Planning Board present, and in no event fewer than four members.

**§ 179-67B. Severability.**

The provisions of this Article are severable from each other, and the invalidity of any provisions or sections shall not invalidate any other provision or section thereof.

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**MOTION: I move that the town vote to approve article no. 30 as printed in the warrant, with the following amendments:**

**1. Under Section 179-66 E. 1. delete the brackets surrounding the words "approximately two to eight (2 to 8) feet tall, evergreen varieties preferred,"**

**2. Under Section 179-66 F. 2. ii, delete the following language that appears twice in the same paragraph: "Existing grade shall be changed minimally, typically departing from existing grade by no more than six feet and resulting in a balance on site between cut and fill, except for basement and cellar excavations." and**

**3. Under Section 179-66 F. 2. iii, sixth line, delete "the Plan Review Committee" and replace with "Staff Review."**

**ACTION: ADOPTED BY A DECLARED 2/3 VOTE**

***ZONING BYLAW AMENDMENTS/ Corridor Overlay Protection District Name Change***

**ARTICLE NO. 31:** To see if the Town will vote to amend the Code of the Town of Brewster as follows:

1. In Chapter 179, Article II, Section 179-3, delete "Corridor Overlay Protection District COPD" from Subsection A, repeal Subsection D, and revise the Zoning District Map of the Town of Brewster, Massachusetts to eliminate references to and depictions of the Corridor Overlay Protection District.

2. In Chapter 179, Article VII, Section 179-22, subsection A, repeal paragraph (1) after Table 5 and replace it with the following new paragraph (1):

The establishment of one or more commercial parking lots or parking structures, as defined in 179-2.B., shall be construed as a change of use under §179-64 of Article XII, Site Plan Review and shall be allowed only if it is approved under that Article. The requirements of §179-23 shall apply, but the special permit granting authority may, for good reason, reflected in its records, allow a permeable surface.

3. In Chapter 179, Article VII, Section 179-23, delete the words "Corridor Overlay Protection District, §179-67D.(1)" and substitute therefor "Site Plan Review."

4. In Chapter 179, Article X, Section 179-51, delete "Corridor Overlay Protection District" and substitute therefor "Site Plan Review."

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**MOTION: I move that the town vote to approve article no. 31 as printed in the warrant.**

**ACTION: ADOPTED BY A DECLARED 2/3 VOTE**

***ZONING BYLAW AMENDMENTS/ Development Plan Review Committee Amendments***

**ARTICLE NO. 32:** To see if the Town will vote to amend the Code of the Town of Brewster as follows:

1. General References, delete the words "Development Plan Review Committee" and insert "Staff Review" in its place.

2. In Article VI (Line of Sight), Section 157-10 (Interference; exceptions), delete the words "the Development Plan Review Committee" and insert "Staff Review" in its place.

3. In Chapter 172 (Wetlands Protection), General Reference, delete the words "Development plan review" and insert "Staff Review" in its place.

4. In Chapter 172, Section 172-6 (Coordination with other boards), C, amend as follows:  
The coordination sought by this section can be achieved in part through the ~~development plan~~ **Staff Review** process. For actions subject to that process, none of the timing limitations of § 172-5 shall commence to run until ~~development plan approval~~ **Staff Review process** has been obtained **completed**.

So that it reads:

The coordination sought by this section can be achieved in part through the Staff Review process. For actions subject to that process, none of the timing limitations of § 172-5 shall commence to run until Staff Review process has been completed.

5. In Section 179-40.1, (Personal wireless services and communication facilities), E (Use, siting and dimensional regulations), 1 (Use regulations), (c) [2], delete the words "by the Development Plan Review Committee" and insert "under Staff Review" in its place.

6. In Section 179-40.1 (Personal wireless services and community facilities), E (Use, siting and dimensional regulations), 1 (Use regulations), (d) [1]: delete the words "by the Development Plan Review Committee" and insert "under Staff Review" in its place.

7. In Section 179-40.1 (Personal wireless services and community facilities). F (Application procedures), 2, Preapplication DPRC hearing, amend as follows:

Preapplication ~~DPRC hearing~~ **Staff Review meeting**. Prior to filing a special permit application with the SPGA, and after mandatory review by the Cape Cod Commission, if required, the applicant shall request a ~~hearing before~~ **meeting for** the Development Plan Review Committee (~~DPRC~~) **Staff Review** for purposes of discussing the proposed PWSCF in general terms and reviewing the relevant local approvals required. ~~The DPRC~~ **Staff Review** shall ~~meet~~ **take place** with the applicant under this section within ~~65~~ **30** days following a written request submitted to the **Town Planner, or a designee** ~~DPRC and the Town Clerk~~. If

the DPRC **Staff Review meeting** fails to schedule a preapplication hearing **take place** on a project within said ~~sixty-five~~ **thirty**-day period, the applicant may proceed with a special permit application under this section without need for a preapplication hearing **meeting**. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform the DPRC **staff** of the location of the proposed facility, as well as its scale and overall design. The DPRC **Staff** shall issue a statement containing any written recommendations or proposed alterations it recommends be made to the proposal to better conform to the provisions of any Town bylaw and which better serve the public interest. A written copy of the DPRC **Staff Review** statement must be included in the application to the SPGA.

So that it reads:

Preapplication Staff Review meeting. Prior to filing a special permit application with the SPGA, and after mandatory review by the Cape Cod Commission, if required, the applicant shall request a meeting for Staff Review for purposes of discussing the proposed PWSCF in general terms and reviewing the relevant local approvals required. Staff Review shall take place with the applicant under this section within 30 days following a written request submitted to the Town Planner, or a designee. If the Staff Review meeting fails to take place on a project within said thirty-day period, the applicant may proceed with a special permit application under this section without need for a preapplication meeting. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform staff of the location of the proposed facility, as well as its scale and overall design. Staff shall issue a statement containing any written recommendations or proposed alterations it recommends be made to the proposal to better conform to the provisions of any Town bylaw and which better serve the public interest. A written copy of the Staff Review statement must be included in the application to the SPGA.

8. In Section 179-40.2 (Wind energy turbines), A (Purpose and intent), delete the words "development plan review" and insert "Staff Review" in its place.

9. In Section 179-40.2 (Wind energy turbines), I (Special permit applications for medium – and large-scale wind energy turbines), (2) (Preapplication Development Plan Review Committee (DPRC) hearing), amend as follows:

~~Preapplication Development Plan Review Committee (DPRC) hearing~~ **Staff Review meeting**. Prior to filing a special permit application with the SPGA, and after review by the Cape Cod Commission, if required, the applicant shall request a hearing ~~before the DPRC meeting for~~ **Staff Review for** purposes of discussing the proposed WET in general terms and reviewing the relevant local approvals required. ~~The DPRC Staff Review shall meet~~ **take place** with the applicant under this section within ~~65~~ **30** days following a written request submitted to the DPRC and the Town Clerk **Town Planner, or a designee**. If the DPRC **Staff Review meeting** fails to schedule a preapplication hearing **take place** on a project within said ~~sixty-five~~ **thirty**-day period, the applicant may proceed with a special permit application under this section without need for a preapplication hearing **meeting**. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform the DPRC **staff** of the location of the proposed facility, as well as its scale and overall design. The DPRC **Staff** shall issue a statement containing any written recommendations or proposed alterations it recommends be made to the proposal to better conform to the provisions of any Town bylaw or to better serve the public interest. A written copy of the DPRC **Staff Review** statement must be included in the application to the SPGA.

So that it reads:

Preapplication Staff Review meeting. Prior to filing a special permit application with the SPGA, and after review by the Cape Cod Commission, if required, the applicant shall request a meeting for Staff Review for purposes of discussing the proposed WET in general terms and reviewing the relevant local approvals required. Staff Review shall take place with the applicant under this section within 30 days following a written request submitted to the Town Planner, or a designee. If the Staff Review meeting fails to take place on a project within said thirty-day period, the applicant may proceed with a special permit application under this section without need for a preapplication meeting. The applicant shall prepare sufficient preliminary architectural and engineering drawings to inform staff of the location of the proposed facility, as well as its scale and overall design. Staff shall issue a statement containing any written recommendations or proposed alterations it recommends be made to

the proposal to better conform to the provisions of any Town bylaw or to better serve the public interest. A written copy of the Staff Review statement must be included in the application to the SPGA.

10. In Section 179-51 (Special permits), A.5 (Findings) (d), delete the paragraph.

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**MOTION: I move that the town vote to approve article no. 32 as printed in the warrant.**

**ACTION: ADOPTED BY A DECLARED 2/3 VOTE**

**ZONING BYLAW AMENDMENTS/ Solar Arrays on  
Town-owned Land**

**ARTICLE NO. 33:** To see if the Town will vote to amend Chapter 179 of the Brewster Town Code (Zoning), Table 1 (Use Regulations), Community Facilities, by adding a new use as follows:

		R-R	R-L	R-M	C-H	V-B	I	MRD	PWS- CF
21. Solar array on Town-owned land		P	-	-	-	-	P	P	P

or take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**MOTION: I move that the town vote to approve article no. 33 as printed in the warrant.**

**ACTION: ADOPTED UNANIMOUSLY**

**ZONING BYLAW AMENDMENT/Floodplain Regulations**

**ARTICLE NO. 34:** To see if the Town will vote to amend Chapter 179 Zoning, Article II Establishment of Districts, Section 179-7 as follows:

1. In Section B (Definitions), Areas of Special Flood Hazard, delete "A1-30" and replace with "AE." Also, delete "V1-30" and replace with "VE."
2. In Section B (Definitions), Coastal High Hazard Area, delete "V1-30" and replace with "VE."
3. In Section B (Definitions), Special Flood Hazard Area, delete "A1-30" and replace with "AE." Also, delete "V1-30" and replace with "VE."
4. In Section B (Definitions), Zones, (2) ZONE A1-30, delete "A1-30" and replace with "AE." Under (3) ZONES B and C, delete "B and C" and replace with "X." Under (4) ZONE V1-30, delete "V1-30" and replace with "VE."
5. In Section C (Floodplain District boundaries and base flood elevation and floodway data), delete paragraph (1) and replace with the following:

(1) The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Brewster designated as Zone A, AE, AO, V, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Brewster are panel numbers 25001C0394, 25001C0413I, 25001C0414, 25001C0416, 25001C0417, 25001C0418, 25001C0419, 25001C0438, 25001C0582, 25001C0584, 25001C0601, 25001C0602, 25001C0603, 25001C0606, 25001C0607 and 25001C0626 dated June 16, 2011. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated June 16, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner and Conservation Commission.



6. In Section C (Floodplain District boundaries and base flood elevation and floodway data), (2) (Floodway data), delete "A1-30" and replace with "AE."
7. In Section D (Notification of watercourse alteration), Change the contact information as follows:
  - a. Under 2, delete "Water Resources" and replace with Conservation and Recreation."
  - b. Under 3, delete the name and address and replace with:
 

NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110
8. In Section E (Use Regulation), 1a, delete the language in parenthesis and replace with "(currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes")"
9. In Section G (Use limitations), delete "V1-30" and replace with "VE" in (1) and (2).

or to take any other action relative thereto.

(Two-thirds Vote Required)

(Planning Board)

**MOTION: I move that the town vote to indefinitely postpone consideration of article no. 34.**

**ACTION: ADOPTED UNANIMOUSLY TO INDEFINITELY POSTPONE**

<b><i>RESOLUTION</i></b>
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**ARTICLE NO. 35: We the undersigned, registered voters of Brewster, MA, request that the town vote on a non-binding resolution. To wit:**

We, the voters of the Brewster Town Meeting, affirm our belief that the first Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations.

We believe that the United States Supreme Court's ruling in Citizens United v. FEC, which overturned longstanding precedents prohibiting corporations from spending their general treasury funds in public elections, is a serious and direct threat to our democracy and the conduct of free and fair elections, and permits corporations to drown out the voices of ordinary persons.

The people of the United States have previously used the constitutional amendment process to correct decisions of the United States Supreme Court that invade or invalidate democratic institutions, including elections.

Now, therefore, be it resolved that we, the voters of the Brewster Town Meeting, call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the first amendment and fair elections to the people, and further, we call upon the Massachusetts General Court to pass one or more resolutions asking for those actions.

A copy of this resolution shall be sent to the State and Federal Representatives and Senators serving Brewster and to the Governor of the Commonwealth of Massachusetts and the President of the United States.

or to take any other action relative thereto.

(Majority Vote Required)

(Citizen Petition)

**MOTION: I move that the town vote to approve article no. 35 as printed in the warrant.**

**ACTION: ADOPTED**

**RESCIND AUTHORIZATION FOR LAND USE / Renewable Energy**

**ARTICLE NO. 36:** To see if the Town of Brewster will rescind the vote of Article #13 of the 10/19/09 Special Town Meeting, effectively restoring land shown on Brewster Assessor's Map 46 as Lots 12-1, 12-2 and 12-3 (also known as the "Barrows property") for the purpose of public water supply, watershed protection, passive recreation and for other public purposes pursuant to General Laws chapter 40, section 39B, and preventing the installation of industrial wind turbines, or to take any other action relative thereto.

(Majority Vote Required)

(Citizens Petition)

**MOTION:** I move that the town vote to indefinitely postpone consideration of article no. 36.

**ACTION:** ADOPTED TO INDEFINITELY POSTPONE

**AMENDMENT OF TOWN CODE / Noise**

**ARTICLE NO. 38:** To see if the Town of Brewster will amend the Code of the Town of Brewster, Chapter 125, as follows:

Chapter 125-3. Violations and penalties.

Any person or entity shall be deemed in violation of this chapter, who shall make or aid and abet or cause or suffer or counterenance or assist in making of the aforesaid and described improper noises, disturbances, breach of peace or a diversion tending to a breach of the peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this chapter and shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this chapter shall be punished by a fine of not more than \$50 for each offense. The fine for permanently installed noise sources including Wind Energy Turbines of any size which are to be held to the standard of this by-law shall be no less than the maximum allowed by law, and the fine for transient non-emergency noise intrusions shall be as described above.

or to take any other action relative thereto.

(Majority Vote Required)

(Citizens Petition)

**MOTION:** I move that the town vote to indefinitely postpone consideration of article no. 38.

**ACTION:** ADOPTED UNANIMOUSLY TO INDEFINITELY POSTPONE

**ANY OTHER BUSINESS**

**ARTICLE NO. 39:** To act on any other business that may legally come before this meeting.

(Board of Selectmen)

**MOTION:** I move that the town vote to dissolve the 2011 Annual Town Meeting.

**ACTION:** ADOPTED UNANIMOUSLY

The Annual Town Meeting of May 2<sup>nd</sup>, 2011 was dissolved at 9:29pm.

A TRUE COPY ATTEST:

Colette M. Williams  
Town Clerk