



**Town of Brewster**  
**Zoning Board of Appeals**  
 2198 Main St., Brewster, MA 02631  
 brewplan@brewster-ma.gov  
 (508) 896-3701

**ZBA MEETING AGENDA**  
**2198 Main Street**  
**April 9, 2024 at 7:00 PM**

**Zoning Board**

Brian Harrison  
 Chair

Jeff Carter  
 Vice Chair

Patricia Eggers

Bruce MacGregor

Trish Metz

David Ayers

Corey Gill

**Department Assistant**

Ellen Murphy

This meeting will be conducted in person at the time and location identified above. This means that at least a quorum of the members of the public body will attend the meeting in person and members of the public are welcome to attend in person as well. **As a courtesy only, access to the meeting is also being provided via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or affect remote attendance or participation, unless otherwise required by law.** Members of the public with particular interest in any specific item on this agenda, which includes an applicant and its representatives, should make plans for in-person vs. virtual attendance accordingly.

**Members of the public who wish to access the meetings may do so in the following manner:**

- Phone:** Call (929) 436-2866 or (301) 715-8592. **Zoom Meeting ID:** 880 7666 8068 **and Passcode** 047258  
 To request to speak: Press \*9 and wait to be recognized.
- Zoom Webinar:** <https://us02web.zoom.us/j/88076668068?pwd=b3lXWnMwM2tybTk4SzlKMk5vT3NTUT09>  
**enter Passcode** 047258

To request to speak: Tap Zoom "Raise Hand" button, then wait to be recognized.  
 When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by accessing the meeting remotely, as noted above. **Additionally, the meeting will be broadcast live, in real time via Live broadcast** (Brewster Government TV Channel 8), **Livestream** ([livestream.brewster-ma.gov](http://livestream.brewster-ma.gov)), or **Video recording** ([tv.brewster-ma.gov](http://tv.brewster-ma.gov)).

Please note that the ZBA may take official action, including votes, on any item on this agenda.

1. Call to Order
2. Declaration of a Quorum
3. Meeting Participation Statement
4. **Recording Statement:** As required by the Open Meeting Law we are informing you that the Town will be video and audio taping as well as broadcasting this public meeting. In addition, if anyone else intends to either video or audio tape this meeting they are required to inform the chair.
5. **Public Announcements and Comments:** Members of the public may address the ZBA on matters not on the meeting's agenda for a maximum of 3-5 minutes at the Chair's discretion. The ZBA will not reply to statements made or answer questions raised during public comment but may add items presented to a future agenda
6. Approval of March 13, 2024 Meeting Minutes
7. **New Applications**  
**ZBA Case #24-05 Applicant: Marci and Brian Palmer, 240 Robbins Hill Road, Map 38, Lot 86, in the RM zoning district.** The applicant seeks a special permit pursuant to section 179-25B of the Brewster zoning bylaw to alter, extend or change the pre-existing, nonconforming single-family dwelling, which encroaches both within the required west side-yard setback and the Wetlands Conservancy Soils District on the property.
8. For your Information
9. Matters Not Reasonably Anticipated by the Chair
10. Next Meeting: May 14, 2024
11. Adjournment

**Date Posted:**  
 3/13/2024

**Date Revised:**

**Received by Town Clerk:**

24 MAR 13 8:25AM

BREWSTER TOWN CLERK

TOWN OF BREWSTER ZONING BOARD OF APPEALS

HEARING MINUTES

Tuesday, March 12, 2024, at 7 PM

Brian Harrison, Chair, convened the Brewster Zoning Board of Appeals with members: Jeff Carter, Patricia Eggers, Bruce MacGregor, Trish Metz, and Corey Gill. David Ayers was absent.

Also present: Tavis Babbitt (representing ZBA #24-02), Attorney Andrew Singer, Joshua Schiff, and Gary Thurlander (ZBA #24-03), Attorney Michael Ford, Bob Newman, John O'Reilly (ZBA #24-04), Jon Idman (Town Planner), and Ellen Murphy (Department Assistant)

The Chair read the Recording or Taping Notification: This meeting will be conducted in person at the time and location identified above. This means that at least a quorum of the members of the public body will attend the meeting in person and members of the public are welcome to attend in person as well. As a courtesy only, access to the meeting is also being provided via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or affect remote attendance or participation, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda, which includes an applicant and its representatives, should make plans for in-person vs. virtual attendance accordingly.

To submit public comment or questions to the Zoning Board of Appeals, please email: [zbameeting@brewster-ma.gov](mailto:zbameeting@brewster-ma.gov).

**Review and Approval of January 9<sup>th</sup> hearing minutes:**

Brian asked the Board if there were any changes to the minutes. Pat highlighted a grammatical error and made a motion to approve, Jeff seconded the motion, a vote was taken, and the minutes were approved with the revision by a majority vote.

**Public Hearing**

**Applications:**

- **ZBA Case #24-02 Applicants: Roy and Michelle Proujansky, (represented by Tavis Babbitt), 156 Rosemary Lane**  
Members present and voting: Brian Harrison, Jeff Carter, Pat Eggers, Pat Eggers, Trish Metz, and Bruce MacGregor.

Tavis Babbitt, the designer on the project, represented the applicant. He referred to the existing and proposed plans included in the hearing packet. He indicated that currently there is a pre-existing non-conforming large deck that surrounds the back corner of the house. According to the Assessor's office it appeared on the field card in 1997. The applicants are requesting to rebuild the existing deck except for one of the corners where a 24x12.5 screened in porch will be built, which is part of the setback. The new deck/screened in porch will slightly reduce the setback. Pat made a motion to open to public input, Trish seconded the motion, a vote was taken and the Board unanimously approved. There being no public input, expect for an abutter's letter of support which was included in the hearing packet, Trish made a motion to close to public input, Pat seconded the motion, a vote was taken, and the Board unanimously approved the motion to close to public input. The Board expressed support for the request since the pre-existing non-conformity was being decreased. Trish made a motion to accept the request for a special permit, Pat seconded the motion, a vote was taken and the Board unanimously approved.

- **ZBA case #24-03 Owner/Applicant: Joshua Schiff (represented by Andrew Singer, Esq.), 3038 Main Street**  
Members present and voting: Jeff Carter, Pat Eggers, Trish Metz, Bruce MacGregor and Corey Gill.  
Attorney Andrew Singer and Josh Schiff, General Manager of CBI Farms addressed the Board providing background information on the request for a special event venue use permit. He indicated the request is the same as in past years. There are no changes proposed with maximum of 36 farm to table event dinners. Within the 36 events requested two are community events that have become very popular over the past few years and will continue. Attorney Singer stated there are no changes to the conditions stated in decisions previously issued. The applicant has worked closely with the health department, Police and Administration. He has

arranged with the Town to have overflow parking for the two community events. Because these events are very popular, they are requesting a condition be added to the decision, if the Board grants the request, for the applicant to submit a parking and access plan to the Town prior to the two events. The only change to the plan would be if there is a rain date, which in the past the applicant has worked with the Town if there is a rain date. Pat referred to comments made by Administration regarding only 30 liquor licenses would be granted per year. The applicant informed the Board there will be 6 dry events where alcohol will not be served. Corey referred to the other comments made by Administration regarding the rehearsal dinners and the two events: Tomato and Fall Frolic asking if those events were included in the total 36 events requested. Attorney Singer confirmed they were included, and the Tomato and Fall Frolic are the free community events. Corey made a motion to open to public input, Pat seconded the motion a vote was taken, and the Board unanimously voted to open to public input. There being no public input, Corey made a motion to close to public input, Pat seconded the motion and the Board unanimously voted to close to public input. The Board briefly discussed the request expressing support. Pat made a motion to grant a special permit for a special event use to CBI Farms as outlined in the application and to include an additional condition that would include prior to holding the event a traffic management and parking plan will be submitted to Town Administration and the Police Department for review and approval. Trish seconded the motion. A vote was taken and the Board unanimously approved.

- **ZBA case #24-04 Owner/Applicant: Ocean Edge Resort, LLC, (represented by Michael Ford, Esq.) 2907 Main Street**

Members present and voting: Brian Harrison, Jeff Carter, Pat Eggers, Trish Metz and Bruce MacGregor. Attorney Ford, Bob Newman, General Manager of Ocean Edge and John O'Reilly, project engineer addressed the Board. Attorney Ford informed the Board that outdoor dining as requested in the application has been operating successfully at Ocean Edge for the past 3 years under a special dispensation out of the Governor's office and adopted by the state of Massachusetts which allowed outdoor dining without reference to zoning. Now that the special dispensation expires under the state statute as of April 1<sup>st</sup>, Ocean Edge is requesting a rare extension of a non-conforming use. In the past 3 years, Ocean Edge has adopted a successful protocol. John O'Reilly walked through the site plan, highlighting the area in front of the mansion and carriage house. He identified 11 temporary triangular sails that will be scattered amongst the front lawn and a concession area that consists of a portable shed and kitchen. The number of seats has been reduced from 114 to 66, which is complaint with wastewater. The wastewater treating plant is located behind the ballroom. Bob Newman highlighted the location of the seats and tables from the site plan, indicating the hours of operation will be from Memorial Day to Columbus Day Weekend, 4-9pm daily for food and beverage service. All guests will be cleared by 10pm for cleanup. He indicated that all alcohol beverages are canned. The sheds displayed on the site plan are used for kitchen service and order taking. Bob then stepped through the process of ordering and picking up the food and beverages. He outlined the role of the staff and indicated there is an on-site manager dedicated to the outdoor operation, on-site support for trash removal and staff providing support for activities such as lawn games for children, which has been very popular in past years. The facility is open to guests and public and valet parking is provided if needed. A dedicated representative from Ocean Edge attends the homeowner's association's board meetings and acts as the point person for any issues that arise. Last year there were no calls or complaints.

Attorney Ford addressed a comment from Town Administration and confirmed the permit will not allow any entertainment or served alcohol until they request a licensing amendment from the Select Board. If the Board grants the request, it will be subject to Select Board approval. Attorney Ford referenced the 5 bullets in the narrative, that was included in the hearing packet, which outlined the request is not substantially detrimental to the neighborhood.

Jeff asked if the hours of operation were consistent with previous years. Bob Newman confirmed they were the same hours for the past 3 years except for the first year, they opened for lunch but there was little demand, so they decided 4-9pm were more suitable hours of operation.

Pat made a motion to open to public input, Jeff seconded the motion, a vote was taken, and the Board unanimously voted to open to public input. There being no public input, Pat made motion to close to public input, Trish seconded the motion, the Board unanimously voted to close to public input. The Board expressed support for the request. Bruce made a motion to grant the request for special permit #24-04 Ocean Edge Resort

LLC, as presented in the application, subject to Select Board approval. Pat seconded the motion; a vote was taken, and the Board unanimously granted the special permit.

**For Your Information:**

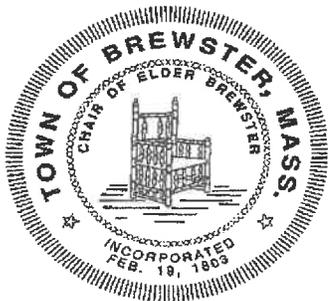
- None at this time

**Matters Not Reasonably Anticipated by the Chair:**

- The Board discussed the option of changing the hearing time from 7:00 pm to 6:00 or 6:30 pm. After discussion it was decided to keep the start time of 7:00 pm.

The next Board of Appeals hearing is scheduled for April 9<sup>th</sup>, 2024.

Pat made a motion to adjourn the meeting, Trish seconded the motion, the vote was taken, and the Board unanimously voted to adjourn. Vote: 6-0-0. The hearing adjourned at 7:31 pm.



**Brewster Zoning Board of Appeals**

2198 Main Street  
Brewster, Massachusetts 02631-1898  
(508) 896-3701 x 1168  
FAX (508) 896-8089  
www.brewster-ma.gov

Date + Time Stamped  
By Town Clerk  
7:24 MAR 20 2024  
BREWSTER TOWN CLERK

**ZBA CASE FILE # 24-05**  
**APPLICATION FOR BREWSTER ZONING BOARD OF APPEALS**  
**SPECIAL PERMIT/ VARIANCE/ ZBA APPEAL APPLICATION**  
**(\$300 Filing Fee)**

**NAME OF APPLICANT** Marci & Brian Palmer

**REPRESENTATIVE** The Coastal Companies **PHONE NUMBER** (508) 240-2114

**MAILING ADDRESS** 4665 US-6, Eastham, MA 02642

**PROPERTY ADDRESS** 240 Robbin's Hill Road

**CURRENT PROPERTY OWNER(S)** Marci & Brian Palmer

**REGISTRY OF DEEDS TITLE REFERENCE** **BOOK** \_\_\_\_\_ **PAGE** \_\_\_\_\_ **OR**

**CERT. OF TITLE #** \_\_\_\_\_ **LAND COURT #** 189858

**PLAN #** 14433-A

**TOWN MAP #** 38/86 **LOT #** C

**ZONING DISTRICT** RM **YEAR BUILT** 1945

**STATEMENT OF PROJECT**

New 2nd floor over existing sunroom. Rebuild existing 1st floor, bump out and expand over existing 1st floor. Deck for new staircase, raise 2nd floor walls to full height and construction of new roof.

**SIGNATURE OF OWNER OR AGENT FOR OWNER**

3/6/2024

**DATE**

**NOTE:** This petition is NOT COMPLETE until all information is provided. Accuracy of this information is the responsibility of the petitioner.

**DATA SHEET**

Complete this form for **every structure** on the site that is in some way **nonconforming**.

Identify structure: primary house, garage, tool shed, other Primary house

**STREET ADDRESS** 240 Robbin's Hill Road **YEAR BUILT** 1945

**MAP #** 38/86 **LOT #** C

**ZONING DISTRICT** RM

**List only the nonconformities below: Identify all nonconforming setbacks.**

LOCATION	EXISTING	REQUIRED	PROPOSED
Front	<u>57</u>	<u>40</u>	<u>NA</u>
Left	<u>7.7</u>	<u>25</u>	<u>NA</u>
Right	<u>12</u>	<u>25</u>	<u>10.5</u>
Rear	<u>L25</u>	<u>25</u>	<u>NA</u>

- **Location** is used to identify the setback: I.E. front, back, left side, right side, N-north, S-south, E-east, W-west,
- **Existing** is the setback that currently exists on the ground
- **Required** is the applicable setback required currently in the Brewster zoning bylaw
- **Proposed** is the setback being requested

**FRONTAGE: EXISTING** 48 **REQUIRED** 150

**LOT SIZE:** \_\_\_\_\_

**LOT COVERAGE EXISTING %** 9 **PROPOSED %** 9 **ALLOWED %** 25

**SIZE OF PARCEL** 17424 sq. ft. **BUILDABLE UPLAND** 8737 sq. ft.

**BUILDING COVERAGE/PRIMARY STRUCTURE** 866 sq. ft.

**BUILDING COVERAGE ALL OTHER STRUCTURES** 636 sq. ft.

**BUILDING HEIGHT: EXISTING** 20.5 **PROPOSED** 23

**SPECIAL PERMITS:**

- APPLICATION FOR SPECIAL PERMIT AS SET FORTH IN M.G.L. 40A, § 6, or § 9 and SECTION 179-25, BREWSTER BYLAW UPON WHICH THE BOARD IS EMPOWERED TO ACT.**

**SECTION(S) PARAGRAPH(S) OF BREWSTER BYLAW UNDER WHICH THE SPECIAL PERMIT IS SOUGHT AND A BRIEF DESCRIPTION OF THE PROPOSAL.**

Zoning by-law section 179-25B

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**VARIANCES:**

- APPLICATION FOR VARIANCE AS SET FORTH IN M.G.L. 40A, § 10**

**SECTION(S) PARAGRAPH(S) OF BREWSTER BYLAW UNDER WHICH THE VARIANCE IS SOUGHT AND A BRIEF DESCRIPTION OF THE PROPOSAL.** In order to grant a Variance, the ZBA must find all three of the following to be true:

- Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, and
  - A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and
  - That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law
- 
- 
- 
- 

- APPEAL IN ACCORDANCE WITH M.G.L. 40 A, § 8, 14**

**CITE ORDER OR DECISION OF ZONING AGENT OR OTHER ADMINISTRATIVE OFFICIAL OR ATTACH LETTER FROM ZONING AGENT/ADMINISTRATIVE OFFICIAL.**

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## **ZONING BOARD OF APPEALS FILING PROCEDURES**

Completed application packages are required to be submitted and time stamped by the Town Clerk at least thirty-five (35) days prior to the requested hearing date. Town Hall hours are 8:30 am – 4:00 pm Monday- Friday.

Complete application (**12 copies**) checklist:

- Application
- Professionally engineered site plan
- Assessor's map showing the applicant's lot
- Building plans, including floor layout, elevations and dimensions
- Decision letter from the zoning agent, if applicable
- \$300 Filing Fee (made payable by check)

Photographs are recommended.

**Please also provide one (1) pdf or electronic copy of the completed application package.**

An Abutter's List will be requested by the Zoning Board Clerk when the application is filed.

In accordance with Massachusetts General Laws, Chapter 40A, Section 11, the Appeal will be advertised in the local newspaper for two (2) consecutive weeks prior to the public hearing. The agenda will also be posted of the Meeting Board on the main floor of the Town Offices.

A copy of the Zoning-By-Law, Chapter 179, is available at the Brewster Ladies' Library. It may also be purchased at the Town Offices for \$25.00 or downloaded without charge from The Town of Brewster e-code website: <http://www.ecode360.com/BR1068>

Any Decision of the Board of Appeals may be appealed to Superior Court, Land Court or District Court within twenty (20) days from the time that the decision is filed with the Town Clerk.

**Archived:** Thursday, April 4, 2024 2:41:24 PM

**From:** [Richard Leibowitz](#)

**Sent:** Mon, 11 Mar 2024 17:12:28 +0000 Authentication

**To:** [Ellen Murphy](#)

**Subject:** 240 Robbins Hill Road

**Sensitivity:** Normal

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Re, ZBA referral 240 Robbins Hill Road  
Identified on Assessors Map38 Lot 86

A special permit under Zoning Bylaw Section 179-25B. to alter, extend or change the pre-existing nonconforming single-family dwelling at 240 Robbins Hill Road (Map 38 Parcel 86), specifically, the proposed addition of building volume within both the required west side-yard setback area and within the Wetlands Conservancy Soils District on the property

Richard Leibowitz CBO  
Acting Building Commissioner

**240 ROBBINS HILL ROAD  
BREWSTER**

Owner: PALMER J BRIAN & MARCIA  
Owner Address:  
12 GERSHOM DRIVE  
NORTH GRAFTON, MA 01536

Building Value: \$276,600  
Land Value: \$1,647,000  
Other Value: \$500  
Total Value: \$1,924,100

Assessment data from FY 2023

Lot Size: 17,424.00 Sq Ft  
Last Sale Price: \$1,650,000  
Last Sale Date: 20180907  
Use Code: 1010  
Year Built: 1945

[Zoom to](#)



ENVIRONMENTAL NOTES:  
 1. WETLAND RESOURCE AREAS DELINEATED BY STRONG TREE ENGINEER ON SEPTEMBER 12, 2023

ASSESSORS PARCEL  
 38-86-0  
 AREA: 17,424 SF± (.40 AC)

COASTAL BEACH  
 BANK

FLOOD LINE  
 (EL. 15')



no foundation for fireplace

helical piles (no foundation)

10.5'

PROPOSED HOUSE ADDITION

EXISTING DWELLING #240  
 GROUND LEVEL: 656 SF±  
 FF: 18.9±

7.7'

**PARCEL INFORMATION:**

Registry of Deeds: Barnstable  
 Plan Land Court 14433-A  
 Deed Land Court 189858  
 Lot: C  
 Map/Lot: 38 / 86  
 Zoning: RM  
 Field Survey Date: SEPTEMBER 2023  
 Year Built: 1945

**TOWN ZONING SETBACKS**

Front 40 Feet  
 Rear 25 Feet  
 Side 25 Feet

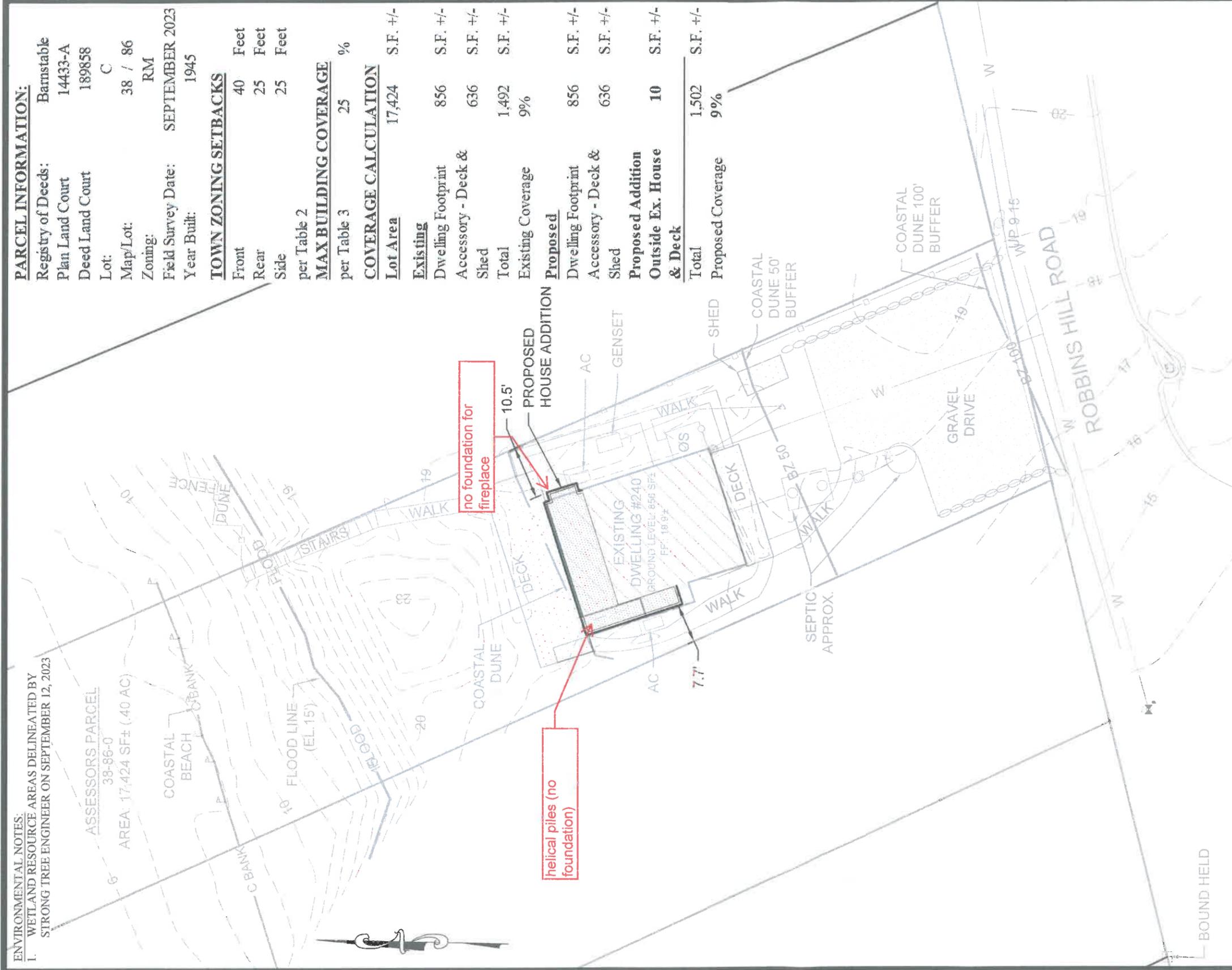
per Table 2

**MAX BUILDING COVERAGE**

per Table 3 25 %

**COVERAGE CALCULATION**

Lot Area	17,424	S.F. +/-
<b>Existing</b>		
Dwelling Footprint	856	S.F. +/-
Accessory - Deck & Shed	636	S.F. +/-
Total	1,492	S.F. +/-
Existing Coverage	9%	
<b>Proposed</b>		
Dwelling Footprint	856	S.F. +/-
Accessory - Deck & Shed	636	S.F. +/-
<b>Proposed Addition Outside Ex. House &amp; Deck</b>	10	S.F. +/-
Total	1,502	S.F. +/-
Proposed Coverage	9%	



**STRONG TREE ENGINEERING**  
[www.strongtree.engineering](http://www.strongtree.engineering)  
 Ph: (774) 559-3942

GENERAL NOTES:  
 1. INFORMATION SHOWN FROM AN ON THE GROUND SURVEY PERFORMED BY STRONG TREE ENGINEERING. HORIZONTAL: MA STATE PLANE 1983, ELEVATIONS: NAVD1988  
 2. WATER, SEWER AND UNDERGROUND UTILITIES ARE APPROXIMATE AND SHOWN BASED ON THE INFORMATION AVAILABLE. ALL UTILITIES TO BE MARKED BY CALLING DIGSAFE AND VERIFIED IN THE FIELD.

PROJECT:  
**#240 ROBBINS HILL ROAD,  
 BREWSTER, MA 02631**

SHEET TITLE:  
**PROPOSED RENOVATION PLAN**

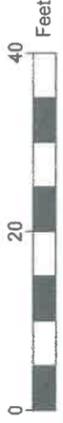
PREPARED FOR:  
**THE COASTAL COMPANIES**  
 4665 ROUTE 6,  
 EASTHAM, MA 02642

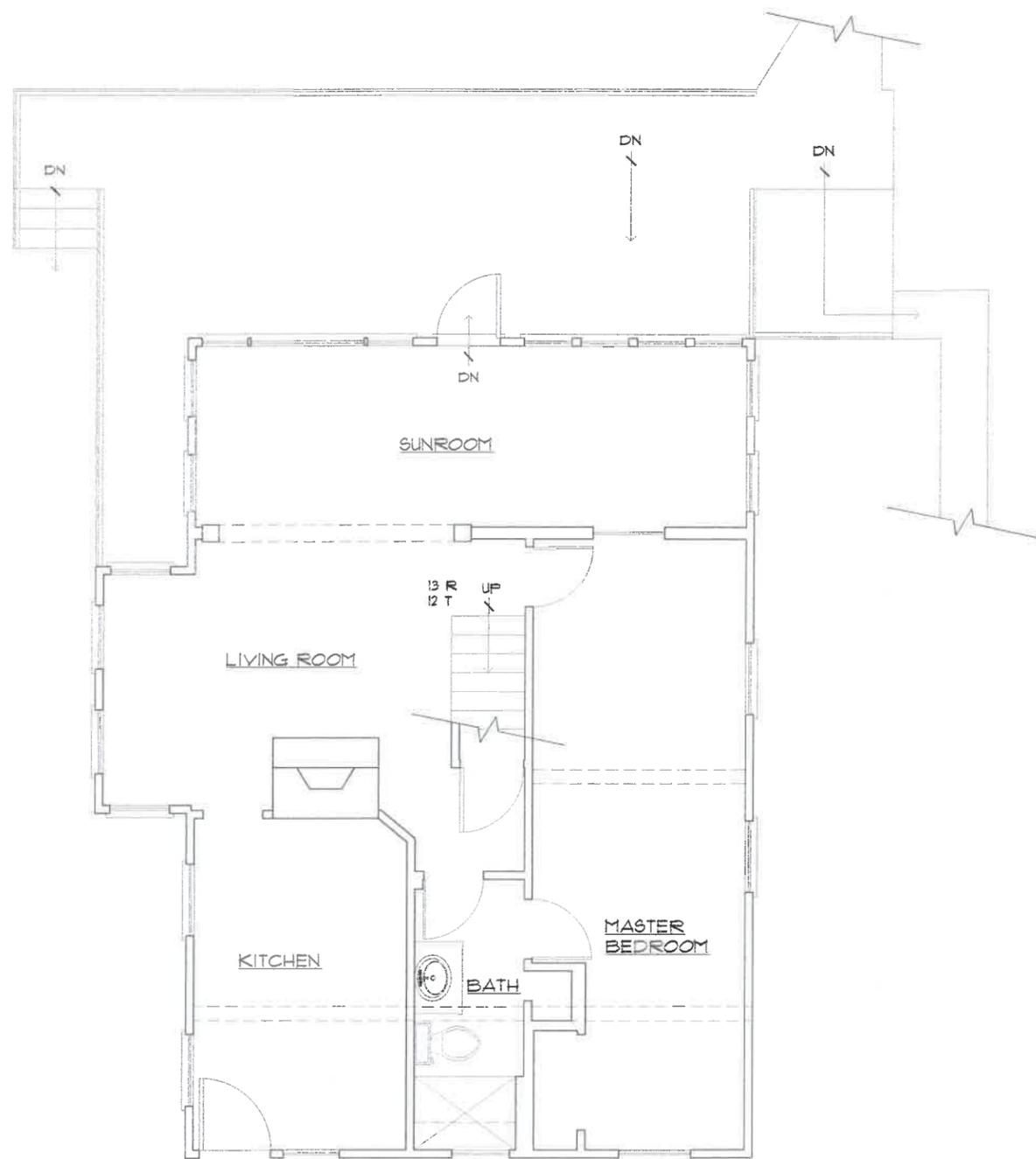
Project Number: 23047  
 Sheet: 1 of 1  
 Date: 01/16/2023

Registration:  
 I certify that the buildings and existing information shown hereon were located by field survey as they exist on the ground.

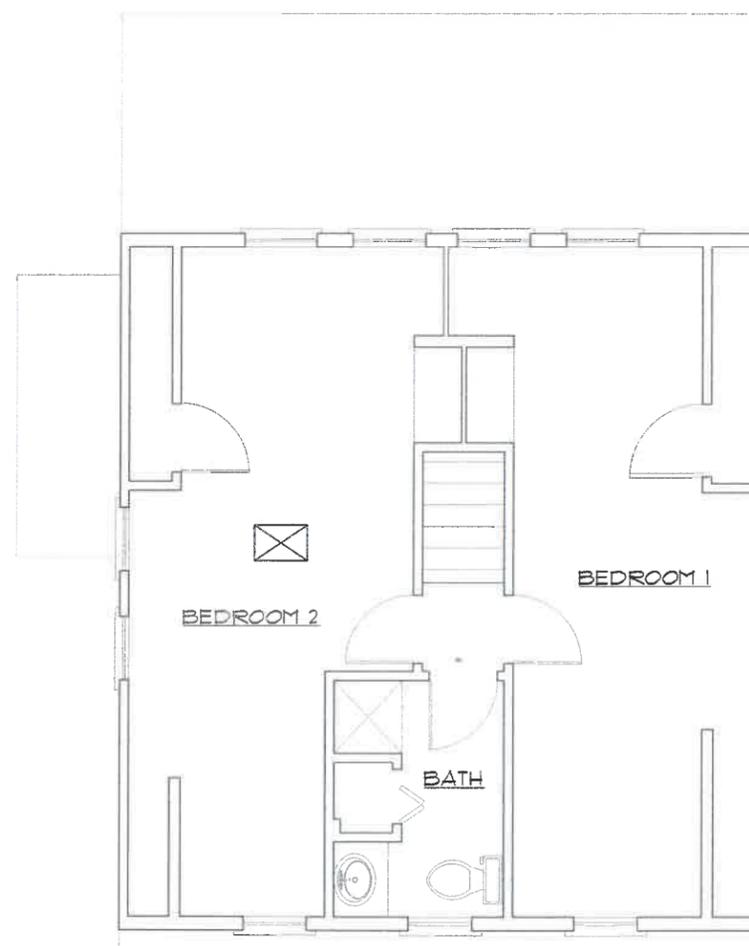
**DRAFT**

Licensed Professional \_\_\_\_\_ Signed/Date: \_\_\_\_\_





Existing First Floor Plan  
Scale: 1/4" = 1'-0"



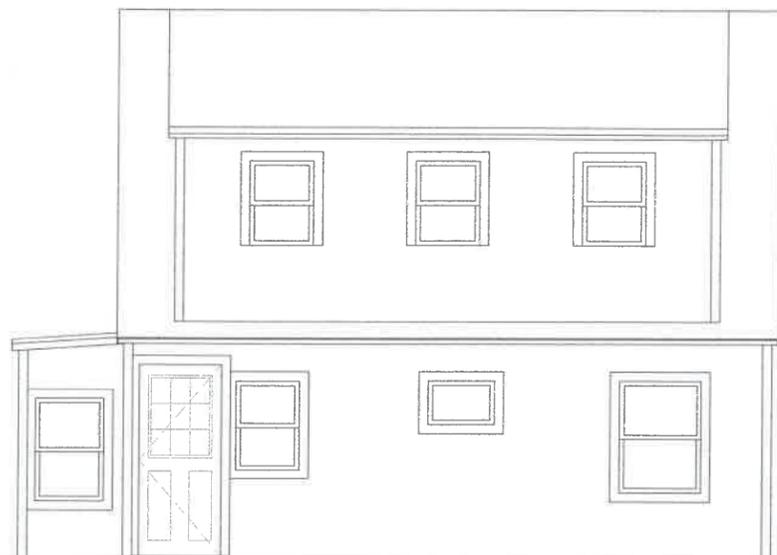
Existing Second Floor Plan  
Scale: 1/4" = 1'-0"

Project Title:  
Klink House  
240 Robbins Hill Rd  
Brewster, MA

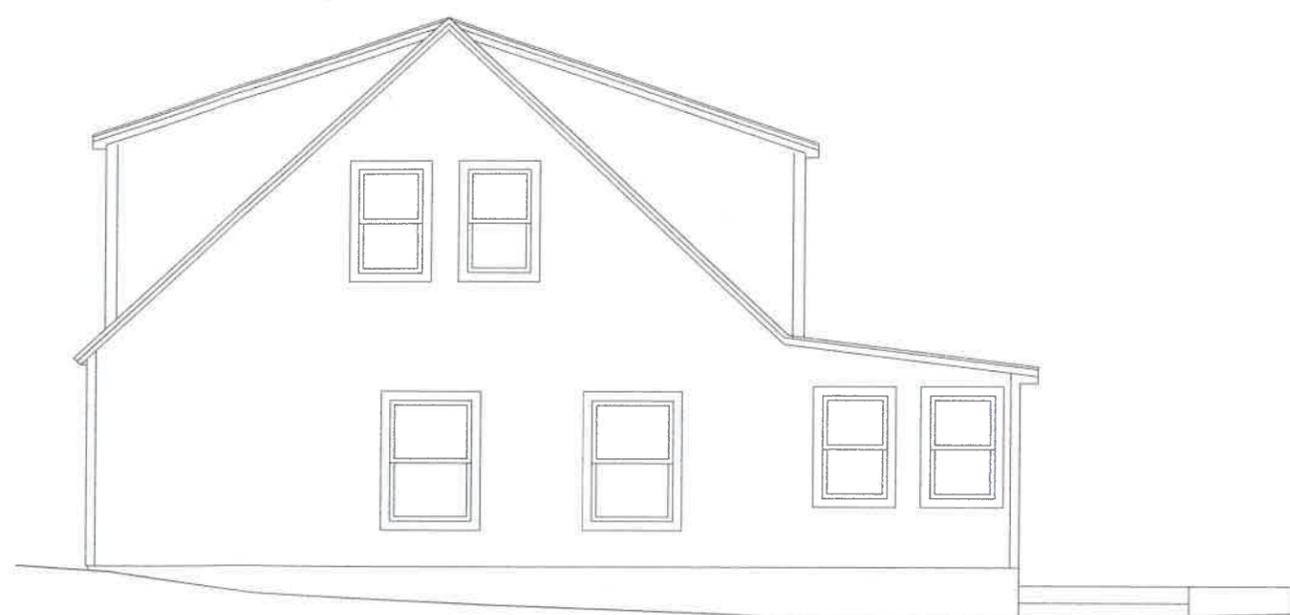
As Built: 10.17.2023  
Prelims: 11.30.2023  
12.18.2023  
12.20.2023

Sheet:

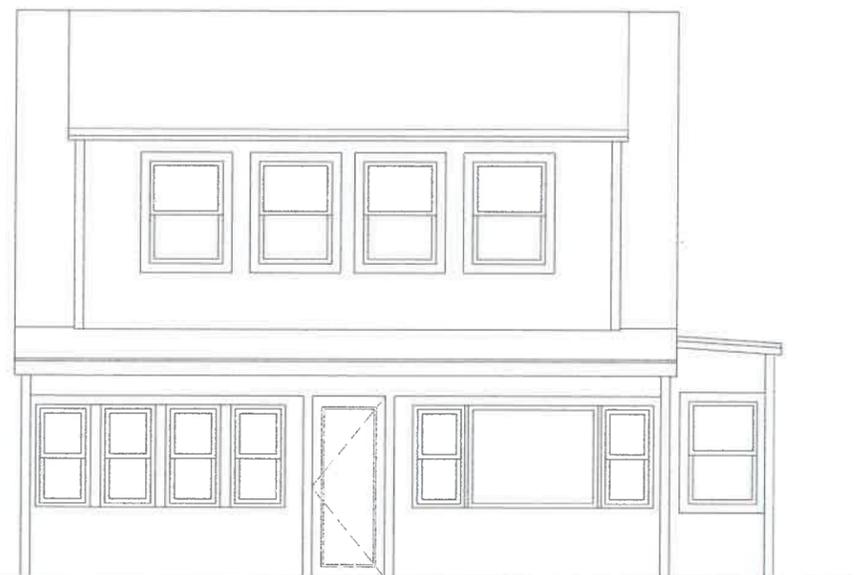
E1



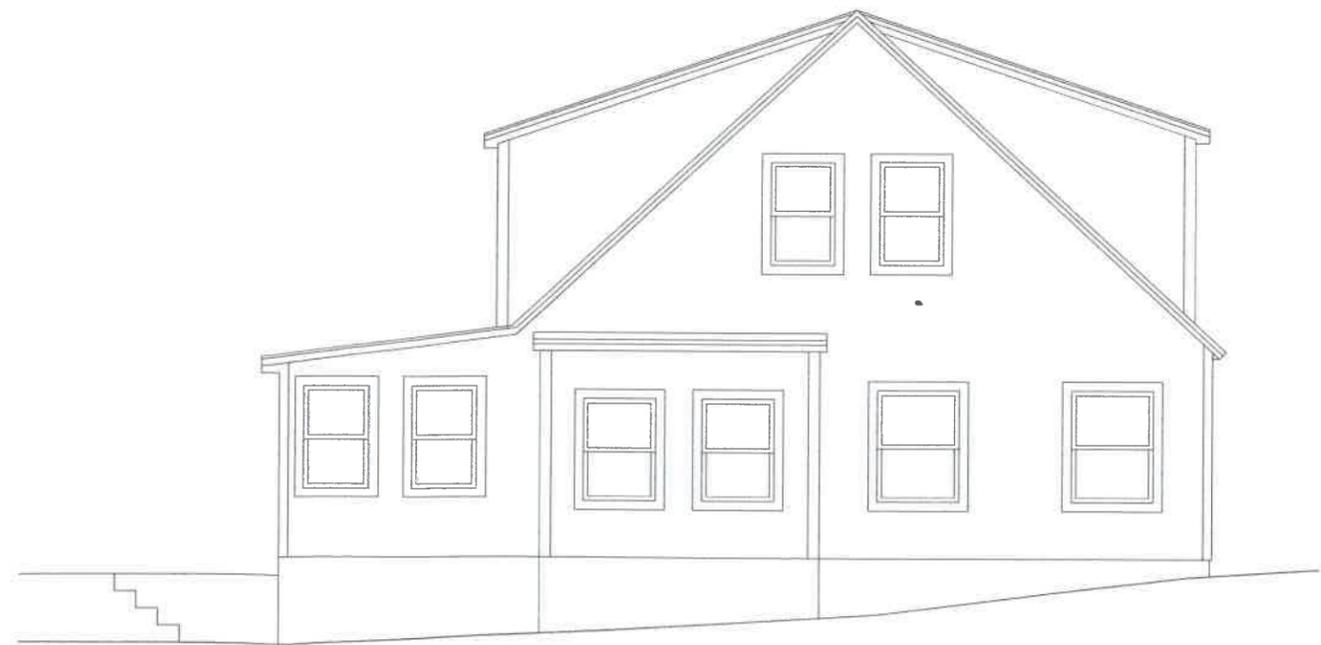
Existing Front Elevation  
Scale: 1/4" = 1'-0"



Existing Right Elevation  
Scale: 1/4" = 1'-0"



Existing Rear Elevation  
Scale: 1/4" = 1'-0"



Existing Left Elevation  
Scale: 1/4" = 1'-0"

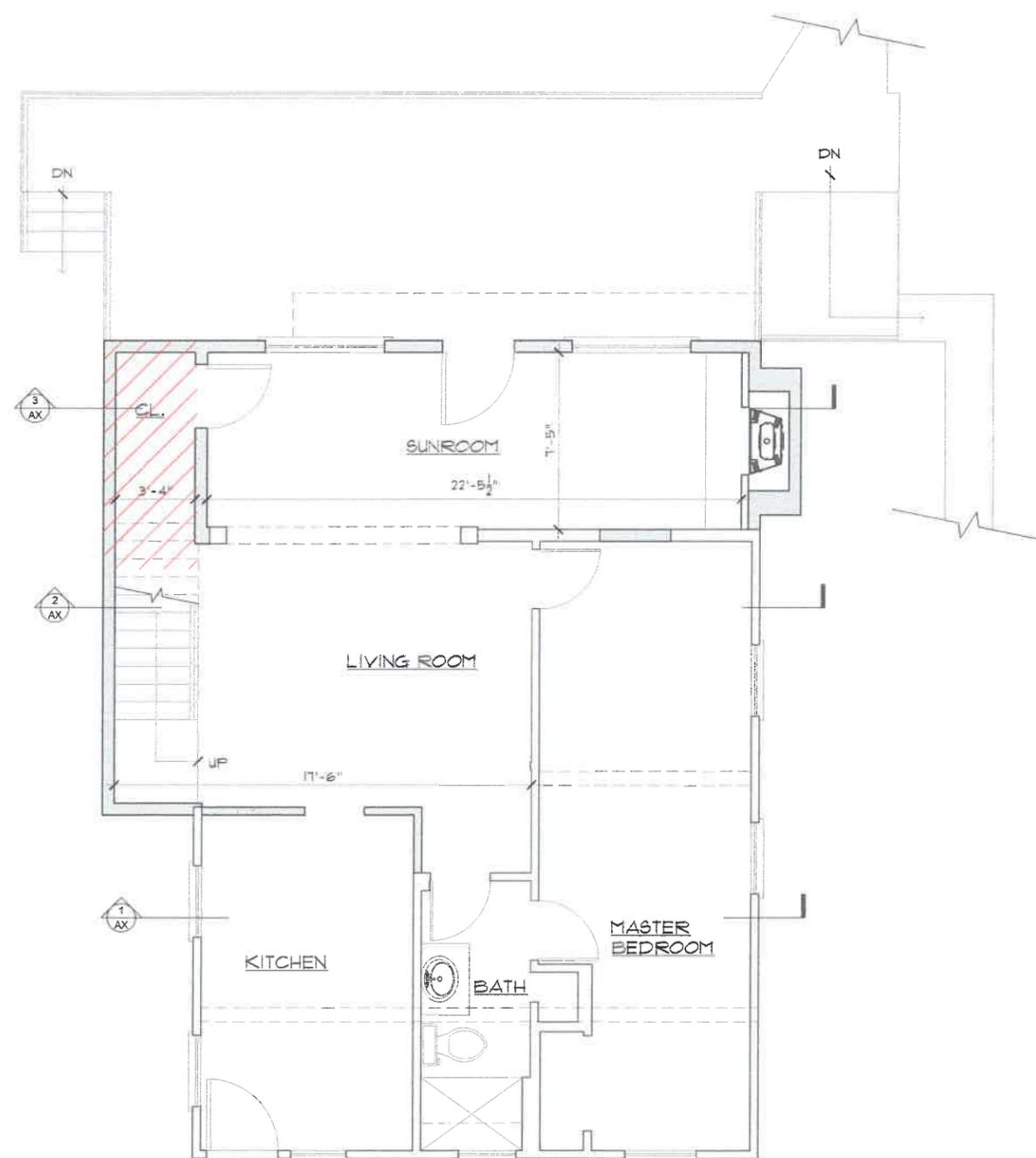
Project Title:

Klink House  
240 Robbins Hill Rd  
Brewster, MA

As Built: 10.17.2023  
Prelims: 11.30.2023  
12.18.2023  
12.20.2023

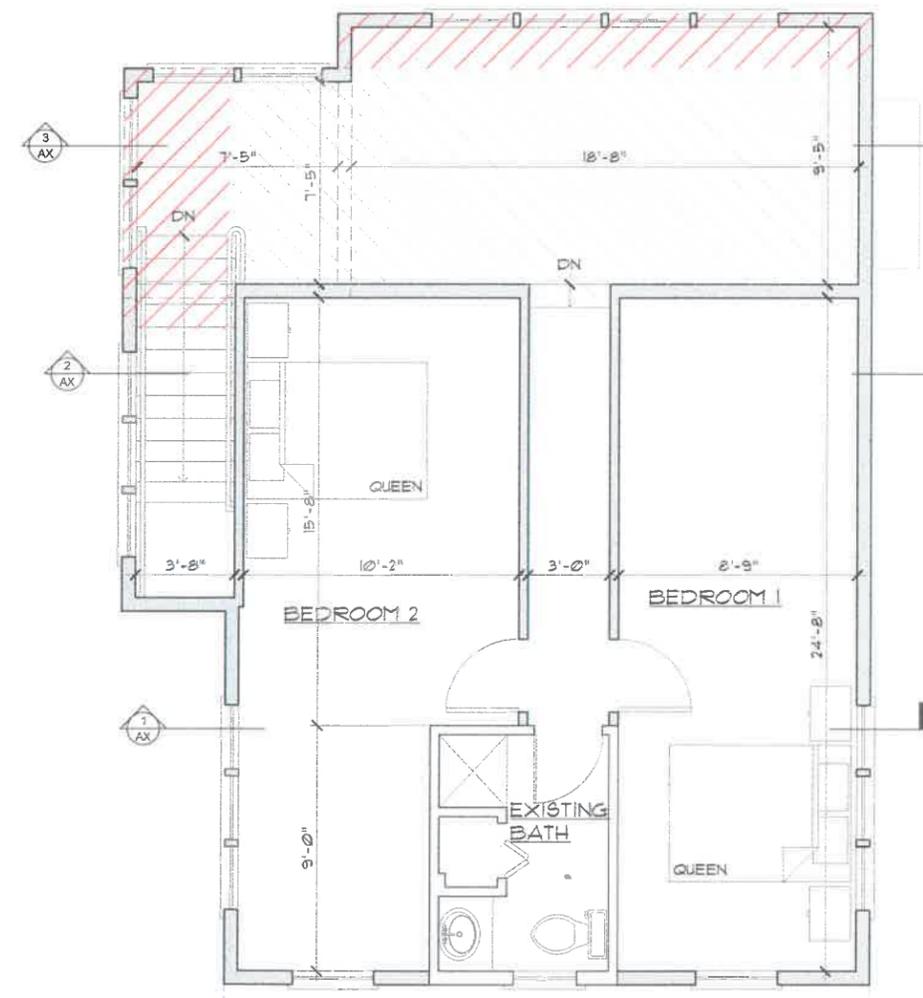
Sheet:

E2



First Floor Plan - ZBA Approval Required  
Scale: 1/4" = 1'-0"

EXISTING WALLS  
NEW WALLS  
NEW FOOTPRINT



Second Floor Plan - ZBA Approval Required  
Scale: 1/4" = 1'-0"

EXISTING WALLS  
NEW WALLS  
NEW FOOTPRINT  
NEW SECOND FLOOR



Project Title:

Klink House  
240 Robbins Hill Rd  
Brewster, MA

As Built: 10.17.2023  
Prelims: 11.30.2023  
12.18.2023  
12.20.2023

Sheet:

A1.1



Front Elevation - ZBA Approval  
Scale: 1/4" = 1'-0"



Right Elevation - ZBA Approval  
Scale: 1/4" = 1'-0"



Rear Elevation - ZBA Approval  
Scale: 1/4" = 1'-0"



Left Elevation - ZBA Approval  
Scale: 1/4" = 1'-0"



Project Title:

Klink House  
240 Robbins Hill Rd  
Brewster, MA

As Built: 10.17.2023  
Prelims: 11.30.2023  
12.18.2023  
12.20.2023

Sheet:

A2.1



## Brewster Zoning Board of Appeals

2198 Main Street  
Brewster, MA 02631-1898  
(508) 896-3701 x1168  
brewplan@brewster-ma.gov

### DEPARTMENT REVIEWS

#### Application #24-05

**APPLICANT:** Marci and Brian Palmer  
**REPRESENTATIVE:** The Coastal Companies  
**MAP/LOT:** Map 38, Lot 86  
**PROPERTY ADDRESS:** 240 Robbins Hill Road

#### Received from:

##### **Historic District Committee**                      **Comments received from Erika Glidden**

- The property listed is not under HDC jurisdiction and therefore we have no comments to add.

##### **Police Dept.**                      **Comments received from Lt. Charles Mawn**

- The police dept has no comments for this application.

##### **Health Dept.**                      **Comments received from Sherrie McCullough**

- The property lies outside Zone II and the DCPC.
- The property lies within the Cape Cod Bay Watershed
- The existing system is a 1984 Title 5 Septic System, with a flow of 330 gpd servicing an existing three-bedroom dwelling with town water.
- A Title 5 Septic Inspection Report is on file dated July 21, 2018.
- The proposed project will not increase the existing septic flow and the proposed addition will maintain minimum existing septic component setbacks.
- A Building Waiver Application will need to be submitted for final review and sign off.

##### **Fire Dept.**                      **Comments received from Chief Moran**

- Renovated dwelling shall meet all current smoke and carbon monoxide detector compliance.

##### **Building Dept.**                      **Comments received from Richard Leibowitz**

- The Building Department has nothing to add.

##### **Water Dept.**                      **Comments received from Paul Anderson**

- The water service on the plan matches our records and seems like it will not be disturbed. If they have any concerns, they can call us to mark it out. Other than that, we have no comments.

##### **Conservation Dept.**                      **Comments received from Bill Grafton**

- I met with the applicant's consultants on March 1, 2024 and to submittal of a Notice of Intent for the proposed work.
- The subject site is also associated with three (3) prior Order of Conditions (OOC) including:
  - SE9-0631 for extension of an existing deck, constructing a new beach access path, installation of snow fencing and vegetative management...this OOC is closed out with a recorded Certificate of Compliance with OnGoing Conditions for snow fence maintenance (Special Condition 31 paraphrased as follows: revegetation with American beach grass, Rugosa rose and beach plum and Special Condition 32

paraphrased as follows: snow fencing shall be maintained by the owner on a regular basis).

- SE9-1786 for optional beach renourishment expired on 7/12/2022 including COVID-19 Tolling Provisions. A Request for Certificate of Compliance would be the logical next step regarding this OOC.
- SE9-1831 for vegetative management that includes mitigation plantings...this OOC has been partially completed and expired on 12/25/2023 including COVID-19 Tolling Provisions. Typically, either a new NOI or a merge into the new NOI for completion of the required work would be beneficial to complete the Special Conditions.
- According to the approved site plan for SE9-0631 and SE9-1786 and the approved site plan for SE9-1831, the coastal dune is directly adjacent to the existing deck. A variance request under Brewster Wetlands Regulations, 5.01 Variances and alternative analysis is required.
- The increased footprint of the proposed expansion will not likely trigger the Ch. 272 Stormwater Management Permit requirements, but Conservation mitigation may be required in the form of native plantings, capturing stormwater into subsurface drywells or equivalent.



TOWN OF BREWSTER, MA  
BOARD OF ASSESSORS  
2198 Main Street Brewster, MA 02631

Certified by:

  
**James M. Gallagher, MAA**  
Deputy Assessor

Abutters List Within 300 feet of Parcel 38/86/0

