



## Town of Brewster Planning Board

2198 Main St., Brewster, MA 02631

brewplan@brewster-ma.gov

(508) 896-3701 x1133

### MEETING AGENDA

2198 Main Street

March 13, 2024 at 6:30 PM

#### Planning Board

Amanda Bebrin, Chair

Alexander Wentworth  
Vice Chair

Robert Michaels  
Clerk

Charlotte Degen

Madalyn Hillis-Dineen

Antone Freitas

Elizabeth Taylor

#### Town Planner

Jonathon Idman

#### Senior Department Assistant

Lynn St. Cyr

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

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

**Phone:** Call (312) 626-6799 or (301) 715-8592. Webinar ID: 841 0778 1002. Passcode: 612505.

To request to speak: Press \*9 and wait to be recognized.

**Zoom Webinar:** <https://us02web.zoom.us/j/84107781002?pwd=VTVSV1ExaUNCL253NmNZV21Gdmo4dz09>  
Passcode: 612505. To request to speak: Tap Zoom "Raise Hand", then wait to be recognized.

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by accessing the meeting remotely, as noted above. Additionally, the meeting will be broadcast live, in real time, via **Live broadcast** (Brewster Government TV Channel 18), **Livestream** ([livestream.brewster-ma.gov](http://livestream.brewster-ma.gov)), or **Video recording** ([tv.brewster-ma.gov](http://tv.brewster-ma.gov)).

The Planning Board packet can be found on the Calendar on the Town of Brewster website ([www.brewster-ma.gov](http://www.brewster-ma.gov)). Please note that the Planning Board 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 Comment. Members of the public may address the Planning Board on matters not on the meeting's agenda for a maximum of 3-5 minutes at the Chair's discretion. The Planning Board will not reply to statements made or answer questions raised during public comment but may add items presented to a future agenda.

#### PUBLIC HEARINGS:

6. **Special Permit Case No. 2024-03:** Applicant/Owner: Main Street Brewster Trust, Andrew K. Murphy, Trustee d/b/a The Peacemaker has applied for a special permit under Brewster Zoning Bylaw Article VI for a sign at 2149 Main Street (Tax Map 68 Parcel 121), located within the Residential Medium Density (RM) Zoning District. The Planning Board will consider and potentially vote whether to grant the Special Permit.
7. **Special Permit and Site Plan Review Case No. 2024-04:** Applicant/Owner: The Free Sea Turtle, LLC, Paul Wallace, Manager, has applied for Site Plan Review under Brewster Zoning Bylaw Article XII for a new commercial development on an undeveloped lot, and a Special Permit under Brewster Zoning Bylaw Section 179-51 for uses including building and construction trade shop or garage and a full-service restaurant, at 162 Underpass Road (Tax Map 77 Parcel 9), located within the Commercial High Density (CH) Zoning District. The



**Planning Board**

Amanda Bebrin, Chair

Alexander Wentworth  
Vice Chair

Robert Michaels  
Clerk

Charlotte Degen

Madalyn Hillis-Dineen

Antone Freitas

Elizabeth Taylor

**Town Planner**  
Jonathon Idman

**Senior Department  
Assistant**  
Lynn St. Cyr

Planning Board will consider and potentially vote whether to grant the Special Permit and Site Plan Approval. **(APPLICANT REQUESTS CONTINUANCE TO MARCH 27, 2024)**  
**Special Permit and Site Plan Review Case No. 2024-05:** Applicant/Owner: 162 Underpass LLC, Charles Whitcomb III, Manager, has applied for Site Plan Review under Brewster Zoning Bylaw Article XII for a new commercial development on an undeveloped lot, and a Special Permit under Brewster Zoning Bylaw Section 179-51 for uses including building and construction trade shop or garage and (1) accessory commercial dwelling unit, at Underpass Road (Tax Map 77 Parcel 10 and 60), located within the Commercial High Density (CH) Zoning District. The Planning Board will consider and potentially vote whether to grant the Special Permit and Site Plan Approval. **(APPLICANT REQUESTS CONTINUANCE TO MARCH 27, 2024)**

8. Approval of Meeting Minutes: February 28, 2024.
9. Committee Reports.
10. For Your Information.
11. Matters Not Reasonably Anticipated by the Chair.
12. Next Meetings: March 27, 2024 and April 10, 2024.
13. Adjournment.

**Date Posted:**  
03/08/24

**Date Revised:**

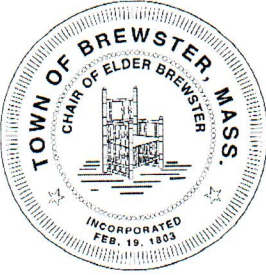
**Received by Town Clerk:**

24 MAR 8 10 26 AM  
  
BREWSTER TOWN CLERK

**SPECIAL PERMIT CASE NO. 2024-03**

**APPLICANT/OWNER: MAIN STREET BREWSTER TRUST  
ANDREW K. MURPHY, TRUSTEE  
D/B/A THE PEACEMAKER**

**PROPERTY: 2149 MAIN STREET (MAP 68 PARCEL 121)**



## Town of Brewster

2198 Main Street  
Brewster, MA 02631-1898  
Phone: (508) 896-3701

Office of:  
Planning Board  
Planning Dept.

### MEMORANDUM

**TO:** Planning Board  
**FROM:** Town Planner  
**RE:** Sign Special Permit # 24-3, Brewster Zoning Bylaw Article VI  
Owner/ Applicant: Main Street Brewster Trust, Andrew K. Murphy, Trustee  
dba The Peacemaker, 2149/ 2155 Main Street (Map 68, Parcel 121)  
**DATE:** February 12, 2024

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The Peacemaker is a new restaurant in Town that focuses on sandwiches.

The Bylaw limits total sign area for a single business site to 16 sq ft. A seven (7) sq ft freestanding sign has already been approved for the property. In addition, the applicant proposes an 18 sq ft sign (1.5' x 12') on the roof. The property has a long history of restaurant use and there was formerly a roof sign (notably, for the long-standing "Brewster Coffee Shop").

The Bylaw authorizes the Planning Board to grant a special permit to allow sign area greater than that expressly allowed. Accordingly, the applicant has applied for a special permit for a proposed building sign, which would increase proposed sign area over and above 16 sq ft to 25 sq ft total.

HDC has reviewed the request and approved subject to conditions.

The applicant has provided a 'mock-up' of the proposed sign in its application materials, dated 1/25/24.

The following are the criteria from Section 51 of the Bylaw relevant to the Board's special permit consideration of the proposed sign:

- suitability and appropriateness regarding the specific site;
- general consistency with the purpose and intent of the Zoning Bylaw and the LCP;
- harmony with the visual and historic character of the neighborhood; and
- detrimental or injurious impact to the surrounding neighborhood or Town.



# TOWN OF BREWSTER BUILDING DEPARTMENT

2198 MAIN STREET  
BREWSTER MA 02631

Phone: 508-896-3701 ext 1125  
Email: Building@brewster-ma.gov

February 12, 2024

Re; 2149 Main Street, Identified on Assessors Map 68 Lot 121

The Building Department, Zoning Enforcement Officer is confirming a Special Permit is required for combined signage 25 Ft<sup>2</sup> for the restaurant located at 2149 Main Street.

179-20-1 Restaurant signs limited to 16 Ft<sup>2</sup>

- Footnote F. No one sign shall exceed 16 Ft<sup>2</sup>
- Footnote I. All signs not otherwise except by 179-20-3 are included within the total signage calculation and includes any sign on a property at any time, including signs taken in or turned off daily basis, such as A-frame signs, and window signs.

179-20-3 Restaurant signs are not exempt

Footnote J. Exceptions to this bylaw may be allowed by special permit from the Planning Board.

Conclusion,  
25 Ft<sup>2</sup> of signage at 2149 Main Street requires a Special Permit.

Respectfully submitted,

Richard Leibowitz CBO  
Zoning Enforcement Officer

RECEIVED

FEB 12 2024

BREWSTER PLANNING BOARD  
ZONING BOARD OF APPEALS



Town of Brewster  
Planning Board  
Ch. 179 Application Cover Sheet

**FOR TOWN OFFICIAL USE ONLY**  
TOWN CLERK RECEIVED:  
24 JAN 2024 8:59 AM  
BREWSTER TOWN CLERK  
PERMIT NUMBER ASSIGNED:  
PB# 2024-03

Project Location:

2149 Main Street Brewster

Street Address

Assessors Map(s) and Parcel(s)

Deed/ Title Reference

Zoning District(s)

Applicant:

The Peacemaker

Name

P.O. Box 773 East Dennis, MA 02641

Mailing Address

(508) 221.0929

Phone Number

lostdogpub91@gmail.com

Email Address

Property Owner (if different than Applicant):

Main Street Brewster Trust

Name

P.O. Box 773 East Dennis, MA 02641

Mailing Address

(508) 221.0929

Phone Number

lostdogpub91@gmail.com

Email Address

Professional Representative:

Andrew Murphy

Name

P.O. Box 773 East Dennis, MA 02641

Mailing Address

(508) 221.0929

Phone Number

lostdogpub91@gmail.com

Email Address

Type of Application (Check as applicable):

- Special Permit  
(Zoning Bylaw Section 179-51 or list other or different Zoning Bylaw Sections, as applicable, below)
- Site Plan Review (Zoning Bylaw Section 179-63)
- Decision Modification (Provide relevant case number/s below)
- Decision Extension (Provide relevant case number/s below)
- Other (List Zoning Bylaw Section/s below)

Brief Project Description: Increase of maximum allowable  
sign sq. footage. From 16 sq ft to 25  
square feet.

Signatures

Akuphy 1/23/24  
 Applicant Date

\_\_\_\_\_  
 Property Owner (if different than Applicant) Date

\_\_\_\_\_  
 Professional Representative (as applicable) Date

*If the Applicant is not the Owner, the Application materials shall include the Owner's written consent or authorization to make application, or evidence that the Applicant's interest in the property is sufficient to make application (e.g. lease, P&S Agreement, etc.).*

*The burden is on the applicant to provide accurate, sufficient and complete information in the application. Attached is a checklist of materials and information required to be submitted for a complete application. Incompleteness could be cause for delays in review or denial of an application.*

*By making application, the Owner and Applicant hereby authorize the Planning Board and its agents to conduct site visits, at reasonable times, to assist in review of the application.*

*Please refer to current Planning Board schedule for application filing deadlines and associated meeting dates. The Board will make best efforts to work within this filing schedule but is not obligated to do so; the Board's review timelines are established under the Brewster Code and Massachusetts General Laws. In its discretion, the Board may agenda matters, which do not require public hearings, for the next available meeting even if received after the respective filing deadline.*

**Submit to: Brewster Planning Department  
 Town Offices- 2198 Main Street  
 Brewster, Massachusetts 02631-1898  
 (508) 896-3701 x 1133  
 brewplan@brewster-ma.gov**



Planning Board  
Town Offices- 2198 Main Street  
Brewster, Massachusetts  
02631-1898  
(508) 896-3701 x 1133  
brewplan@brewster-ma.gov

**Attachment**  
**Chapter 179 (Zoning) Planning Board Application**  
**Required Submission Materials Checklist**

To be considered complete, an application shall include the materials and information listed below, as deemed applicable, necessary or material to a given case by the Planning Board.

- The Planning Board may waive or modify submission requirements (except review fees) in light of the specific circumstances presented in a given case.
  - The Planning Board may require additional, revised or supplemental information, as necessary, during its review of an application.
  - Note, applicants are not required to handle noticing. As applicable, Planning Department Staff obtains the certified abutters list and handles abutter and newspaper notifications.
  - Twelve (12) hard copies of all materials are required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
  - One (1) electronic copy of all materials is required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
  - Twelve (12) hard copies of Site and Building Plans must be provided at a minimum size of 11"x17", with one (1) hard copy at a minimum size of 18"x24"; electronic copies of plans must be digital not scanned copies.
- Referral from Building Commissioner to Planning Board for the zoning relief/ approval requested.
- Owner's Authorization or equivalent, as applicable.
- Filing Fee per current Planning Board Fee Schedule, with check made to "Town of Brewster."
- Project Narrative, including a description of existing site conditions, a description of the project and proposed site conditions, reference to applicable sections of the Zoning Bylaw and discussion about consistency with the applicable standards and criteria for approval set out in the Zoning Bylaw.
- As applicable, information about Staff Review undertaken for the project pursuant to Brewster Code Chapter 83.
- A site plan/plan set of existing and proposed site conditions, stamped by a professional land surveyor licensed in Massachusetts, showing the following information:
- Inset Locus Map
  - Plan Title, name and address of applicant and person responsible for preparation
  - North arrow and scale- minimum scale 1" = 40'
  - Boundaries of property plotted to scale
  - Plan preparation date and any revision dates
  - Plan Notes regarding record title and plan information for locus and for abutting properties
  - Tax Map and Parcel and Owner Identification for locus and abutting properties
  - Ruled box for Board signature and date, as applicable for site plan review/ approval
  - Lot area by square foot and acreage
  - Zoning Compliance Table
    - Proposed, existing and required dimensional criteria for locus



- Zoning District classification and boundaries relative to locus, including any overlays
- Location and dimensions of site buildings and structures including setback distances
- Location, dimensions and design of site parking, drive aisles and loading areas
  - Parking calculations per 9/11/13 Planning Board Policy
  - Delineation of both regular and handicapped spaces
  - Delineation of reserved parking areas, as applicable
  - Surface materials and striping/ design details
  - Description of site circulation (vehicles, bicycles, pedestrians)
- Location and design of other site improvements including:
  - Walkways, paths, trails and sidewalks
  - Refuse storage and disposal
  - Stormwater Management Facilities/ BMPs
  - Retaining walls and fences
  - Outdoor storage or other outdoor use areas
  - Bike storage rack
  - Signs
  - Exterior lighting
  - Driveways and curbcuts
  - Swimming Pools
  - Water courses, water bodies, wetlands, wetland buffer zones, all with current delineations, and other significant natural features
- Flood Zone identification/ boundaries
- Historic District boundaries
- Location of wells and/or septic systems on-site (and off-site wells, if known)
- Utilities available to the site, including municipal water/ fire hydrants
- Record easements and rights-of-way affecting the site
- Site topography and grading
- Other relevant resource mappings such as MESA Priority Habitat
- Stormwater Management and Hydrologic Report stamped by a professional engineer licensed to practice in Massachusetts:
  - Design and location of Stormwater Management Facilities/BMPs
  - Recharge, run-off volume and peak discharge calculations for the 25-year,24-hour storm event
  - Site soils identification
  - Water quality treatment calculations
  - Groundwater information
  - BMP Operation & Maintenance Manual
  - Erosion and Sedimentation Control Plan
- Proposed Landscape site plan including:
  - Calculation/ depiction of proposed green space and clearing
  - Location, size and type/ species of shade trees and other vegetation
  - Irrigation information
  - Notes about maintenance
  - Existing treeline, including specific identification of specimen trees on-site and as might be located along or within in road rights-of-way
  - See native plant list at <https://capecodnativeplants.org> and invasive species list at <https://mass.gov/massachusetts-prohibited-plant-list>
- Architectural rendering, elevation and floor plans- minimum scale ¼"= 1', stamped by design professional licensed to practice in Massachusetts
- Lighting (photometric) site plan, cut sheets and specifications, including fixture mount heights
- Any other information or materials as might be required in the particular section(s) of the Zoning Bylaw relevant to the application

1.25.24

18' sq ft

12 ft



**ROOF SIGN**  
Dark Blue Painted Background  
V-Carved Engraved Lettering, Painted Gold

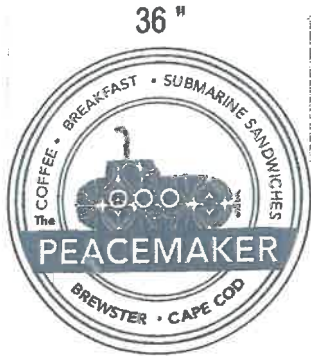


PREVIOUS SIGN



PROPOSED SIGN

1.25.24



**GROUND SIGN**  
2-sided, 36" diam.  
3/4" PVC w/blue vinyl lettering  
Hanging from existing frame/posts



**SPECIAL PERMIT AND SITE PLAN REVIEW**  
**CASE NO. 2024-04**

**APPLICANT/OWNER: THE FREE SEA TURTLE, LLC**  
**PAUL WALLACE, MANAGER**

**PROPERTY: 162 UNDERPASS ROAD (MAP 77 PARCEL 9)**

**AND**

**SPECIAL PERMIT AND SITE PLAN REVIEW**  
**CASE NO. 2024-05**

**APPLICANT/OWNER: 162 UNDERPASS LLC**  
**CHARLES WHITCOMB III, MANAGER**

**PROPERTY: 0 UNDERPASS ROAD (MAP 77 PARCEL**  
**10&60)**

**Lynn St. Cyr**

---

**From:** Alyson Wright <awright@jmoreillyassoc.com>  
**Sent:** Friday, March 8, 2024 10:23 AM  
**To:** Lynn St. Cyr  
**Cc:** John O'Reilly  
**Subject:** Wallace Whitcomb Continuance

Hi Lynn! We would like to please request a continuance for The Free Sea Turtle and 162 Underpass LLC from the hearing scheduled for March 13, 2024 to the hearing scheduled for March 27, 2024.

Please let me know if you need anything for formal than this email.

Thank you!

PS I will be in Monday for the Stormwater Permits.

Alyson Wright

J.M. O'Reilly & Associates, Inc  
1573 Main Street 2nd Floor / P.O. Box 1773  
Brewster, MA 02631  
508-896-6601  
508-896-6602 fax  
<http://www.jmoreillyassoc.com>

Please visit us on **Facebook!** <https://www.facebook.com/pages/JM-ORcilly-Associates-Inc/197366633630535>

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**APPROVAL OF MEETING MINUTES DATED  
FEBRUARY 28, 2024**



**Brewster Planning Board**  
**2198 Main Street**  
**Brewster, MA 02631-1898**  
**(508) 896-3701 x1133**  
**brewplan@brewster-ma.gov**  
**MEETING MINUTES**

**Approved:**  
**Vote:**

**Wednesday, February 28, 2024 at 6:30 pm**  
**Brewster Town Office Building**

Chair Amanda Bebrin convened a meeting of the Planning Board at 6:30 pm with the following members participating: Charlotte Degen, Tony Freitas, Madalyn Hillis-Dineen, Rob Michaels, Elizabeth Taylor, and Alex Wentworth. Also participating: Jon Idman, Town Planner, and Lynn St. Cyr, Senior Department Assistant. Bebrin declared that a quorum of the Planning Board was present. The Meeting Participation Statement and Recording Statement were read.

**6:31 PM PUBLIC ANNOUNCEMENTS AND COMMENT**

None.

**6:32 PM PUBLIC MEETING**

**Major Stormwater Management Permit, Case No. SWMP2024-02:** Applicant/Owner: My Three Sons Realty, LLC, Timothy Holmes, Manager, has submitted a major stormwater permit application for property located at 0 Crowells Bog Road and shown on Tax Map 61, Parcel 11, pursuant to Brewster Town Code Chapter 272 and its accompanying Regulations.

**Documents:**

- 01/30/24 Stormwater Operations and Maintenance Plan
- 01/30/24 Long Term Pollution Prevention Plan
- 01/30/24 Drainage Calculations
- 01/30/24 Existing Drainage Area Sketch Plan
- 01/30/24 Proposed Drainage Area Sketch Plan
- 01/30/24 Existing conditions Site Plan
- 01/30/24 Site Plan
- 01/30/24 Erosion and Sediment Control Site Plan
- 01/30/24 Detail Sheet
- 01/31/24 Stormwater Management Permit Application
- 02/07/24 Staff Report with comments from Conservation Administrator
- 02/28/24 Revised Stormwater Narrative

Daniel Ojala, PE, PLS of Down Cape Engineering, Inc. was present on behalf of the Applicant My Three Sons Realty, LLC. Applicant Timothy Holmes was also present. Ojala explained a single-family home is proposed on the lot. The lot is deep and wide. The Applicant proposes to place the house to the back of the lot at a high point. The major stormwater permit threshold is triggered due to the amount of proposed disturbance for the home and grading. The proposed system is comparable to a commercial style drainage system to ensure that the impervious surfaces are properly drained into areas that can infiltrate on site to avoid the wetlands, neighboring properties, and the street. Ojala stated that roof drywells are proposed which will tie into a deep sump catch basin to handle roof run off. He stated that run off from the driveway will be pitched to the side into a forebay. There is also a natural dry kettle hole on the west side of the lot which opens to a good size area with rain garden plantings. Ojala stated that overflow will be handled by a subsurface drainage pit. A swale and forebay are also proposed closer to the road on the north side. Ojala also stated that there is a natural dry kettle hole at the front of the site. A silt fence is proposed about 100' off the wetlands.

Ojala noted a misstep early on when machine tracks went close to the isolated vegetated wetland. The issue was mitigated with assistance from the Conservation Department. Ojala stated that analysis shows that storm events will be contained on site with very little run off. He believes the application meets stormwater regulations. Ojala stated the pervious soils will help with infiltration. He estimated that a 2' deep puddle would be gone in a few hours. He stated that the vegetation and soils will help bind up phosphates. The Applicant provided a revised stormwater narrative with information showing that the proposed stormwater system meets the requirement for phosphorous and nitrogen removal.

Idman stated that a temporary basin exists on the east side of the property close to the 100' buffer. Based on comments provided by the Conservation Administrator, Idman suggested a condition of the decision include a revegetation plan of the area. Freitas confirmed with the Applicant that he was willing to revegetate the area where the temporary basin is located and that the project would remain outside the buffer unless permission was granted through Conservation. Degen asked for clarification on the location of the proposed driveway. She also confirmed with the Applicant that a perimeter plan will be prepared, recorded at the Registry of Deeds, and provided to the Building Department. Michaels noted the length of the driveway and asked about the management of run off from the driveway. Ojala responded that two leach pits were proposed to help handle driveway run off. He stated that it is estimated that one pit can handle ¼ acre of asphalt. An overflow basin and forebay are also proposed to assist with driveway run off. Michaels confirmed with Ojala that the stormwater design is sufficient to handle the run off. Ojala also noted that there is 4' of storage capacity in the kettle hole. Michaels asked if the temporary bioretention area could be moved away from the 100' buffer. Holmes stated that he spoke to the Conservation Administrator and agreed to move the bioretention area north away from the 100' buffer. Taylor stated she appreciated the Applicant's use of rain gardens.

**Motion by Degen to Approve Major Stormwater Management Permit, Case No. 2024-02, subject to the Conditions Referenced in the Staff Report Dated February 7, 2024 and additionally that the Temporary Bioretention Basin Be Moved Away from the 100' Wetlands Buffer, as discussed. Second by Michaels. Vote: 7-0-0.**

**6:52 PM COMBINED PUBLIC MEETING**

**Major Stormwater Management Permit, Case No. SWMP2024-03:** Applicant/Owner: The Free Sea Turtle, LLC, Paul Wallace, Manager, has submitted a major stormwater permit application for property located at 162 Underpass Road and shown on Tax Map 77, Parcel 9, pursuant to Brewster Town Code Chapter 272 and its accompanying Regulations.

**Major Stormwater Management Permit, Case No. SWMP2024-04:** Applicant/Owner: 162 Underpass LLC, Charles Whitcomb III, Manager, has submitted a major stormwater permit application for property located at Underpass Road and shown on Tax Map 77, Parcel 10 and 60, pursuant to Brewster Town Code Chapter 272 and its accompanying Regulations.

**Documents:**

- 11/22/23 TSS Removal Calculation Worksheets
- 02/01/24 HydroCAD Report
- 02/02/24 Checklist for Stormwater Report
- 02/02/24 Proposed Site Plan with Drainage
- 02/02/24 Grading-Drainage Details
- 02/02/24 Proposed Sewage Disposal Plans
- 02/02/24 Proposed Site Plan-Fire Truck Pathway
- 02/05/24 Stormwater Management Permit Applications
- 02/20/24 Stormwater Management Report
- 02/20/24 Stormwater Operations & Maintenance Manual
- 02/22/24 Staff Report

John O'Reilly, PE, PLS of J.M. O'Reilly & Associates, Inc. was present on behalf of Applicants The Free Sea Turtle, LLC and 162 Underpass LLC. Applicant Paul Wallace was also present. O'Reilly reviewed the project. Wallace is the owner of Lot



1, the southerly lot which is proposed to contain two buildings with commercial uses. O'Reilly stated that the Applicants will return to the Planning Board in March for special permits and site plan review. Lots 2 and 3 are owned by Applicant Charlie Whitcomb. Applicant Whitcomb proposed one commercial building with five contractor bays and an attached 2-bedroom apartment. O'Reilly stated that access to both properties is off Underpass Road and parking is shared and is located between two of the buildings. Drainage is also shared between the properties. O'Reilly stated that at the entrance of the properties is a single catch basin that will address water prior to discharge onto Underpass Road. O'Reilly stated that this is the only point at which water could get off site because of the way the site will be graded and landscaped. There is also a large center island which is the low point of the site. There is a water quality swale and filter material within the island. There are also six inlets within the island to handle overflow. Water is taken from the inlets through a series of manholes to a subsurface leaching facility. O'Reilly stated that the subsurface leaching facility is in the gravel parking area and has two deep sump catch basins with an oil and grit separator to address TSS from the gravel surface and to protect the leaching facility. The drainage has been designed to meet the 25-year storm and not exacerbate off site discharge or peak run off. O'Reilly has reviewed the staff report and found the proposed conditions straight forward.

Idman stated that he appreciates the collaboration between the two projects and sharing of such things as stormwater infrastructure, parking, and signage. Idman noted the importance of appropriate plantings for the water quality swale. Taylor suggested the Applicant speak to the Conservation Administrator about appropriate plantings for the site. O'Reilly stated that a Notice of Intent was filed through the Conservation Department for 0 Underpass Road and the landscaping was reviewed and approved at that time. Michaels asked who was responsible for the operation and maintenance of the stormwater infrastructure. O'Reilly responded that both owners will share responsibility. There was discussion on the use of static flow versus simple dynamic analysis for BMP volume calculations. Degen referred to the February 22, 2024 Staff Report and asked if there were any issues with the proposed condition related to cross-easements. Wallace stated that the Applicants have hired a lawyer to handle drafting of the easements and he does not see any issues with that condition. Wentworth pointed out a dip at the entrance to the site and asked how that would be handled. O'Reilly and Wallace described the plan for leveling and seeding as well as moving of the curb cut. Wentworth also mentioned difficulty seeing around the berm closest to Underpass Road. Wallace stated that removal of the berm was proposed.

**Motion by Wentworth to Approve Major Stormwater Management Permit, Case Nos. SWMP2024-03 and SWMP2024-04 subject to the Recommended Conditions Set Out in the Staff report Dated February 22, 2024. Second by Degen. Vote: 7-0-0.**

#### **7:11 PM APPROVAL OF MEETING MINUTES**

Approval of Meeting Minutes: January 24, 2024.

The Board reviewed the January 24, 2024 meeting minutes. **Motion by Hillis-Dineen to Approve January 24, 2024 Meeting Minutes. Second by Michaels. Vote: 7-0-0.**

#### **7:13 PM COMMITTEE REPORTS**

Freitas reported on a recent Housing Trust meeting where the committee voted to increase the number of rental assistance slots to 20 from 15. Freitas stated that he was excited to see cooperative systems being used and he believes that these will become more of the norm for commercial projects in the future. The committee also voted note to include a review of assets as a qualifier. Freitas also stated that the closing on the Yankee Drive home should take place within the next month. Degen summarized several recent meetings of the Select Board which included extensive budget work and discussion on the State Community Compact Grant, the Governor Healey Municipal Empowerment Act, the Cape & Islands Water Protection Fund, and the Pond and Bay Planning Committees Comprehensive Plans which were supported by the Select Board. Michaels summarized a recent meeting of the Water Quality Review Committee in which the committee heard reports on well monitoring and continued discussion on the role of the WQRC. Bebrin discussed Sea Camps planning and stated that there are final proposed plans for both parcels available on the Town's

website along with the materials from the final public forum. Both committees will now be pursuing outreach and education on the proposed plans which will be considered at Spring Town Meeting.

**7:20 PM FOR YOUR INFORMATION**

The Planning Board received information on the 2024 CPTC Annual Conference, a public hearing notice from the Orleans Planning Board for March 12, 2024, a notice from the Harwich Planning Board on a decision filed on February 2, 2024, and a public hearing notice from the Harwich Planning Board for February 13, 2024. The Planning Board also received copies of the bylaw amendments related to accessory dwelling units which were approved by the Attorney General and are effective retroactively dating back to the November 13, 2023 Town Meeting.

**7:24 PM MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR**

None.

**Motion by Degen to Adjourn. Second by Michaels. Vote: 7-0-0. The meeting adjourned at 7:25 PM.**

**Next Planning Board Meeting Date: March 13, 2024.**

Respectfully submitted,

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Lynn St. Cyr, Senior Department Assistant, Planning