



## 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 27, 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 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 will consider and potentially vote whether to grant the Special Permit and Site Plan Approval. **(APPLICANT REQUESTS CONTINUANCE TO APRIL 10, 2024)**



**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

7. **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 APRIL 10, 2024)**
8. Approval of Meeting Minutes: March 13, 2024.
9. Committee Reports.
10. For Your Information.
11. Matters Not Reasonably Anticipated by the Chair.
12. Next Meetings: April 10, 2024 and April 24, 2024.
13. Adjournment.

**Date Posted:**  
03/21/24

**Date Revised:**

**Received by Town Clerk:**

124 MARCH 30 2024  
BREWSTER TOWN CLERK

**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

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**From:** John O'Reilly <joreilly@jmoreillyassoc.com>  
**Sent:** Thursday, March 21, 2024 12:13 PM  
**To:** Lynn St. Cyr  
**Cc:** Paul Wallace; Alyson Wright; Jonathon Idman  
**Subject:** RE: Continuance for Special Permit and Site Plan Review Case Nos. 2024-04 and 2024-05

We are confirming we would like the Site Plan Review and Special Permit to be continued for both the Free Sea Turtle LLC and the 162 Underpass Road, LLC to April 10, 2024.

Thank you  
John O'Reilly

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**From:** Lynn St. Cyr <lstcyr@brewster-ma.gov>  
**Sent:** Thursday, March 21, 2024 12:10 PM  
**To:** John O'Reilly <joreilly@jmoreillyassoc.com>  
**Cc:** Paul Wallace <paulwallace@outerbarco.com>; Alyson Wright <awright@jmoreillyassoc.com>; Jonathon Idman <jldman@brewster-ma.gov>  
**Subject:** Continuance for Special Permit and Site Plan Review Case Nos. 2024-04 and 2024-05

Hello John,

Please confirm that you would like the public hearings scheduled for March 27, 2024 for The Free Sea Turtle, LLC (Case No. 2024-04) and 162 Underpass LLC (Case No. 2024-05) continued to Wednesday, April 10, 2024.

Thank you,  
Lynn

Lynn St. Cyr  
Senior Department Assistant, Planning Department  
Town of Brewster  
2198 Main Street, Brewster, MA 02631  
T: 508-896-3701 x1233

***Brewster Town Offices will be open to the public Monday through Thursday from 8:30 am to 4:00 pm, and by appointment on Fridays. For the latest updates on Town services, please visit [www.brewster-ma.gov](http://www.brewster-ma.gov).***

**APPROVAL OF MEETING MINUTES DATED MARCH 13, 2024**



**Brewster Planning Board**  
**2198 Main Street**  
**Brewster, MA 02631-1898**  
**(508) 896-3701 x1133**  
**brewplan@brewster-ma.gov**  
**MEETING MINUTES**  
**Wednesday, March 13, 2024 at 6:30 pm**  
**Brewster Town Office Building**

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

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 HEARING**

**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.

**Documents:**

- 01/30/24 Planning Board Application
- 02/12/24 Staff Report
- 02/12/24 Zoning Enforcement Officer Referral

**Motion by Hillis-Dineen to Open the Public Hearing on Special Permit Case No. 2024-03. Second by Degen. Vote: 7-0-0.**

Applicant Andrew Murphy was present. Murphy requested a sign for his business located on the corner of Route 6A and Old North Road. The business was previously the Brewster Coffee Shop. The new business, the Peacemaker, serves breakfast and lunch 7 days per week and is open from 7:00 am to 2:00 pm. Currently, there is a banner sign on the building. Murphy stated that historically the business has had a roof sign which was there for years. It was taken down less than two years ago when Brewster Coffee Shop closed and a new business opened. Murphy proposed a roof sign and an additional freestanding sign. The Zoning Bylaw limits sign area for this business to 16 SF. The total area of the two proposed signs is 25 SF. Murphy requested a special permit to allow both signs on the property. He further stated that he feels the roof sign is important for the business. He has also applied to the Historic District Committee (HDC) and the proposed sign was approved subject to conditions.

Idman stated that the HDC approved the roof sign subject to conditions as well as a freestanding ground sign which has not been installed yet. Idman stated that the area of both signs totals 25 SF and a single purpose business is only allowed 16 SF. The Zoning Bylaw allows the Planning Board to waive or modify sign requirements via a special permit process. This is not a variance. Idman stated that Murphy is seeking a special permit to allow for 25 SF of signage. Idman stated that if the special permit is approved, a condition stating that the permit was subject to final design approval by the HDC should be included.

Taylor confirmed with the Applicant that the Planning Board had the final design of the sign that would be presented to the HDC Chair. Murphy confirmed that the sign the Planning Board was reviewing was the revised design. The HDC

requested the sign be revised to not include bolded font. This design will be presented to the HDC Chair for final approval.

Michaels stated that he did not have a problem with the design of the sign, but he did not understand why a larger size was needed. He stated that a lot of thought went into the sign bylaw and the size should remain at 16 SF as it is for other businesses. Michaels stated that the roof sign is visible from Route 6A but the ground sign may not be visible at all times. Murphy responded that the ground sign is not always visible due to vehicles parking in front of it. Historically, there has been a sign on the roof and he would like the option of a roof sign. Murphy stated that the sign is tasteful. He noted that there are other businesses in Brewster with roof signs in addition to signs in front of their business. He stated that he did not measure but he believes there are also businesses with signs greater than 16 SF.

Degen stated that she drove Route 6A to compare the signage to other businesses and found the signage for this property to be different. She noted that the roof sign alone was greater than the allowed 16 SF. Murphy responded that the proposed roof sign is smaller than the roof sign that was previously in place for the Brewster Coffee Shop. Degen asked if the freestanding sign could be eliminated or reduced in size and put on the building. Murphy responded that historically there has been both a roof sign and ground sign on the property. He further stated that reducing the size of the roof sign would make it difficult to read.

Wentworth stated that he does not have an issue with the proposed signage. He agreed with the Applicant's comment about the usage of A frame signs by local businesses in the summer. He thought the proposed signage would help reduce the use of A frame signs. Wentworth asked whether the special permit would include a condition that stated the total square footage of signage allowed on the property. Idman responded that the permit could include such a condition and that additional conditions could include no additional signage and no usage of A frame signs on site.

Hillis-Dineen stated that the sign was tastefully done. She expressed concern about the size of the sign on the roof and it being exposed to Cape Cod winds. Hillis-Dineen asked if the sign would be professionally installed and if it would be inspected by the Building Department. Idman responded that the Building Commissioner will review and the sign will need to meet the requirements of the building code. Murphy responded that the sign is sturdy and well made. He stated that the sign will be installed by a professional and properly secured.

Freitas stated that the signage, including the roof sign, was there previously and he has no issue with the proposed signage. Freitas confirmed with the Applicant that a total of 25 SF of signage is proposed which is 9 SF more than what is allowed. Freitas asked if businesses using sandwich board signs should be seeking permits from the Planning Board. Idman responded that not all signs need a special permit from the Planning Board. Idman noted that there are different requirements for single purpose businesses. Some sites have multiple businesses and those sites have individual business signs and master signs. Idman stated that the Building Commissioner is the enforcement authority and if, for example, signage is more than what is allowed then the Building Commissioner could refer the Applicant to the Planning Board for a special permit.

Wentworth asked whether this application would be before the Planning Board for review if the previous Brewster Coffee Shop sign was not taken down. Idman responded that if the sign was left up and no changes were made to the sign than the current application would not be before the Planning Board. Because the Applicant is seeking changes to the sign and the proposed sign is beyond the sign requirements in the bylaw, a Planning Board special permit is necessary.

Michaels expressed concern that allowing this roof sign would lead to more requests for roof signs and/or larger signs which could ultimately change the character of Route 6A. Idman stated that as a legal matter the Planning Board is not creating precedent and the option to seek a special permit is relief offered under the bylaw. Idman further stated that the Planning Board should be considering the property and application in front of them not future applications that may

be presented. Idman also noted that the proliferation of signs in this area is unlikely because this is a residential zoning district and this business is a non-conforming use.

Degen stated that she recalls two previous applications in which the Planning Board decided not to approve changes for the signage. She stated that she cannot approve changes to this sign because it would unfairly benefit this business. Her decision is based on the sign regulations not the quality of the sign or the business.

Bebrin stated that she is comfortable with the sign given that the HDC would have final approval of the design and because there has been roof sign at this property historically.

**Motion by Wentworth to Close the Public Hearing on Special Permit Case No. 2024-03. Second by Degen. Vote: 7-0-0.**

There was additional discussion by the Planning Board. Freitas noted that to keep both signs and total signage to 16 SF, the roof sign would need to be reduced to 9 SF. Freitas stated that he liked the historic design of the sign. There was a suggestion that the Applicant remove the freestanding sign and keep the roof sign. It was noted that a special permit would still be needed because the roof sign alone is larger than 16 SF. Degen suggested a motion that the property be allowed no more than 18 SF of signage. Idman responded that the Planning Board may choose to approve the roof sign as is rather than allow a total of 18 SF of signage because that may lead to confusion if the Planning Board is approving signage other than those presented to them. Wentworth stated that it was not fair to the Applicant to only allow the roof sign that has a name only. A sign stating what the business is/does should also be considered. Michaels stated that he agrees that there should be signage diversity but believes the signage should be 16 SF or less for this location.

**Motion by Hillis-Dineen to Reopen the Public Hearing on Special Permit Case No. 2024-03. Second by Degen. Vote: 7-0-0.**

Murphy stated that he would like to keep the signs as proposed and would like the Planning Board to vote on the proposal before them. He stated that historically there have been two signs on the property and he would like to keep it that way. Murphy stated that he appreciates the regulations but feels each business needs to be looked at on a case-by-case basis. He asked the Planning Board to consider the proposal as presented.

Idman stated that if the Planning Board's motion should include proposed conditions that HDC has final design approval and no further signs are allowed on site. Board members can vote to approve or deny the signs as presented.

**Motion by Wentworth to Close the Public Hearing on Special Permit Case No. 2024-03. Second by Degen. Vote: 7-0-0.**

**Motion by Wentworth to Approve Special Permit Case No. 2024-03 subject to Final Design Approval by HDC and that No Additional Signage is Allowed. Second by Freitas. Vote: 5-2-0.**

#### **7:07 PM PUBLIC HEARINGS CONTINUED**

**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.

**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.



**Documents:**

- 03/08/24 Request to Continue

**Motion by Wentworth to Continue Special Permit and Site Plan Review Case No. 2024-04 to March 27, 2024. Second by Degen. Vote 7-0-0.**

**Motion by Wentworth to Continue Special Permit and Site Plan Review Case No. 2024-05 to March 27, 2024. Second by Degen. Vote 7-0-0.**

**7:10 PM APPROVAL OF MEETING MINUTES**

Approval of Meeting Minutes: February 28, 2024.

The Board reviewed the February 28, 2024 meeting minutes. **Motion by Degen to Approve February 28, 2024 Meeting Minutes. Second by Wentworth. Vote: 7-0-0.**

**7:11 PM COMMITTEE REPORTS**

Freitas announced that the next meeting of the Brewster Affordable Housing Trust will be on March 21, 2024. Degen summarized the February 26<sup>th</sup> meeting of the Select Board which included discussion on the Library's Fix It Program, early voting, the Health and Human Services Committee budget, Fire Department budgeting including the Safer Grant, the sale of the home at 212 Yankee Drive, Sea Camps warrant articles for Town Meeting including clarification that no funding is being requested at Town Meeting, and updated town policies including metal detection on town property. Bebrin reiterated that the Sea Camps related warrant articles will not include requests for funding. She announced tours of the Pond Property will take place on April 6<sup>th</sup> and April 10<sup>th</sup>. Tours of the Bay Property will take place on April 17<sup>th</sup> and April 27<sup>th</sup>. Bebrin also stated that there will be an information session on April 30<sup>th</sup> related to the Sea Camps Town Meeting warrant articles. Additional information and contact information can be found on the Town's website and questions can be emailed directly to the committees.

**7:20 PM FOR YOUR INFORMATION**

None.

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

None.

**Motion by Wentworth to Adjourn. Second by Degen. Vote: 7-0-0.** The meeting adjourned at 7:17 PM.

**Next Planning Board Meeting Date: March 27, 2024.**

Respectfully submitted,

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Lynn St. Cyr, Senior Department Assistant, Planning

**FOR YOUR INFORMATION**



# Shorefront Consulting

Professional Services on Land or At Sea

290 Center St., Dennis Port, MA 02639  
508-280-8046

www.shorefrontconsulting.com  
shorefrontconsulting@gmail.com

Brewster Planning Department  
C/O Johnathan Idman  
2198 Main Street  
Brewster, MA 02631  
By USPS

March 15, 2024

**Re: Chapter 91 Application Filing Package- Municipal Planning Board Notification**

Proposed Seasonal Dock  
Hongying Xie Revocable Trust - 2012  
Hongying Xie, Trustee  
104 Canoe Pond Drive  
Brewster, MA  
Map 24, Parcel 60

On behalf of my client Hongying Xie, I am submitting an original Chapter 91 Waterways License application filing package for the above referenced project. The following items are enclosed:

- Chapter 91 Waterways License Application.
- Copy of Brewster Order of Conditions for SE9-1952 for the above referenced project.
- Plan entitled "Plan Accompanying Petition of The Hongying Xie Revocable Trust – 2012, Hongying Xie, Trustee to Construct and Maintain a Seasonal Dock Within The Waters Of Canoe Pond, At 104 Canoe Pond Drive, Brewster, Barnstable Massachusetts" dated January 29, 2024 (3 sheets)

In accordance with the Chapter 91 License application instructions, please sign and date page 6 indicating that you have received this package. Your review is not required at this time. If there are any questions or concerns regarding this filing, please contact me as soon as possible. Please return the signed signature page by USPS in the SASE envelope provided.

Sincerely,

Mark Burgess  
Shorefront Consulting  
B.S. Ocean Engineering

Enclosures: As Stated

cc: Hongying Xie (Applicant)

RECEIVED

MAR 18 2024

BREWSTER PLANNING BOARD  
ZONING BOARD OF APPEALS



Massachusetts Department of Environmental Protection  
 Chapter 91 Waterways Water-Dependent, Nonwater Dependent, Amendment Application  
Municipal Planning Board Notification

Note to Permittee: This form should be submitted, with the top portion completed, to the municipal Planning Board along with the complete application and project plans.

The Hongying Xie Revocable Trust – 2012, Hongying Xie, Trustee  
 Name of Permittee

104 Canoe Pond Drive  
 Project Address

Canoe Pond  
 Name of Waterway

Brewster  
 City/Town

Description of project and use or change in use (this field is not limited to the one line shown).

Description of project  
 Proposed seasonal dock for private access to Canoe Pond

To be completed by the municipal Planning Board representative.

"I hereby certify that the project described above and more fully detailed in the Permittee's Waterways License application and plans have been submitted by the Permittee to the municipal Planning Board."

Jonathon Ideman  
 Print Name of Municipal Planning Board Representative

3/21/24  
 Date

John Ideman, Town Planner for Brewster Planning Board  
 Signature of Municipal Planning Board Representative Title

Brewster  
 city/Town

**Note:** Any Planning Board recommendation shall be submitted in accordance with 310 CMR 9.13(5). Comments pertaining to this Application shall be submitted in accordance with 310 CMR 9.13(4); any comments submitted after the close of the public comment period shall not constitute a basis for standing in any appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.



Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs

## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

### WW01 - Water-Dependent License/Permit Application

#### Permittee Information

Name: Hongying XIE  
Phone: (617) 407-4737  
Address: 10 ESTABROOK ROAD  
WEST NEWTON, MA 02465

#### Permittee Company Information

Name: Shorefront Consulting  
Mark Burgess  
Phone: (508) 280-8046  
Address: 290 CENTER STREET  
DENNIS PORT, MA 02639

#### Property Owner Information

Name: The Hongying Xie Revocble Trust - 2012  
Hongying Xie  
Phone: (617) 407-4737  
Address: 10 ESTABROOK ROAD  
WEST NEWTON, MA 02465

#### Application Submitter Information

Name: MARK C BURGESS  
Phone: (508) 280-8046, (508) 280-8046  
Address: 290 CENTER STREET  
DENNIS PORT, MA 02639

**Location Information**

Canoe Pond  
 104 CANOE POND DRIVE BREWSTER, MA 02631  
 Latitude: 41.73758  
 Longitude: 70.11921

**List of Abutters**

| Full Legal Name                                       | Abutting Property Address               |
|---|---|
| John Fracassor Jr. & Adelita Orefice                  | 28 Fosdyke Street, Providence, RI 02906 |
| Charles O'Hearn 2006 Trust, U/D/T Dated Aril 10, 2006 | 86 Windsor Road, Needham, MA 02492      |

**Additional Contacts Info**

Please provide the Name of the Permittee(s) exactly as it should be listed in the license/permit that will be recorded at the Registry of Deeds (the name(s) listed here need to match the name(s) listed on the plans or the license may be rejected by the Registry of Deeds)

The Hongying XIE Revocable Trust - 2012, Hongying Xie, Trustee

I hereby attest that I have listed all the Permittees in the Application Contacts section (each Permittee entered as a separate contact - do not list 2 names in 1 field)

Yes

Is the project site within a right of way?

No

Are you submitting evidence of legal authority to apply in lieu of the Property Owner's Signature? If yes, please attach a document 'Evidence of Legal Authority' in the document section

No

I hereby attest that I have listed all the Property Owners in the Application Contacts section

Yes

I hereby attest that I have listed all the Abutters in the above Contact table section

Yes

**Application Type**

Please select the application type you are applying for

Residential with less than or equal to 4 units

**Project Information**

|  |  |
|--|--|
| Brief Description of Project (e.g., dock, seawall, boat ramp, Harborwalk – if a longer narrative is to be provided, please upload a separate document)   | Seasonal Dock in Great Pond                        |
| Brief Description of Project Location - Non-Traditional Address (e.g., 'west end Toronto Avenue right-of-way at Gloucester Harbor' DO NOT complete this field if your project has a traditional address - enter N/A) | N/A  |
| Proposed Use/Activity description  | Private boating access to Canoe Pond; A Great Pond |
| Is this site subject to 21E?   | No   |
| Does the project exceed the MEPA review thresholds for Waterways standards?  | No   |
| Is the Project site in an Environmental Justice Community?   | No   |
| Which Wetlands Protection Act process document are you attaching?  | WPA Order of Conditions                            |
| Has there ever been a waterways jurisdictional determination issued for this project site?   | No   |
| Does your project require a 401 water quality certificate? If yes, please attach if currently available, a copy of '401 Water Quality Certificate' in the document section.  | No   |
| Are you seeking a Variance? If yes, please attach a supporting evidence of compliance with 310 CMR 9.21, 'Variance Supplement' in the document section.  | No   |
| Is the project located within the Designated Port Area? If yes, please review the standards at 310 CMR 9.12 and 9.32.  | No   |
| Is the project located within an area subject to State Approved Municipal Harbor Plan? If yes, please attach supporting evidence of compliance with applicable MHP, 'MHP Supplement' in the document section.        | No   |
| Are you seeking a CWD (consolidated written determination) in accordance with 310 CMR 9.14(4)? If yes, please attach a document 'CWD Supplement' in the document section.  | No   |
| Does your project involve dredging?  | No   |

## Documents

Documents

Required Documents:

1. Chapter 91 Plans
2. List of Environmental Regulatory Programs
3. WPA Order of Conditions

## Special Fee Provision

Exemption

Exclusion (special agreement or policy)

Substitution (ASP/IRP)

Double Fee for Enforcement

Hardship payment extension request

## Attachments

| Name  | Description                  | Type   | Latest Updated |
|---|------------------------------|--|----------------|
| XIE recorded Order<br>SE9-1952.pdf            | Approved OOC for project     | WPA Order of Conditions                      | 01/29/2024     |
| environmental-regulatory-pr<br>ograms.docx    | Environmental programs list  | List of Environmental Regulatory<br>Programs | 01/29/2024     |
| XIE License Plans Sheets<br>1-3 _ 1-29-24.pdf | XIE License plans sheets 1-3 | Chapter 91 Plans                             | 01/29/2024     |

## Fee Info

Amount: \$ 215.00

Status: Paid

Description: WW01 Application Fees

Payment Date: 29-Jan-2024

## Certification Information

Individual  
MARK BURGESS  
290 CENTER STREET  
DENNIS PORT, MA 02639  
United States

Telephone #: (508) 280-8046, (508) 280-8046  
E-mail: shorefrontconsulting@gmail.com

I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge. All applicants and property owners must sign the "Proof of Signature" which will be provided after initial review by the Department. All future application correspondence may be signed by the Application Submitter.



Bk 36184 Pg14 #2078  
01-17-2024 @ 03:28p



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

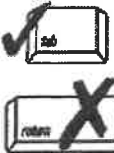
Provided by MassDEP:  
SE9-1952  
MassDEP File #  
eDEP Transaction #  
Brewster  
City/Town

Deed Book 35279, Page 264

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

Important:  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.



1. From: Brewster  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions      b.  Amended Order of Conditions

3. To: Applicant:  
Hongying      Xie  
a. First Name      b. Last Name

Hongying Xie Revocable Trust - 2012  
c. Organization

10 Estabrook Road  
d. Mailing Address

West Newton      MA      02645  
e. City/Town      f. State      g. Zip Code

4. Property Owner (if different from applicant):  
a. First Name      b. Last Name

c. Organization

d. Mailing Address

e. City/Town      f. State      g. Zip Code

5. Project Location:  
104 Canoe Pond Drive      Brewster  
a. Street Address      b. City/Town

24      60  
c. Assessors Map/Plat Number      d. Parcel/Lot Number

Latitude and Longitude, if known:      41d44m15.29s      70d7m9.16s  
d. Latitude      e. Longitude

20



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE9-1952  
MassDEP File #

eDEP Transaction #  
Brewster  
City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Barnstable
- |              |  |
|--------------|--|
| a. County    | b. Certificate Number (if registered land) |
| <u>35279</u> | <u>264</u>                                 |
| c. Book      | d. Page                                    |
7. Dates: 5/25/2023 12/12/2023 12/29/2023  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Plan Showing Proposed Seasonal Dock
- |  |  |
|--|--|
| a. Plan Title  | b. Certificate Number (if registered land) |
| <u>J.M. O'Reilly &amp; Associates, Inc.</u>                          | <u>John O'Reilly, PLS, RPE</u>             |
| b. Prepared By   | c. Signed and Stamped by                   |
| <u>10/27/2023</u>  | <u>As Noted</u>                            |
| d. Final Revision Date   | e. Scale                                   |
| <u>Plan Showing Proposed Mitigation for Hongying Xie prepared by</u> | <u>11/29/2023</u>                          |
| <u>Shorefront Consulting</u>   | g. Date                                    |

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- |   |  |   |
|---|--|---|
| a. <input type="checkbox"/> Public Water Supply           | b. <input type="checkbox"/> Land Containing Shellfish          | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply          | e. <input checked="" type="checkbox"/> Fisheries               | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control                  |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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## B. Findings (cont.)

### Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0  
a. linear feet

### Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

| Resource Area   | Proposed Alteration         | Permitted Alteration        | Proposed Replacement | Permitted Replacement |
|---|-----------------------------|-----------------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank  | a. linear feet              | b. linear feet              | c. linear feet       | d. linear feet        |
| 5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland          | <u>12</u><br>a. square feet | <u>12</u><br>b. square feet | c. square feet       | d. square feet        |
| 6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways | <u>84</u><br>a. square feet | <u>84</u><br>b. square feet | c. square feet       | d. square feet        |
|   | e. c/y dredged              | f. c/y dredged              |                      |                       |
| 7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding   | <u>84</u><br>a. square feet | <u>84</u><br>b. square feet | c. square feet       | d. square feet        |
| Cubic Feet Flood Storage  | <u>0</u><br>e. cubic feet   | <u>0</u><br>f. cubic feet   | g. cubic feet        | h. cubic feet         |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding               | a. square feet              | b. square feet              |                      |                       |
| Cubic Feet Flood Storage  | c. cubic feet               | d. cubic feet               | e. cubic feet        | f. cubic feet         |
| 9. <input type="checkbox"/> Riverfront Area                                 | a. total sq. feet           | b. total sq. feet           |                      |                       |
| Sq ft within 100 ft   | c. square feet              | d. square feet              | e. square feet       | f. square feet        |
| Sq ft between 100-200 ft  | g. square feet              | h. square feet              | i. square feet       | j. square feet        |



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**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

|  | Proposed Alteration   | Permitted Alteration | Proposed Replacement    | Permitted Replacement   |
|--|---|----------------------|-------------------------|-------------------------|
| 10. <input type="checkbox"/> Designated Port Areas                 | Indicate size under Land Under the Ocean, below   |                      |                         |                         |
| 11. <input type="checkbox"/> Land Under the Ocean                  | a. square feet  | b. square feet       |                         |                         |
|  | c. c/y dredged  | d. c/y dredged       |                         |                         |
| 12. <input type="checkbox"/> Barrier Beaches                       | Indicate size under Coastal Beaches and/or Coastal Dunes below  |                      |                         |                         |
| 13. <input type="checkbox"/> Coastal Beaches                       | a. square feet  | b. square feet       | c. nourishment<br>cu yd | d. nourishment<br>cu yd |
| 14. <input type="checkbox"/> Coastal Dunes                         | a. square feet  | b. square feet       | c. nourishment<br>cu yd | d. nourishment<br>cu yd |
| 15. <input type="checkbox"/> Coastal Banks                         | a. linear feet  | b. linear feet       |                         |                         |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | a. square feet  | b. square feet       |                         |                         |
| 17. <input type="checkbox"/> Salt Marshes                          | a. square feet  | b. square feet       | c. square feet          | d. square feet          |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | a. square feet  | b. square feet       |                         |                         |
|  | c. c/y dredged  | d. c/y dredged       |                         |                         |
| 19. <input type="checkbox"/> Land Containing Shellfish             | a. square feet  | b. square feet       | c. square feet          | d. square feet          |
| 20. <input type="checkbox"/> Fish Runs                             | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above |                      |                         |                         |
|  | a. c/y dredged  | b. c/y dredged       |                         |                         |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. square feet  | b. square feet       |                         |                         |
| 22. <input type="checkbox"/> Riverfront Area                       | a. total sq. feet   | b. total sq. feet    |                         |                         |
| Sq ft within 100 ft  | c. square feet  | d. square feet       | e. square feet          | f. square feet          |
| Sq ft between 100-200 ft   | g. square feet  | h. square feet       | i. square feet          | j. square feet          |



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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 12/29/2026 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            SE9-1952            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- 17. Prior to the start of work, and if the project involves work adjacent to a **Bordering Vegetated Wetland**, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a **Certificate of Compliance** has been issued by the Conservation Commission.
  
- 18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
  
- 19. The work associated with this Order (the "Project")
  - (1)  is subject to the Massachusetts Stormwater Standards
  - (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
  
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
  - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
  - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Special Conditions.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Brewster Conservation Commission hereby finds (check one that applies):
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:  
Code of the Town of Brewster 172  
 1. Municipal Ordinance or Bylaw 2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

  - b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:  
Code of the Town of Brewster 172  
 1. Municipal Ordinance or Bylaw 2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Special Conditions.



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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.  
 This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

12/29/2023  
 1. Date of Issuance  
 5  
 2. Number of Signers

Brewster Conservation Commission

Signature [Handwritten Signature]  
 Signature [Handwritten Signature]  
 Signature [Handwritten Signature]  
 Signature [Handwritten Signature]  
 Signature [Handwritten Signature]  
 Signature [Handwritten Signature]  
 Signature [Handwritten Signature]  
 Signature \_\_\_\_\_

Mike Tobin, Chair  
 Printed Name  
 Casey Chatelain, Vice Chair  
 Printed Name  
 Bruce Evans  
 Printed Name  
 Gary Kaser  
 Printed Name  
 Kimberley Crocker Pearson  
 Printed Name  
 Ron Slowek  
 Printed Name  
 Steve McKenna  
 Printed Name  
 Printed Name

by hand delivery on  
**DECEMBER 29, 2023**  
 Date

by certified mail, return receipt requested, on \_\_\_\_\_  
 Date



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## F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Addendum A to WPA Form 5 – Order of Conditions**  
**Hongying Xie Revocable Trust, 104 Canoe Pond Drive, Order of Conditions SE9-1952,**  
**Assessor's Map 24, Parcel 60**

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**Massachusetts Wetlands Protection Act (M.G.L. C.131 S. 40)**  
**And**  
**Code of the Town of Brewster Chapter 172**  
**Brewster Wetlands Protection By-law (BWP By-law)**

**Project Description:**

The approved work includes construction of a seasonal dock, removal of the existing permanent kayak rack to be relocated beyond the 50-foot setback depicted on the approved site plan referenced in A. General Information Item 8, storage of the seasonal dock sections beyond the 50-foot setback depicted on the approved site plan referenced in A. General Information Item 8 and required native plantings including (3) three successive growing seasons and submittal of (3) three annual monitoring reports on and within 50 and 100 feet of inland resource areas.

**Resource Area Identification:**

The affected resource areas under the Massachusetts Wetlands Protection Act (M.G.L. Ch.131 §. 40) are Bank (310 CMR 10.54), Bordering Vegetated Wetland (310 CMR 10.55), Land Under Water Bodies and Waterways (310 CMR 10.56), Land Subject to Flooding (310 CMR 10.57), and Estimated Habitats of Rare Wildlife (for Inland Wetlands) (310 CMR 10.59).

The affected resource area under the Brewster Wetlands Protection By-law (Chapter 172) are Inland Bank (Brewster Wetland Regulations 3.01), Vegetated Wetland (Brewster Wetland Regulations 3.02), Land Under Water Bodies (Brewster Wetland Regulations 3.03), and Land Subject to Flooding (Brewster Wetland Regulation 3.04).

**Interests Protected by the Brewster Wetlands Protection By-law:**

Wildlife  
Public and Private Water Supply  
Groundwater and Groundwater Quality  
Flood Control  
Storm Damage Prevention  
Fisheries  
Erosion and sedimentation control  
Water Quality in the Numerous Ponds in the Town  
Historic Values  
Aesthetics

**Performance Standards Implicated by Proposed Project under Mass. Wetlands Protection Act and Wetland Regulations:**

Bank, 310 CMR 10.54 (4)  
Bordering Vegetated Wetland, 310 CMR 10.55 (4)  
Land Under Water Bodies and Waterways, 310 CMR 10.56 (4)  
Land Subject to Flooding, 310 CMR 10.57 (4)

**Local Performance Standards Implicated by Proposed Project under Brewster Wetlands Protection Bylaw and Wetlands Regulations:**

Inland Bank, 3.01 (3) (4)  
Vegetated Wetland, 3.02 (3) (4)

Land Under Water Bodies, 3.03 (3) (4)  
Land Subject to Flooding, 3.04 (3) (4)

**Findings under Massachusetts Wetlands Protection Act and Wetland Regulations**

The Brewster Conservation Commission finds that the project can be conditioned to meet the performance standards set forth in the wetland regulations. See Special Conditions below.

**Findings under Brewster Wetlands Protection Bylaw and Wetlands Regulations**

The Brewster Conservation Commission finds that the project can be conditioned to comply with the Brewster Wetlands Protection Bylaw and Regulations. See Special Conditions below.

Portions of the proposed work are on and within 50 and 100 feet of an Inland Bank, Vegetated Wetlands, Land Under Water Bodies, and Land Subject To Flooding.

Sections 3.01(3), 3.02(3), 3.03(3), and 3.04(3) of the Brewster Wetlands Protection Regulations all require a variance from the regulations granted pursuant to Section 5.01 of the regulations.

*A variance may be granted only for the following reasons and upon the following conditions:*

- a) *1) mitigating measures are proposed that will allow the project to be conditioned so that it contributes to the protection of the resource values identified in the Wetlands Bylaw; and*  
  
*2) the Conservation Commission finds no reasonable alternative for such a project within the proposed site; and*  
  
*3) there will be no adverse impact from the proposed project; or*
- b) *that the project is necessary to accommodate an overriding public interest or that it is necessary to avoid a decision that so restricts the use of property that it constitutes an unconstitutional taking without compensation.*

The Brewster Conservation Commission finds that mitigating measures have been proposed that will allow the project to be conditioned so that it contributes to the protection of the resource values identified in the Wetlands By-law. The mitigating measures include erosion control, removal of a permanent kayak rack from within the 50-foot setback to the wetlands and mitigation plantings.

Alternatives were addressed and submitted by Shorefront Consulting with the Commission during the June 13, 2023 and December 12, 2023 Commission Public Meeting. The Conservation Commission finds that the proposed project is a reasonable alternative.

The Brewster Conservation Commission finds that the project can be conditioned so there are no adverse impacts from the proposed project to the interests protected by the Brewster Wetlands Protection By-law.

The Brewster Conservation Commission finds that variance criteria b), *"that the project is necessary to accommodate an overriding public interest or that it is necessary to avoid a decision that so restricts the use of property that it constitutes an unconstitutional taking without compensation."* does not apply to this project.

For the above stated reasons, the Conservation Commission grants a variance to Sections 3.01(3), 3.02(3), 3.03(3), and 3.04(3) of the Brewster Wetlands Protection Bylaw Regulations.

**Special Conditions under the Mass. Wetlands Protection Act and Wetlands**

**Regulations and under the Brewster Wetlands Protection Bylaw and Wetlands Regulations:**

The Brewster Conservation Commission hereby finds that the following additional conditions are necessary to comply with performance standards set forth in the Massachusetts Wetlands Protection Act and Wetland Regulations and the Brewster Wetlands Protection By-law.

The Conservation Commission orders that all work shall be performed in accordance with said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of intent, the conditions shall control.

A1. All local, state and federal approvals shall be obtained for this project before work can commence. Copies of all approvals shall be forwarded to the Brewster Conservation Commission.

A2. This permit is granted under Section 172-7 of the Brewster Wetlands Protection By-law, subject to the conditions imposed, for a period of (3) three years from the issuance date of the original Order of Conditions. The Conservation Commission may issue extensions, each for a period of time up to (3) three years, based on review of the site and other criteria. Requests for each extension shall be submitted in writing, no less than 30 days prior to the expiration date.

**This Order of Conditions shall expire on December 29, 2026.**

A3. The Agent or other employee, members of the Conservation Commission and officials of the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order, at reasonable hours, to evaluate compliance with the conditions stated in this Order. Said persons may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation. This right of entry shall remain until such time as a Certificate of Compliance has been issued, recorded in the Registry of Deeds or Land Court, Barnstable County, and returned to the Conservation Department.

A4. This order shall apply to any successors and assigns in interest or control and any other person engaging in activity on the property identified in the Notice of Intent.

A5. Violation of any of these Conditions shall subject the violator and the landowner to a fine (of not more than \$300.00 per day) pursuant to Section 172-11 of the Town of Brewster Wetlands Protection By-law, until all violations have been corrected to the satisfaction of the Brewster Conservation Commission.

A6. All work shall be in accordance with the approved plan of record referenced in A. General Information Item 8 in the WPA Form 5/Order of Conditions. If any changes are made in the above-described plan which may or will alter an area subject to protection under the Wetlands Protection Act and the Town of Brewster Wetlands Protection By-law, or any changes in activity subject to regulations under G.L. c. 131 §40, or the Town of Brewster local regulations occurs, the applicant shall inquire from this Commission in writing, prior to implementation in the field, whether the change(s) is significant enough to require an Amended Order of Conditions or the filing of a new Notice of Intent. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

A7. A copy of this Order of Conditions/Permit shall be kept on site at all times during project activities. **This is the owner's responsibility.** The owner shall see that all contractors and subcontractors retained during construction receive a copy of this Order. Workers shall be prepared to produce the Order and all plans and supporting documents referenced in the Order, upon request of the Conservation Agent or any member of the Conservation Commission.



A8. Prior to project activities an erosion control barrier/limit of work (siltation fence or staked haybales/straw wattles) shall be properly installed, as close to the proposed patio as possible. This barrier shall constitute the limit of work. The siltation barrier shall be removed only after any threat of erosion no longer exists, and all disturbed areas are stabilized by vegetation or other means. Any siltation buildup on the upland side shall be removed. Any commencement of work activities prior to the proper installation of erosion controls and an inspection and approval by the Conservation Commission may result in a cease and desist action, and possible fines of up to \$300.00 per day for each day of violation.

A9. A supply of extra siltation barriers shall be stored on site for emergency use.

A10. After the siltation barrier/limit of work has been set and a minimum of five (5) days before commencement of work, the owner shall notify the Conservation Department using the *Owner affirmation of responsibility for work/request for site inspection...* form, which shall be signed by the owner of the property as well as the contractor in charge of the work. The Commission's Agent will schedule an on-site meeting of the contractor(s) responsible, to ensure that the requirements of this Order are understood. No work shall begin until after the on-site meeting.

At the on-site meeting, the contractor and the Conservation Agent will review access and protocol for project activities.

During this on-site consultation, the Conservation Agent or Commissioner may require minor modifications to the approved site plan (relating to work/construction methodology) to the Order of Conditions. If so, said conditions will be provided in writing at the time of said on-site meeting.

A11. Also prior to commencement of project activities, a series of dated color photographs shall be taken of the entire resource area and buffer area, and siltation barrier, and shall include any erosion and revegetation area. A set of photographs shall be submitted to the Conservation Department for the applicant's permit file, with the notification form. These photos shall be labeled with the Assessor's Map and Parcel, and street address, date and general view description.

Another series of dated color photographs shall be taken of the resource area and buffer area when the work is completed, and fully revegetated and stable. These photographs shall be submitted to the Conservation office at the time a Certificate of Compliance is requested, and shall remain in the applicant's permit file. The photos shall be labeled with the Assessor's Map and Parcel, and street address, date and general view description.

A12. Any debris, fill or excavated material on site shall be stockpiled away from designated wetlands. Unsuitable or excess excavated material shall be properly stabilized or removed from the site.

A13. All structures, facilities and equipment, as part of this project, shall be continually operated and maintained so as to comply with this permit. This provision applies specifically to all equipment used on this project. Any leakage of oil, hydraulic fluid, fuel, or any other pollutant shall be cleaned up immediately, and the defective equipment responsible for said leakage shall be immediately repaired or taken off site.

A14. Mulch shall not be a substitute for groundcover or shrubs in jurisdictional areas.

A15. Any fertilizers used within 100 feet of any wetland resources shall be listed by or comprised of organic ingredients consistent with the United States Department of Agriculture National Organic Program (NOP). Organic fertilizers shall be used in an appropriate manner for the conditions of the subject property, and applied in accordance to the manufacturer's specifications.

A16. Installation of in-ground irrigation systems shall be prohibited within 100 feet of any wetland resource areas. Any components of the existing in-ground irrigation system within 100 feet of the wetland resource areas shall be removed. Temporary above ground irrigation systems may be used to establish mitigation plantings.

A17. Pesticides, herbicides and fungicides shall be prohibited within 100 feet of any wetlands.

A18. Spotlights and floodlights shall not be installed within the 100 foot buffer zone of a resource area; nor shall any spotlight or floodlight penetrate a resource area or 100 foot buffer zone. Any existing spotlights or flood lights within 100 feet of the wetland resource areas shall be removed. Any existing spotlights or flood lights which may illuminate the 100-foot buffer shall be directed downward and shielded so the light does not illuminate wildlife habitat in jurisdictional areas.

A19. Any disturbed areas on site shall be revegetated with appropriately sized and spaced approved plant species\* and stabilized with 100% biodegradable erosion control netting, which shall stay in place after final grading. Other disturbed areas shall be covered with four to six inches of organic topsoil which is free of weed seeds and debris, and planted with appropriately sized and spaced approved plant species\* or in accordance with the site/planting plan. All disturbed areas shall be completely revegetated during the first growing season after the permitted work is complete. \*Approved plant species, size and spacing are those on the list of acceptable plantings for inland resource areas/buffer zones of the Cape Cod Cooperative Extension ([www.capecodextension.org](http://www.capecodextension.org)). Turf lawn is prohibited within the 100-foot buffer zone to wetlands.

#### **Dock, Seasonal Dock Sections Storage & Kayak Relocation**

For the purpose of these orders, the word, "dock" shall include any portion of the structure.

A20. All seasonal components shall be stored and secured at an approved site outside of the 50 foot buffer. Each year, the seasonal dock shall be removed before November 30th and shall not be reinstalled until after May 15th. The seasonal dock sections shall be stored beyond the 50-foot setback depicted on the approved site plans referenced in A. General Information Item 8 of the WPA Form 5/SE9-1952.

A21. All materials used to construct and maintain the dock shall be consistent with high water quality goals. All replaced hardware shall be corrosion resistant. Use of chemically treated wood is strictly prohibited for any portion of the structure.

A22. Appropriate materials for dock construction include aluminum and fiberglass which are preferred construction materials due to lightweight and non-leaching characteristics. Rot-resistant plastic/wood composite alternatives are also a preferred option. Untreated, rot-resistant wood such as white cedar is an acceptable alternative as well. Chromated copper arsenate (CCA) chemically treated woods are prohibited within the jurisdiction of the Conservation Commission. Stepping stones, as noted in the plan of record, shall take the place of the proposed ramp.

A23. There shall be no lights installed on or near the structure. Electric service on the structure shall not be permitted.

A24. Storage of gasoline, oil, grease, pollutants or hazardous materials on the dock is prohibited.

A25. The Conservation Commission strongly recommends the use of electric motors to eliminate water quality impacts, for the protection of fin-fish and other wildlife habitat, and for the protection of the drinking water supply.

A26. No boat shall be berthed at the dock such that at any time less than one foot of water lies between the bottom of the boat and the substrate.

A27. The dock shall be labeled (using 3" numbers in a contrasting color) with the owner's name and street address.

A28. The applicant may repair damaged portions, but not reconfigure or expand the structure. As much of the repairs as possible shall be performed in the upland.

A29. The dock shall be elevated over the bank or wetland, according to the plan. The distance between the decking shall be a minimum of 3/8 inch.

A30. This dock requires a Chapter 91 license from the Commonwealth of Massachusetts. A copy of the recorded Ch. 91 license shall be forwarded to the Conservation Administrator prior to prior to the installation of the dock.

A31. Any repairs, modifications and/or reconfiguration of the dock shall require prior written approval from the Conservation Commission.

A32. The permanent kayak rack located within 25 feet of Canoe Pond shall be removed and relocated beyond the 50-foot setback depicted on the approved site plans referenced in A. General Information Item 8 of the WPA Form 5/SE9-1952.

#### **Mitigation Plantings**

A33. Mitigation plantings shall be in accordance with the approved mitigation planting plan and protocols referenced in A. General Information, Item 8 of these Order of Conditions/WPA Form 5/SE9-1952 the first planting season following the dock construction.

A34. Substitutions from the approved plants shall be subject to review and approval by the Conservation Administrator with all disputes to be reviewed by the Conservation Commission as either a Request for Minor Change To Plan or Request for Amended Order of Conditions.

A35. All new plantings shall be tagged in the field for monitoring purposes. The tags shall remain on the planted species for easy inspection by the Conservation Administrator and/or Conservation Commission, through the required monitoring period(s).

A36. All new plantings shall survive (3) three full growing seasons or be replaced in kind by the applicant and/or property owner.

A37. Ongoing Maintenance at the end of the (3) three year monitoring period is approved. To maintain this work/activity as approved, submit an Extension Order of Conditions/WPA Form 7 (30) days in advance of the expiration of these Order of Conditions/SE9-1952 or any subsequent Amended Order of Conditions/WPA Form 5 or Extension Order of Conditions/WPA Form 7.

#### **Monitoring/Reporting**

A38. The new mitigation plantings and subsequent replacement mitigation plantings shall be monitored for (3) three years after the time of the planting implementation. An implementation planting report shall be submitted by June 1<sup>st</sup> for Spring implementation plantings or December 1<sup>st</sup> for Fall implementation plantings. The annual monitoring reports for the new mitigation plants shall commence to coincide with the next December 1st after the implementation planting report is completed and submitted to the Conservation Administrator. The tags shall remain attached to the planted mitigation plants until the Conservation Commission has approved the new mitigation planting survivability.

A39. Annual monitoring reports of the approved vegetative management (native plantings, vista

corridor establishment, invasive plant and opportunistic native plant control, selective native plant control and establishment of a long-term management plan) or approved revised vegetative management via a Commission ratified Minor Change to Plan or Amended Order of Conditions. Annual monitoring reports and photographs of the mitigation plantings shall be completed by an approved environmental consultant and submitted to the Conservation Commission prior to December 1<sup>st</sup> on an annual basis.

A40. The annual monitoring reports shall comply with the Commission's requirements containing Map and Parcel, the permit validity, project description as detailed in the Special Conditions of SE9-1952, any approved Minor Change to Plan or Amended Order of Conditions, a description of any vegetative management activities, any other impacts to the wetland resources resulting from the work on this project and any recommended future actions. A cumulative table of the approved plant species, the implementation plant species and any subsequent deviations/updates during the subsequent annual monitoring events shall be included in all reports submitted to the Conservation Administrator. Contact the Conservation Administrator for guidance if there are any anticipated delays meeting any deadlines or regarding the Commission's requirements for the annual monitoring reports.

#### **Project Completion/Certificate of Compliance**

A41. A final report, which shall include any effect on the wetland resources shall be submitted following completion of the project and prior to a Request for Certificate of Compliance (RCOC)/WPA Form 8A. A final series of dated color photographs shall be taken of the resource and buffer areas when the work is completed. These photographs shall be submitted to the Conservation office at the time a Certificate of Compliance (COC)/WPA Form 8B is requested, and shall remain in the applicant's permit file. These photos shall be labeled with the Assessor's Map and Parcel, and street address, date and general view description.

A42. Before Issuing a Certificate of Compliance, the Conservation Commission requires that (3) three growing seasons for mitigation plantings and (3) three annual monitoring reports after the implementation of the plantings is completed based on the Commission's requirements.

A43. On completion of the entire project, the applicant or representative shall submit a written request for a Certificate of Compliance on WPA Form 8A - Request for Certificate of Compliance. The approved plans and protocols are referenced in A. General Information, Item 8 of these Order of Conditions/WPA Form 5/SE9-1952. An As-Built Plan including As-Planted conditions is required along with a written statement by a RPE or PLS certifying substantial compliance with the Order of Conditions/SE9-1952. If the As-Built Plan including As-Planted conditions shows any deviation from the approved plans and protocols referenced in A. General Information, Item 8, the RPE or PLS shall describe said deviation in the written statement. This WPA Form 8A shall be accompanied by payment of a non-refundable filing fee to the Town of Brewster. Without a Certificate of Compliance which has been recorded (at the Registry of Deeds or Land Court, whichever applies), an encumbrance shall remain on the property, and your filing will not be closed. Evidence of the recorded Certificate of Compliance shall be submitted to the Conservation Administrator.






**BARNSTABLE REGISTRY OF DEEDS**  
John F. Meade, Register

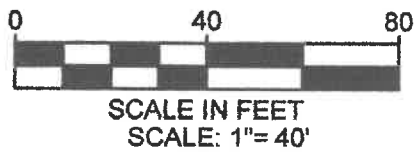
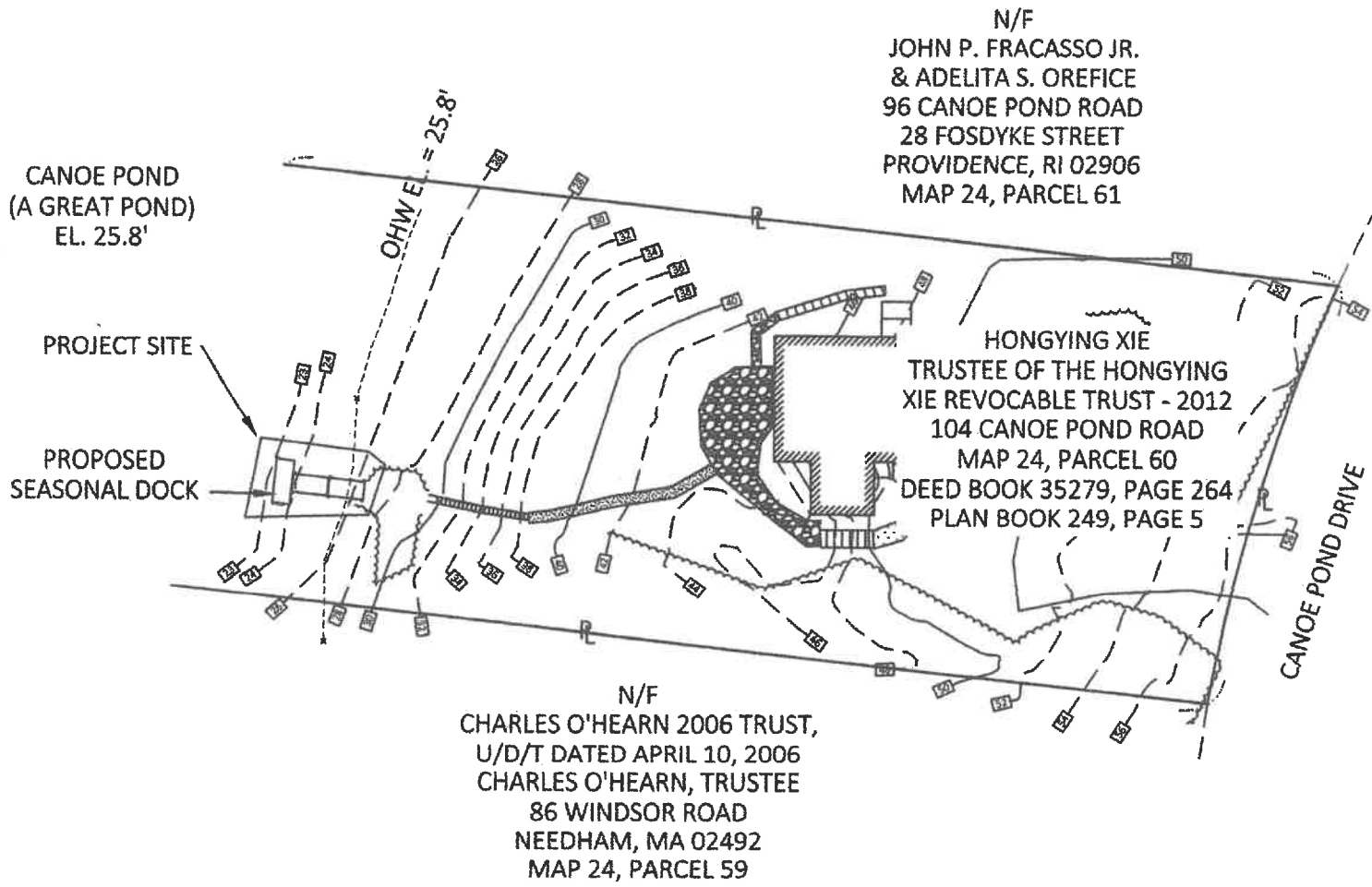
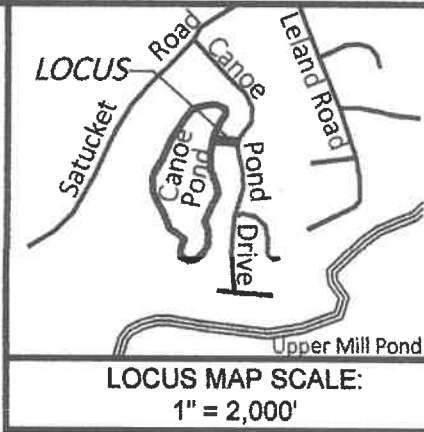
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NAME \_\_\_\_\_

DATE \_\_\_\_\_

**LEGEND**

-  HISTORIC HIGH WATER (UNAVAILABLE)
-  MEAN/ORDINARY HIGH WATER (OHW, EL. 28.2' NAVD88)
-  EXISTING CONTOURS
-  PROPERTY LINE
-  PROJECT SITE



**PROPERTY PLAN**  
SHEET 1 OF 3  
JANUARY 29, 2024

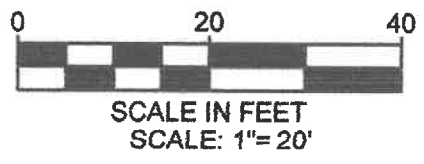
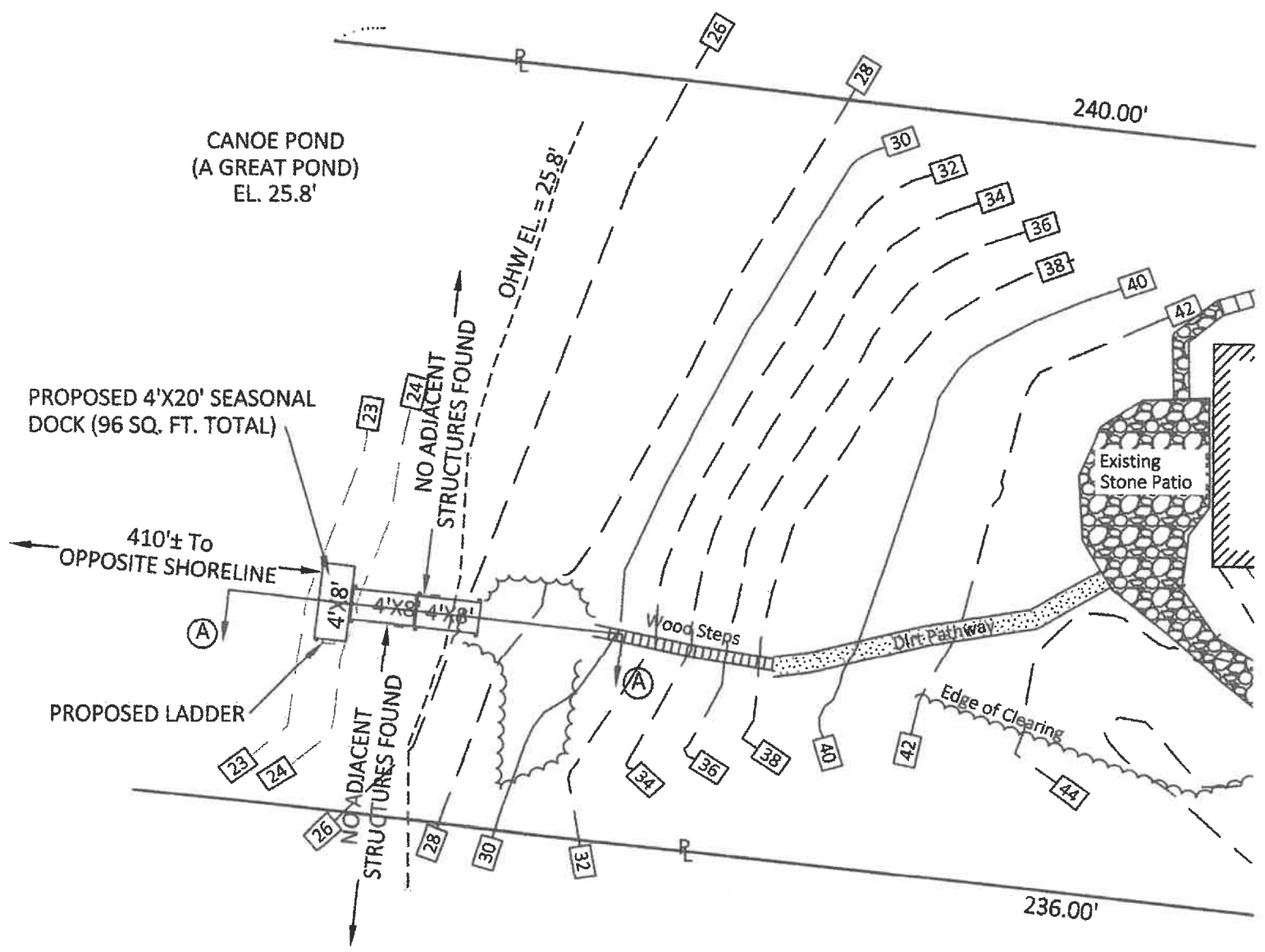
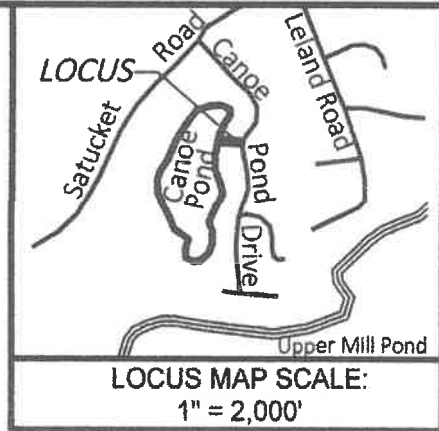
24-WW01-0013-APP

PLAN ACCOMPANYING PETITION OF THE HONGYING XIE REVOCABLE TRUST - 2012, HONGYING XIE, TRUSTEE TO CONSTRUCT AND MAINTAIN A SEASONAL DOCK WITHIN THE WATERS OF CANOE POND AT 104 CANOE POND DRIVE, BREWSTER, BARNSTABLE, MASSACHUSETTS

I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NAME \_\_\_\_\_

DATE \_\_\_\_\_



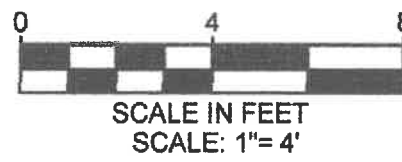
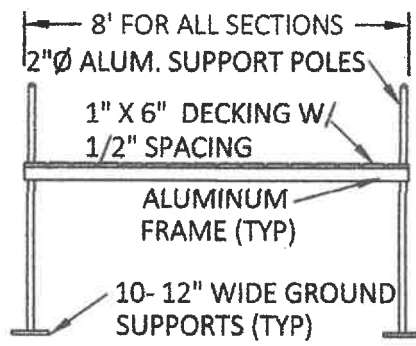
**PROPOSED SEASONAL DOCK**  
 SHEET 2 OF 3  
 JANUARY 29, 2024

PLAN ACCOMPANYING PETITION OF THE HONGYING XIE REVOCABLE TRUST - 2012, HONGYING XIE, TRUSTEE TO CONSTRUCT AND MAINTAIN A SEASONAL DOCK WITHIN THE WATERS OF CANOE POND AT 104 CANOE POND DRIVE, BREWSTER, BARNSTABLE, MASSACHUSETTS

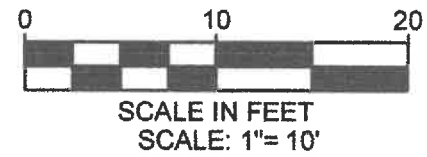
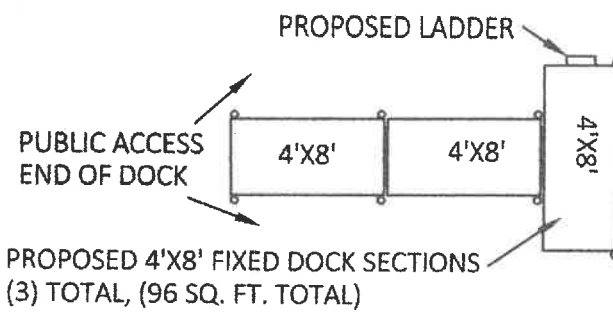
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

NAME \_\_\_\_\_

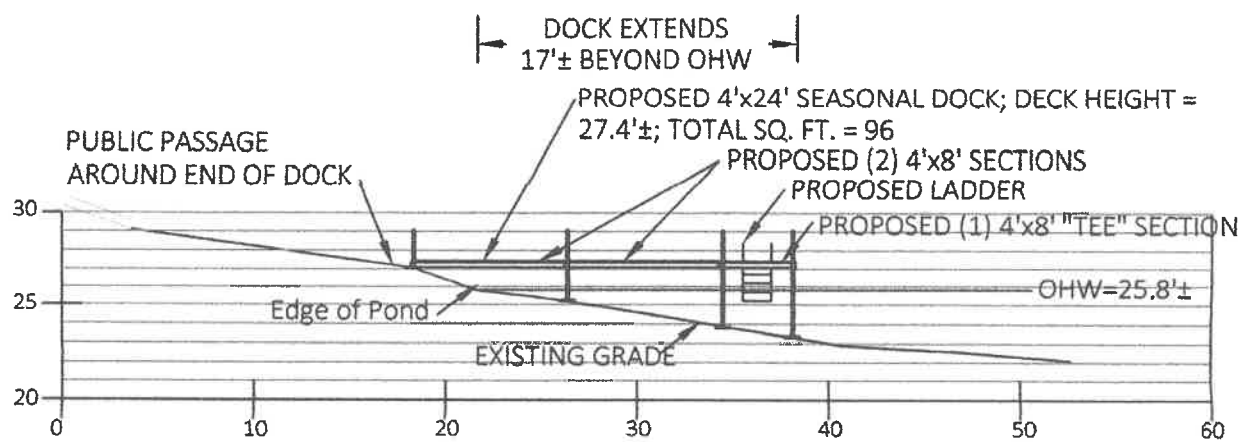
DATE \_\_\_\_\_



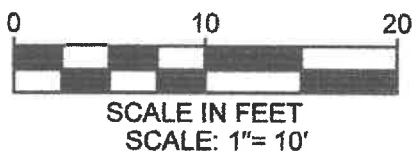
SEASONAL DOCK SECTION DETAIL



DOCK SECTION A-A PLAN VIEW



SECTION A-A ELEVATION



**ELEVATION & DETAILS**  
**SHEET 3 OF 3**  
**JANUARY 29, 2024**

PLAN ACCOMPANYING PETITION OF THE HONGYING XIE REVOCABLE TRUST - 2012, HONGYING XIE, TRUSTEE TO CONSTRUCT AND MAINTAIN A SEASONAL DOCK WITHIN THE WATERS OF CANOE POND AT 104 CANOE POND DRIVE, BREWSTER, BARNSTABLE, MASSACHUSETTS





**Abutter Notification of a Public Hearing**

You have been identified as an abutter and/or an abutter to an abutter within 300 feet, a property across the roadway or a party of interest to the referenced parcel(s). The hearing, as noted, will provide an opportunity for you to review the proposal and offer comments, either in person or in writing addressed to the Planning Board.

Requests for accommodations for any person having a disability can be made by contacting the Town of Harwich Administration office at 508.430.7514.

The following case will be heard on April 9, 2024 at 6:30 PM in the Griffin Room of Town Hall.

**Case # PB2024-09** Sam Speakman of Speakman Excavating, has applied for a Modification to a Definitive Subdivision originally approved as PB2016-22 and modified on 12.12.23 in order to lengthen the road known as Shelley Path, Assessor's Map 55, Parcels F1-1, F1-2, F1-3 and F1-4 in the RL Zoning District.

Documents and plans related to these applications may be viewed on the Planning Board's home page: [www.harwich-ma.gov/planning-board](http://www.harwich-ma.gov/planning-board) and are on file with the Town Clerk and may be viewed at the Planning Department, Town Hall, 732 Main Street, Harwich, MA 02645 during regular Town Hall hours. For additional information contact the Planning Assistant, Shelagh Delaney at [sdelaney@harwich-ma.gov](mailto:sdelaney@harwich-ma.gov)

RECEIVED

MAR 14 2024

BREWSTER PLANNING BOARD  
ZONING BOARD OF APPEALS