



Town of Brewster Planning Board

2198 Main St., Brewster, MA 02631

brewplan@brewster-ma.gov

(508) 896-3701 x1133

MEETING AGENDA

2198 Main Street

April 24, 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), or **Video recording** (tv.brewster-ma.gov).

The Planning Board packet can be found on the Calendar on the Town of Brewster website (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.
6. **Approval Not Required, Case No. 2024-07:** Applicant: Brewster Conservation Trust and Owner: David Dalgarn seek endorsement of an Approval Not Required Plan for property located at 3571 Main Street shown on Tax Map 114 Parcel 60 and Tax Map 126, Parcels 4, 5, and 9 within the Residential Medium Density (R-M) Zoning District. The plan is pursuant to MGL c. 41 §81L and §81P and §290-4 of the Brewster Subdivision Rules and Regulations. The Planning Board will consider and potentially vote whether to endorse the Approval Not Required Plan.

PUBLIC HEARINGS:

7. **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



Planning Board

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Jonathon Idman

**Senior Department
Assistant**
Lynn St. Cyr

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. *(Continued from April 10, 2024)*

8. **CONTINUED 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. *(Continued from April 10, 2024)*
9. Approval of Meeting Minutes: April 10, 2024.
10. Committee Reports.
11. For Your Information.
12. Matters Not Reasonably Anticipated by the Chair.
13. Next Meetings: May 8, 2024 and May 22, 2024.
14. Adjournment.

Date Posted:
04/17/24

Date Revised:

Received by Town Clerk:

24 APR 17 11:07 AM

BREWSTER TOWN CLERK

APPROVAL NOT REQUIRED CASE NO. 2024-07

APPLICANT: BREWSTER CONSERVATION TRUST

OWNER: DAVID DALGARN

**PROPERTY: 3571 MAIN STREET (MAP 114 PARCEL 60
AND MAP 126 PARCELS 4,5,9)**



Town Of Brewster
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 x1150

Office of:
Planning Department

Date: April 18, 2024
To: Planning Board
From: Town Planner
Re: Approval Not Required Plan Endorsement: PB#2024-7
Owner: David S. Dalgarn
Applicant: David S. Dalgarn & Brewster Conservation Trust ("BCT")
3571 Main Street (Map 114 Parcel 60; Map 126 Parcels 4, 5 & 9)

Staff Recommendation

Vote to endorse the plan entitled "Plan of Division of Land for Property at 3571 Main Street, Brewster, MA, 02631, Prepared for David S. Dalgarn & Brewster Conservation Trust," made by Soule Land Surveying, Brewster, MA, dated April 10, 2023, stamped by Peter W. Soule, PLS, as the plan does not depict a subdivision and thus does not require approval under the subdivision control law.

Discussion

The subject land is referred to locally as the "Washington Chase bog property." The late Mr. Chase, known as "Washie," was a life-long Brewster native, operated the bogs, and ran a campground on the property ("The Woodlot"). The current owner is his son-in-law. The owner is under agreement to sell the land to BCT and they have submitted a plan to the Board for endorsement which shows a division of the land into two lots. There is currently a house on the land which would be located on "Lot 1." A conservation restriction is proposed for "Lot 2," which would be acquired by the Town with CPC funds pursuant to an article on this spring's Town Meeting.

The plan submitted to the Board is styled as an "Approval Not Required" (ANR) plan per MGL Ch. 41 ss. 81L & 81P and Section 290-4 of the Brewster Subdivision Rules and Regulations; the owner/ applicant maintains that no subdivision approval is required for the land division because the plan does not depict a 'subdivision' as defined under the subdivision control law, and requests endorsement of the same.

In the case at hand, the proposed land division is not a subdivision so-defined and an ANR endorsement is warranted because each lot has the minimum required frontage under the Brewster Zoning Bylaw.

The Board's endorsement, however, does not itself imply zoning compliance or represent the zoning buildability of the lots; these zoning issues are beyond the scope and authority of the Board under a request for ANR endorsement.



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

Date & Time Received
 Town Clerk's Office
 124 APR 18 0149PM
 BREWSTER TOWN CLERK

FORM A
APPLICATION FOR ENDORSEMENT OF PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)

Please provide twelve (12) copies of this application along with ten (10) 11" x 17" sized plans and two (2) 24" x 36" sized plans along with one (1) Mylar. Please also provide an electronic copy of the application and any plans in pdf format.

Date: 4/10/24

Application # PB# 204-07

To the Planning Board:

The undersigned believing that the accompanying plan of his property in the Town of Brewster does not constitute a subdivision within the meaning of the Subdivision Control Law, herewith submits said plan for a determination and endorsement that Planning Board approval under this Subdivision Control Law is not required.

Name of Applicant: Brewster Conservation Trust Phone: 508-694-6720
 Address: 36 Red Top Rd; Brewster Email: amy@brewsterconservationtrust.org
 Owner, if different: David Dalgarn Phone: _____
 Address: 3571 Main Street; Brewster Email: dsdalgarn@yahoo.com
 Name of Surveyor/Engineer: Peter W. Soule Phone: 508-237-0853
 Company Name: Soule Land Surveying
 Address: 103 Vesper Pond Drive; Brewster Email: pwsoule@gmail.com
 Location and description of Property: 3571 Main Street

Map 114 Lot 60 Zoning District RM
126 4,5,9

Deed of property recorded in Barnstable County Registry Book: 23085 Page: 155

Or Land Court Certificate of Title No. _____

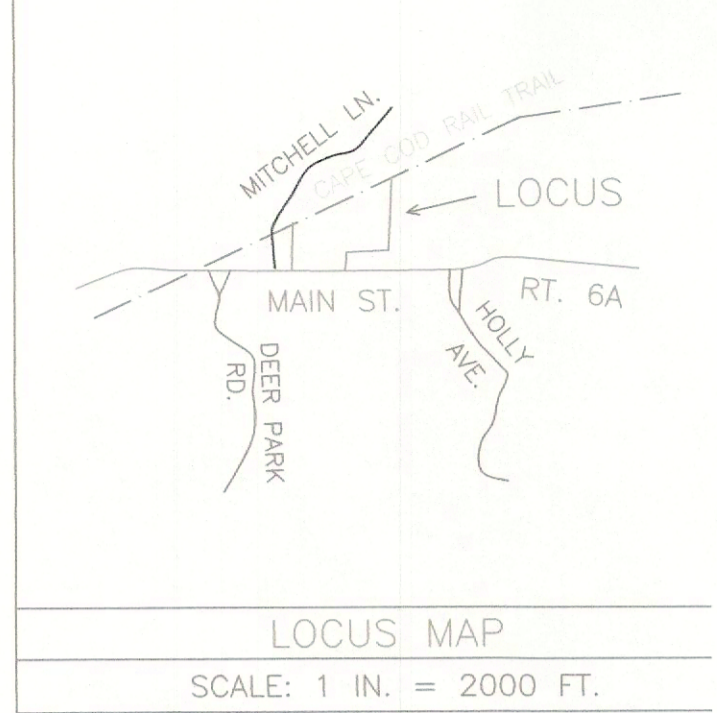
Current number of lots 4 Proposed number of lots 2

Please provide a one-page description of the purpose of the ANR application.

Signature of Owner or Authorized Representative: Amy Henderson on behalf of BCT
 If not Owner, please attach Agent Affidavit.

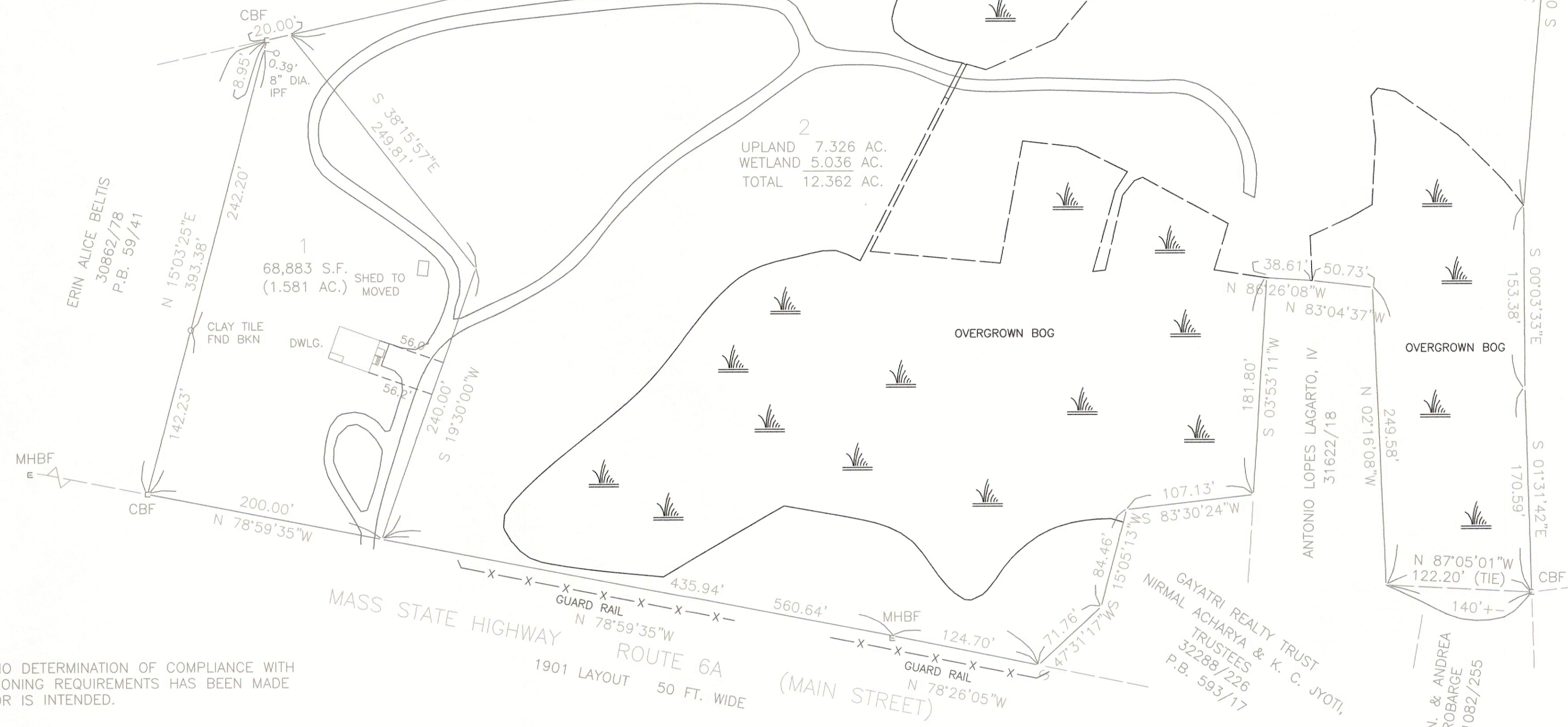
Plans not requiring approval.

- A. Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land, and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan and Application Form A to the Board accompanied by the necessary evidence to show that the plan does not require approval. Said person shall file, by delivery or by registered or certified mail, a notice with the Town Clerk stating the date of submission for such determination and accompanied by a copy of said application.
- B. If the Board determines that the plan does not require approval, it shall, without a public hearing and within twenty-one (21) days of submission, endorse and date near the signature area of the plan on a plan under the words "Planning Board Approval Under Subdivision Control Law Not Required"
- C. Said plan shall be returned to the applicant, and the Board shall notify the Town Clerk of its action. [Amended effective 10-15-1987] A plan not requiring approval shall be prepared by a registered land surveyor and shall be clearly and legibly drawn two (2) 24" x 36" plan and ten (10) 11" x 17" reduced plans shall be provided to the Planning Board and meet the requirements of the Recording Rules adopted by Registry of Deeds in Massachusetts. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire plan. A plan not requiring approval shall contain the following information:
1. Property boundaries, north point, date and scale.
 2. Name of the record owner, name of the registered land surveyor, and the Barnstable Registry of Deeds book and page reference of conveyance to record owner.
 3. Area of each lot.
 4. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, monuments or references necessary to establish these lines on the ground.
 5. Where practical, boundary lines of contiguous and adjacent land and the names of the owners thereof, as determined from the most recent tax list.
 6. Location of all permanent monuments properly identified.
 7. Location, names and present widths of non-public (private) ways abutting the property.
 8. Suitable space to record the endorsement of the Board that approval is not required and the signatures of the members of the Board.
 9. Zoning classification and location of any Zoning District Boundaries that may lie within the locus of the plan and the current zoning requirements (i.e. setbacks, lot size).
 10. In the case of the creation of a new lot, the remaining land area and frontage of the land in the ownership of the applicant shall be shown.
 11. Location of all existing buildings, including setback and side and rear yard designations.
 12. Location and area of any wetlands on the lots being created by the plan (including the lot being created by the remaining land). In lieu of delineating the wetlands on the remaining land, the applicant may provide written certification from the Surveyor or Professional Engineer who prepared the plan that the remaining parcel of land contains the minimum upland area required under the Zoning By-Laws.
- D. If the Board determines that the plan does require approval under the Subdivision Control Law, it shall, within twenty-one (21) days of submission of said plan, so inform the applicant and return the plan. The Board also shall notify the Town Clerk of its determination. If the Board fails to act upon the plan within the prescribed twenty-one (21) days, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.
- E. In acting on such a plan, the Board must ask if the way on which this plan of land is located is adequate to handle all the traffic generated from all sources and also if the design and construction of this way are in compliance with the standards shown in Article IV of these rules and regulations. A negative answer to either question will justify disapproval.



RT. 6A 1901 L.O.

1915 LAYOUT
 COMMONWEALTH OF MASSACHUSETTS
 DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



LEGEND

CBF CONCRETE BOUND FOUND
 MMBF MASS HIGHWAY BOUND FOUND

NO DETERMINATION OF COMPLIANCE WITH ZONING REQUIREMENTS HAS BEEN MADE OR IS INTENDED.

DATE SUBMITTED: _____
 DATE SIGNED: _____

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
 BREWSTER PLANNING BOARD

NOTES

1. LOCUS REF: D.B. 23085/155; P.B. 459/75, 593/17
2. ASSESSOR'S MAP: 114/60; 126/4,5,9
3. ZONE: RM
4. OWNER: DAVID S. DALGARN
 3571 MAIN ST.
 BREWSTER, MA 02631

ZONING REQUIREMENTS:

AREA - 60,000 SF
 FRONTAGE - 150 FT.
 FRONT SETBACK - 40 FT.
 SIDE & REAR SETBACK - 25 FT.

I CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

DATE: APRIL 10, 2024
Peter W. Soule
 PROFESSIONAL LAND SURVEYOR



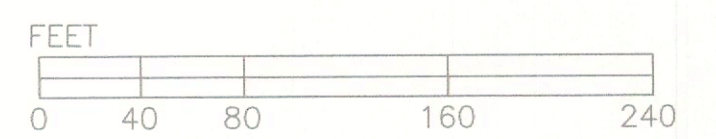
PLAN OF DIVISION OF LAND

FOR PROPERTY AT
 3571 MAIN ST.
 BREWSTER, MA. 02631
 PREPARED FOR
 DAVID S. DALGARN
 &

BREWSTER CONSERVATION TRUST

SCALE: 1 IN.=80 FT. APRIL 10, 2024

SOULE LAND SURVEYING
 103 VESPER POND DRIVE
 BREWSTER, MA. 02631
 (508)237-0853



Amy

From: David Dalgarn <dsdalgarn@yahoo.com>
Sent: Friday, April 5, 2024 4:21 PM
To: Amy
Subject: Re: Hello

Thank you for the update. It's fine with me for your people to sign the document and leave me out of it. I spoke to Peter Soule, and told him that he can come in anytime as can the rest of the BCT people.

David

Sent from Yahoo Mail for iPad

On Friday, April 5, 2024, 2:50 PM, Amy <amy@brewsterconservationtrust.org> wrote:

Hi David,

I hope this finds you doing well.

I just wanted to give you an update as to what we have coming up with the Chase Bog Project. Our next step is to go before the planning board to get an endorsement of the plan that Peter Soule is preparing. This plan would take the current four parcels and make them two. One parcel will be 12.36 -acres designated for conservation and the other 1.56 acres designated as the house lot. I have attached the application for your reference. You will note it is not signed yet. Either you can sign it, or we can sign it as an agent with an active P&S on the property. There is no cost for any of this work.

Peter Soule does need to come out to your property to get a few more measurement for the plan. He should be calling you to coordinate, but he was hoping to come out Monday afternoon. You do not need to be home, but we wanted you to be aware. Please let me know if you have any concerns about him coming out on Monday.

Have you been able to get an answer to your appraisal value question? I did reach out to our accountant but have not heard back. Guessing he is busy with tax season.

Thank you,
Amy

Amy Henderson

Executive Director

Brewster Conservation Trust

36 Red Top Road

Brewster, MA 02631

Office: 508-694-6720

amy@brewsterconservationtrust.org

www.brewsterconservationtrust.org



BREWSTER CONSERVATION TRUST

36 Red Top Road Brewster, Massachusetts 02631
www.brewsterconservationtrust.org

10 April 2024

Ned Chatelain, Chair
Town of Brewster
Select Board
2198 Main Street
Brewster, MA 02631

Re: Requested Waiver of Application Fees

Dear Mr. Chatelain,

On behalf of the Brewster Conservation Trust (BCT), I respectfully request a waiver of the \$300 application fee associated with the application for endorsement of plan believed not to require approval (ANR) for the properties associated with 3571 Main Street (Assessor's Map 114, Lot 60; Map 126, Lots 4,5,9), better known as the former Washington Chase Bogs.

The proposed subdivision will designate or define two specific lots. The first lot, containing the retired cranberry bogs, will be 12.36-acres and be designated as conservation land. This parcel will be known as the Chase Bogs and protect some very valuable habitat and provide passive recreational activities for residents. The second lot will be a 1.56-acre house lot, which we are partnering with Habitat for Humanity to add two additional single-family dwellings. We are very excited about this project and what it will mean to the Town of Brewster and its residents.

We are scheduled to be heard at the April 24, 2024 Planning Board meeting and would appreciate it if you could please add this to your Action Items for the next available Select Board meeting date. If you need any further information, please let me know.

Sincerely,

Amy Henderson
Executive Director

Cc: Brewster Planning Board

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)**

**NO SUPPLEMENTAL
DOCUMENTS RECEIVED**

**PLEASE REFER TO
APRIL 10, 2024 PACKET**

DRAFT MEETING MINUTES DATED APRIL 10, 2024



Brewster Planning Board
2198 Main Street
Brewster, MA 02631-1898
(508) 896-3701 x1133
brewplan@brewster-ma.gov
MEETING MINUTES
Wednesday, April 10, 2024 at 6:30 pm
Brewster Town Office Building

Approved:
Vote:

Acting Chair Alex Wentworth convened a meeting of the Planning Board at 6:31 pm with the following members participating: Tony Freitas, Madalyn Hillis-Dineen, Rob Michaels, and Elizabeth Taylor. Amanda Bebrin and Charlotte Degen were not present. Also participating: Jon Idman, Town Planner, and Lynn St. Cyr, Senior Department Assistant. Wentworth declared that a quorum of the Planning Board was present. The Meeting Participation Statement and Recording Statement were read.

6:32 PM PUBLIC ANNOUNCEMENTS AND COMMENT

None.

6:33 PM PUBLIC HEARINGS

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:

- 01/16/23 Building Plans (0 Underpass Road)
- 01/18/23 Staff Review Meeting Report
- 08/11/23 Staff Review Meeting Report
- 02/02/24 Proposed Dite & Sewage Disposal Plan for 0 Underpass Road
- 02/02/24 Grading - Drainage Details
- 02/05/24 Planning Board Applications
- 02/20/24 Landscape Plan (162 Underpass Road)
- 02/20/24 Landscape Plan (0 Underpass Road)
- 02/27/24 Email from Chris Miller, Natural Resources Department
- 03/01/24 Email from Charles Mawn, Police Department
- 03/01/24 Email from Robert Moran, Fire Department (162 Underpass Road)
- 03/01/24 Email from Robert Moran, Fire Department (0 Underpass Road)
- 03/04/24 Email from Sherrie McCullough, Health Department (0 Underpass Road)
- 03/05/24 Email from Sherrie McCullough, Health Department (162 Underpass Road)
- 03/07/24 Email from Victor Staley, Building Department
- 03/11/24 Email from William Grafton, Conservation Department (0 Underpass Road)
- 03/20/24 Building Plans (162 Underpass Road)
- 03/29/24 Proposed Sewage Disposal System Plan (162 Underpass Road)
- 03/29/24 Narrative

- 03/29/24 Proposed Site Plan with Drainage
- 03/29/24 Proposed Site Plan – Fire Truck Pathway Approach from North
- 03/29/24 Proposed Site Plan – Fire Truck Pathway Approach from South
- 03/29/24 Traffic Memorandum
- 04/02/24 Staff Reports
- 04/05/24 Email from Sherrie McCullough, Health Department
- 04/09/24 Email from Robert Moran, Fire Department
- 04/10/24 Email from Robert Moran, Fire Department
- Lighting specifications for pole and wall mounted lights

John O'Reilly, PE, PLS of J.M. O'Reilly & Associates, Inc. was present on behalf of the Applicants. Applicants Paul Wallace and Charlie Whitcomb were also present. O'Reilly stated that the plan has been revised since the stormwater management permit was issued but the stormwater design and layout have not changed. O'Reilly stated that the applications relate to Lot 1 and Lot 2-3 and are located in the Commercial High Density Zoning District. Lot 1 has one mixed use commercial building. The building is a 2-story concrete foundation and steel building. The building is approximately 4000 SF and will include a 75-seat restaurant and 2800 SF of retail/office space located in three units on the second floor. O'Reilly noted that it was a slab on grade design and the building will be built into the hillside. There is an easement on the southside of the lots with the Town of Brewster. He noted that the Eddy School is located nearby. The building is designed to build itself into the grade as it slopes from the south to the north. O'Reilly stated that the building is designed to meet all zoning requirements. The building is located 50' off Underpass Road. It is 21' off the southern property line and 152' from the rear property line. He stated that the building coverage is 9.1% and is served by a subsurface sewer system which is fully compliant with Title 5. The system is located on the northside of the building underneath the parking lot. The building is surrounded by patio space which will be used by the restaurant. O'Reilly stated that there is a sidewalk proposed along Underpass Road which will tie into the sidewalk on the southside of the parking lot. The sidewalk will also tie into the southside of the building and serve as the main entrance to the second-floor units. O'Reilly stated that proposed uses for the second-floor units are listed in the project narrative. The application is for site plan review and a special permit for a full-service restaurant on Lot 1. O'Reilly stated that there are 38 parking spaces proposed to serve the building. 27 spaces are dedicated to the restaurant with the remaining 11 spaces to be used for the office/retail space. There are 33 spaces on Lot 1. He stated that parking will be shared between the two lots so there is sufficient parking provided overall.

O'Reilly stated that the application for the Whitcomb property (Lot 2-3) proposes a 5000 SF contractor bay building with five bays. A two-bedroom security apartment is also proposed on the west side of the building for total building size of 5444 SF. O'Reilly stated that the total building coverage is 8.3%. The lot is 64990 SF of upland. O'Reilly stated that the building is fully compliant with zoning. He stated that the building is about 70' off Underpass Road, 48' to the sideline setback between the two lots, and 54' to the rear property line. O'Reilly stated that there are 12 spaces proposed for the uses on Lot 2-3. He further stated that the required number of spaces between the properties is 50 and 55 spaces are provided with three being handicapped spaces. O'Reilly stated that six of the 55 spaces are proposed as employee parking for the properties and are located at the back side of Lot 1 on Lot 2-3.

O'Reilly reviewed lighting for both applications and stated that there will be overhead downcast lights at all entrances to the building and at the garage doors in the contractor bay building. There are two pole lights proposed in the island between the two buildings to be mounted on a 15' tall pole. O'Reilly stated that lighting specs have been provided and show that the lights are dark sky compliant. O'Reilly also stated that a bicycle rack is provided on Lot 1. The trash for both properties will be located at the rear of Lot 2-3 and consist of two dumpsters fenced in. The projects received stormwater approval and O'Reilly stated that the stormwater system is designed in accordance with the Massachusetts Stormwater Handbook and the Brewster Stormwater Bylaw. O'Reilly stated that landscaping plans have been provided for both properties and a total of eight new trees are proposed. He stated that both septic systems are fully compliant with Title 5 and a denitrification system or IA system is being provided on Lot 1. O'Reilly stated that the properties are served by town water. There are two hydrants currently proposed. O'Reilly also noted that a traffic memorandum has

been provided with the applications. He stated that he believes both applications are compliant with the site plan review guidelines and zoning in the Town of Brewster. Wallace noted that it is possible that two large oak trees located in the southern corner will need to be removed.

Taylor asked if the total seat capacity of 75 was for seating both inside and outside. Wallace stated that it was his understanding that the 75-seat capacity included all seats being served by a server. He further stated that if customers are not being served by a server, they are not included in the 75-seat capacity. Taylor asked the status of the swept path analysis. O'Reilly stated that he believes the swept path analysis is compliant but further discussion is needed with the Fire Chief. Taylor asked if there are any lights on the contractor bay building facing the conservation land. O'Reilly stated that there are sconce lights above the doors for security purposes and they would be downward casting. O'Reilly confirmed that there will be no spotlights or motion detecting lights facing the conservation land.

Michaels asked if the Applicant would add more bike storage and Wallace responded that he would expand the size of the current bike rack. Michaels asked if charging stations for electric bikes and cars were considered. Wallace stated at this time charging stations are not proposed. Michaels stated that he visited the properties and heard the school children while he was there. He wondered if more screening for sound could be added to the area that faces the Eddy School. O'Reilly responded that the Applicants did not intend to add fencing to that area and wondered if there were requirements in the bylaw related to sound as he is not familiar with them. Michaels responded that he thought more screening could help because the moving of equipment could be disruptive to the school. Wallace stated that there was already a significant amount of tree cover in that area so he's not sure planting more trees would help.

Hillis-Dineen expressed concern about comments from the Fire Department and would like to see the Applicants work with the Fire Chief specifically on the swept path analysis. Hillis-Dineen also asked for clarification on the seating capacity for the restaurant. Wallace stated that it will not be his restaurant so there are not specifics to provide yet but that the restaurant will be reviewed by the Board of Health. Hillis-Dineen appreciated the proposed housing. O'Reilly asked about the concern surrounding the seating capacity and Hillis-Dineen responded that she was concerned about how many people may be there at one time. O'Reilly clarified that after Planning Board review but prior to a building permit issuing, the restaurant will go through review by the Board of Health and that is when seating and operation will be discussed.

Freitas asked for clarification on comments received by the Building Commissioner regarding exclusive uses. Idman stated that the projects have been revised since the Building Commissioner provided his comments which related to row commercial uses being mutually exclusive from building construction and trade uses. The uses are now proposed on two separate lots, so the comment does not apply. Wallace stated that the first proposal reviewed by staff included a restaurant and additional units in the same building. Freitas asked about the types of construction vehicles that would be on site as he was concerned about the interaction between construction and restaurant vehicles. Wallace stated that he will coordinate the parking with Whitcomb. O'Reilly clarified the driving route for construction vehicles entering the properties. O'Reilly noted that most of the bays will be used in the early morning hours by tradesmen picking up supplies and tools and heading off site or they will be staying at the unit to work. He does not believe the height of the restaurant traffic will coincide with traffic from the contractor bays. Freitas suggested directional signage to help with traffic flow.

Wentworth asked about easements and Wallace stated that the Applicants were working with an attorney on the necessary easements. Wentworth asked for clarification on signage. Idman stated that Whitcomb would need an easement for the sign on Wallace's property. Wallace stated that the stormwater permit issued by the Planning Board would be recorded at the Registry of Deeds. Wentworth asked for clarification on the loading area associated with the restaurant. Wallace explained that a loading area was proposed on the eastside of the lot in the southeast corner. Wentworth confirmed with the Applicant that there was enough depth in the loading area for a food services truck. Wallace pointed out the fenced in area which contained the freezer. Idman confirmed with the Applicant that the loading space would be sufficient for use by tenants in the units above the restaurant. Wallace stated that he does not

anticipate heavy equipment use or large deliveries for tenants of the upper units. Wentworth asked about stairs to the second-floor units. Wallace stated that the patio stairs would be used to access the second-floor units. Wentworth expressed concern about ADA access to the upper units. Wallace responded that an ADA compliant ramp is proposed. O'Reilly stated that there are steps currently shown on the plan that will need to be transitioned to ramps.

Wentworth asked about Lot 2-3 and the number of businesses and bays proposed. Wallace responded that there are four businesses proposed for the five bays. He further stated that it was not unusual for one business to use two bays. Whitcomb stated that he will have four businesses in the bays. Idman stated that the Planning Board could include a condition in the decision that there be no more than four businesses in the five bays. Wentworth asked about the storage of materials on the site and stated that there was debate as to whether it was an allowed use. Wallace stated that the use was a continued use from the prior owner. Whitcomb stated he would like to continue to use the bins and keep them where they are currently located. O'Reilly stated that he believed keeping materials associated with your business was allowed within the same lot so long as you were not selling materials. Wentworth asked about the six parking spaces located by the storage bins. He stated that parking would not be suitable for that area if materials were also being removed from the bins. Wentworth asked the Applicants if it was possible to shift the spaces down. Wallace did not think parking by the bins would be an issue because those using the bins would be familiar with the set up. Wentworth suggested signage stating that those spaces were for employee parking. The Applicants agreed that the six parking spaces should be reserved for employee or tradesmen parking not for restaurant customers. Whitcomb stated that he would be willing to add fencing around the bins. Wentworth confirmed with the Applicants that the Conservation Commission had completed their review.

Idman reviewed comments provided in the staff memo. He mentioned sufficient buffering along Underpass Road. He asked for clarification on evergreen buffering along the western property line with the Eddy School and noted that it does not appear on the landscape plan. O'Reilly stated that he will confirm what is proposed for the western property line with the landscape designer. Idman stated that he does not believe site plan review standards are applicable here for noise as it is not the type of use that would have sustained noise. Idman stated that clarification is still needed regarding the western part of the property as there are conflicts with the material storage, lack of detail on the equipment bin, and the nearby parking area. He stated that the Fire Chief also raised concerns regarding the material bins and the nearby parking. Idman noted that the Planning Board had flexibility with the parking requirements. The Applicants could remove some of the spaces near the material bins and still meet the parking policy. Idman stated the northerly spaces could also be shifted south. Idman stated that the Planning Board had site plan review and special permit jurisdiction. The proposed uses are for construction trades and restaurant. The Planning Board may want to consider whether buffering such as a line of trees to the east of the parking spaces and materials bins is appropriate. Idman asked for additional detail on what was being stored in the equipment bins. Whitcomb responded that storage would include a mini-excavator and trucks. O'Reilly stated that the Applicants will map out the type of equipment and materials anticipated to be stored on site. There was additional discussion on screening between the proposed uses.

Wallace described the architecture and construction of the restaurant building. He stated that it was not intended to be a standard corrugated steel building. There will be wood siding in some areas to make it look more modern. Idman suggested more information be provided on the construction and design of the building. Wallace referred the Planning Board to the building plans he submitted and pointed out where the wood siding would be as well as several windows. Idman asked O'Reilly to follow up with the Fire Department on comments received regarding access around the contractor bay building and needing 25' to the south of the restaurant building. There was additional discussion on buffering of noise from machinery and visual buffering from the material bins on Lot 2-3. The Applicants stated that they will work on the buffering and update the landscape plan.

Michaels asked about the transportation demand management program referenced in the traffic analysis. Idman stated that the TDM would include information on available bus routes and encourage biking. He stated that a condition of the decision could be to provide a TDM to staff for review. Wallace directed Michaels to the traffic memorandum dated March 29, 2024 which provided information on the program.

Wentworth asked if the Applicant would need to return to the Planning Board once more information was available on the restaurant. Idman responded that further review of the restaurant by the Planning Board would not be needed. He explained that the Applicant is seeking a special permit for a full-service restaurant which would also allow a component of the limited-service restaurant such as take out sales at one counter. Idman stated that more clarification is needed on the number of outside tables which will not have waited service. Idman stated that if the restaurant plan changes and the restaurant becomes entirely limited service than the Applicant would need to return for a special permit. There is also additional Board of Health review needed for the restaurant. Idman noted that the transportation analysis used a limited-service type restaurant so if changes were made to the restaurant model it would not change the traffic analysis. Wallace stated that the traffic analysis did result in suggestions to move the driveway to the south and proposed the location for the crosswalk. O'Reilly noted trimming and signage recommended because of the traffic analysis. There was discussion on the proposed removal of oak trees along the shoulder. Taylor asked about the plantings on either side of the driveway and suggested that they be easily trimmable to prevent line of sight issues. The location of the proposed crosswalk was discussed as well as permitting through DPW and coordination with the Water Department.

O'Reilly summarized additional information requested by the Planning Board including detail on the shrubbery at the entrance, the addition of screening to the Eddy School, addressing all Fire Department comments including access around the site and to the building, providing another bike rack or expanding the proposed bike rack, potential for charging stations, showing all proposed landscaping on the landscape plan, detail on additional signage for the lots, signage and proposed screening between the two buildings, required cross easements, detail on delivery and loading area, access to the rear bays and potential changes to parking, and details on the equipment and materials that will be stored on Lot 2-3.

Motion by Michaels to Continue Special Permit and Site Plan Review Case No. 2024-04 and Special Permit and Site Plan Review Case No. 2024-05 to April 24, 2024. Second by Hillis-Dineen. Vote 5-0-0.

7:42 PM APPROVAL OF MEETING MINUTES

Approval of Meeting Minutes: March 27, 2024.

The Board reviewed the March 27, 2024 meeting minutes. **Motion by Michaels to Approve March 27, 2024 Meeting Minutes. Second by Hillis-Dineen. Vote: 5-0-0.**

7:42 PM COMMITTEE REPORTS

Freitas reported on a recent meeting of the Affordable Housing Trust including an update of the closing on the Yankee Drive property and the Housing 101 session being offered through the Housing Office. Freitas also mentioned the Books and Big Ideas reading program being offered through the library which kicks off with a focus on housing.

7:45 PM FOR YOUR INFORMATION

The Planning Board received a public hearing notice from the Harwich Planning Board for April 23, 2024.

7:45 PM MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

None.

Motion by Hillis-Dineen to Adjourn. Second by Michaels. Vote: 5-0-0. The meeting adjourned at 7:46 PM.

Next Planning Board Meeting Date: April 24, 2024.

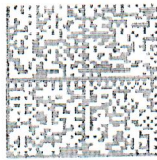
Respectfully submitted,

Lynn St. Cyr, Senior Department Assistant, Planning

FOR YOUR INFORMATION

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Town of Brewster
Planning Board
2198 Main St.
Brewster, MA 02631



Town of Harwich Planning Board
732 Main Street, Harwich, MA 02645

RECEIVED

APR 16 2024

Abutter Notice of Filed Decision

You are hereby notified that the Harwich Planning Board has filed its decision with the Town Clerk on April 10, 2024 on the application of

BREWSTER PLANNING BOARD
ZONING BOARD OF APPEALS

Case # PB2024-08 Christine Menard, Executive Director of the Family Pantry of Cape Cod, Corp, has applied for a Site Plan Review to create 44 parking spaces on an approximately 20,000 sf licensed portion of Town-owned land behind 139 Queen Anne Road, Assessor's Map 57, Parcel G6-2 in the IL Zoning District.

Decision: Granted

Appeals to this decision can be made within 20-days of the date of filing with the Town Clerk in accordance with Massachusetts General Law, c. 40A, §17. Copies of decisions are available at the Town Hall at the Office of the Town Clerk at a nominal cost.

Duncan Berry, Chair

Date: April 10, 2024

RECEIVED

APR 18 2024

NOTICE TO ABUTTERS

BREWSTER PLANNING BOARD
ZONING BOARD OF APPEALS

YOU HAVE BEEN IDENTIFIED AS AN ABUTTER WITHIN 300 FEET OF THE PROPERTY NOTED IN THE LEGAL NOTICE BELOW. THE PUBLIC HEARING ON THIS PETITION WILL ALLOW YOU TO VOICE ANY OPINIONS YOU MAY HAVE REGARDING ITS DISPOSITION. LETTERS OF OPINION ARE ALSO WELCOMED AND MAY BE SENT TO:

**PLANNING AND APPEALS OFFICE
TOWN OF DENNIS
PO BOX 2060
SOUTH DENNIS, MA 02660**

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE PLANNING AND APPEALS OFFICE AT (508) 760-6119.

A Public Hearing will be held, which the public is welcome to attend either in-person or via the alternative public access provided below, at Dennis Town Hall, 685 Route 134, South Dennis, MA, on Monday, May 6th 2024, at 6:30PM at the following public hearing for petition of a Special Permit:

Zoning Bylaw Amendment - Citizens Petition for Recreational Marijuana: The proponent, Kyle Pedicini, 12 Fox Run Circle, South Dennis, MA (02660) is seeking, through a Citizen's Petition, to amend the Town of *Dennis General Bylaw Chapter 128-1 – Marijuana Establishments Prohibited*, and *Section 14 of the Zoning Bylaw* which prohibits all types of non-medical "marijuana establishments", by replacing them with a proposed zoning bylaw that would allow Recreational Marijuana Establishments (RME) by Special Permit in the Industrial, General Commercial 1, Dennisport Village Center Area A and Dennisport Village Center Area B.

ZOOM Meeting information

Zoom Link: <https://us02web.zoom.us/j/7660036712>

Meeting ID: 766-003-6712. **OR By Phone Dial:** 646-558-8656

When prompted enter **Meeting ID: Passcode:** 766-003-6712

The Citizen's Petition can be found on the Town of Dennis Planning Board website