

Town of Brewster Planning Board

2198 Main St., Brewster, MA 02631

brewplan@brewster-ma.gov

(508) 896-3701 x1133

PLANNING BOARD MEETING AGENDA

2198 Main Street

November 8, 2023 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. Whenever the Planning Board takes up a matter as a public hearing, the Board will also allow the opportunity for public comment on the matter.

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. **Public Hearing: Proposed Modification, Special Use Permit and Site Plan Approval Decision (#2017-11 MOD1):** Applicant: Ocean Edge Resort LLC. Owner: Brewster Properties, Inc. Property: 30-44 Villages Drive as shown on Tax Map 89, Parcel 23. The Applicant seeks to modify special use permit and site plan approval decision #2017-11, which authorized the construction and operation of seasonal workforce housing units as an accommodations use for employees of Ocean Edge Resort. Specifically, the Applicant seeks modification of condition #2 of the decision, which limited the term of the approval to five (5) years, to remove any term limitation of the approval and make it permanent. The Planning Board will consider and potentially vote whether to approve the request for modification.
7. Discussion with Department of Public Works Director Griffin Ryder regarding stormwater management permitting.



Planning Board

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Vice Chair

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Town Planner
Jonathon Idman

**Senior Department
Assistant**
Lynn St. Cyr

8. Approval of Meeting Minutes: October 25, 2023
9. Committee Reports.
10. For Your Information.
11. Matters Not Reasonably Anticipated by the Chair.
12. Next Meetings: December 13, 2023 and January 10, 2024.
13. Adjournment.

Date Posted:
11/01/23

Date Revised:

Received by Town Clerk:

'23 NOV 1 9:48AM

BREWSTER TOWN CLERK

**PROPOSED MODIFICATION, SPECIAL USE
PERMIT AND SITE PLAN APPROVAL
DECISION #2017-11 MOD1**

**APPLICANT: OCEAN EDGE RESORT LLC
PROPERTY: 30-44 VILLAGES DRIVE**



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

Office of:
Planning Department

MEMORANDUM

Date: October 31, 2023
To: Planning Board
From: Town Planner
Re: PB#2017-11MOD1, Special Permit/ Site Plan Approval Decision Modification Request
Applicant: Ocean Edge Resort LLC
Property: 30 through 44 Villages Drive (Map 89 Parcel 23)

The applicant has submitted a request to modify Condition #2 of the above-referenced decision, which limited the term of the above-referenced special permit to five years (a copy of the decision is included in the Planning Board packet for reference). The permit term is now set to expire January 2024 (including with respect to COVID-related extensions under State law). The applicant requests that the special permit have an unlimited term and run with the property in perpetuity.

The decision permitted the development and operations of commercial accommodations on the property for seasonal workforce housing use (specifically, employees of Ocean Edge Resort). The special permit was timely exercised, and is currently valid and in effect.

The applicant has satisfied and complied with all Conditions of the decision, including Condition #18 which required a Planning Board review following one-year after decision issuance (relevant documents about the one-year review have been included in the Planning Board packet for reference).

There are no active noncompliance issues and has been no regular pattern of noncompliance. Any problems that have arisen have been infrequent, sporadic and remedied quickly with an eye to preventing recurrence.

The on-site septic system continues to be adequate for the use as proposed (comments and copies of supporting documents have been provided by the Health Department and included in the Planning Board packet for reference). A few other department comments were received, citing that there were not any ongoing issues, concerns or requirements by the department associated with the proposal.

To effect the requested modification, I'd suggest that Condition 2 could either be deleted in its entirety or revised to read '[T]he decision shall run with the property.'

No other changes or modifications are requested in the application.



Town of Brewster
Planning Board

2198 Main Street
Brewster, MA 02631
508-896-3701 x1150
www.brewster-ma.gov

December 3, 2018

Thomas J. Devane, Jr., Project Director
Corcoran Jennison Company, Inc.
Bayside Office Center
150 Mt. Vernon Street, #500
Boston, MA 02125

RE: Ocean Edge Resort Limited Partnership
Special Use Permit and Site Plan Approval # 2017-11

Dear Thomas,

At the November 14th duly noticed Planning Board meeting, the Board conducted a compliance review of Special Use Permit and Site Plan Approval decision #2017-11.

The Board found that the status report provided for the workforce housing motel project adequately addressed the conditions of approval of the permit. The Board further determined that no public hearing to amend the conditions of the approval is necessary at this time.

Thank you for the opportunity to tour the site and ask questions about the operations and management of this project. On behalf of the Board, I wish you another safe, successful and peaceful season.

Respectfully,

Kari Hoffmann
Chairperson

Cc: Ryan Bennett, Town Planner

'18 DEC 4 11:37 AM

BREWSTER TOWN CLERK

**Ocean Edge Resort Limited Partnership
2907 Main Street
Brewster, MA 02631**



November 7, 2018

Brewster Planning Board
c/o Ryan Bennett, Town Planner
Brewster Town Offices
2198 Main Street
Brewster, MA 02631

Re: Special Use Permit and Site Plan Approval Decisions No. 2017-11
Ocean Edge Resort Limited Partnership
0 Main Street and Villages Drive
Assessor's 89, Lots 23 & 35

Dear Members of the Brewster Planning Board:

In accordance with the above referenced Special Permit (the "Special Permit"), Ocean Edge Resort Limited Partnership ("Ocean Edge") hereby submits a status report on its workforce housing motel project, for consideration by the Board during its meeting on November 14, 2018.

Ocean Edge has addressed each of the twelve enumerated conditions in the Special Permit as follows:

1. The proposed development shall be constructed in accordance with the plans and information submitted to the record, as enumerated above.
 - The development was constructed in according with the approved plans.
2. This Special Permit shall be valid for a period of 5 years from the date of approval unless an extension is granted, through a duly advertised public hearing, by the Brewster Planning Board. Violation of any of the within conditions shall constitute grounds for non-renewal.
 - Ocean Edge shall comply with all conditions and for renewal.
3. The motel use may be occupied April 1st through November 30th. From December 1st to March 31st, the units will not be inhabited and all utilities to the site will be turned off.
 - Ocean Edge has complied with the occupancy dates. The site will be vacated and the utilities will be turned off after November 30th.
4. The Applicant shall install security cameras on the site and conduct on-site security monitoring between 10 PM and 3 AM.
 - Security cameras were installed at the site.

- Ocean Edge has employed a dedicated security officer on site from 10 PM to 3 AM seven days a week during occupancy.
5. Quiet hours shall be observed between 10 PM and 7 AM to prevent anything audible outside the buildings.
 - Quiet hours have been observed at the stated times and enforced by the on-site security officer 7 days a week.
 6. The on-site dining facility will be closed from 12 AM to 6 AM.
 - The dining building has closed at the stated times and the building has been locked by the security officer between 12 AM and 6 AM.
 7. The Applicant will coordinate with the Fire Chief and Building Inspector(s) on final fire safety issues, including building separation, fire lane striping, and signage locations.
 - The development was constructed in according to the approved plans and coordinated with the Fire Chief and Building Inspector.
 8. All stormwater is required to be managed on site. Any stormwater impacts to abutters resulting from this development shall be mitigated.
 - The stormwater has been managed on site and the stormwater drainage system has been built according to the approved plans.
 - There has been no observed stormwater impact to abutters.
 9. All exterior lighting shall be downward casting and designed to not illuminate areas off the property. There shall be no exterior lighting on the rear of the units to the northwestern and western edges of the site.
 - All exterior lights are downward casting and do not illuminate areas off the property.
 - There are two exterior lights at the end of buildings 32 and 34 in the northwest edges of the site. These lights are required to illuminate the entry doors to units 32A and 34F. They are downward casting.
 10. All landscaped areas shall be maintained. Shrubs and trees which die shall be replaced as soon as practicable, but in any event within one growing season.
 - The landscaping has been completed per the approved plans. The shrubs and trees have been properly maintained and Ocean Edge will continue to monitor their growth.
 11. Existing specimen plants and trees on the site shall be preserved or relocated when possible.
 - Ocean Edge preserved as many specimen plants and trees as possible, particularly on the western side of the property.
 12. The Applicant shall return to the Planning Board on or before December 1st, 2018 for a review of the applicant's compliance with the within permit conditions and evaluation of any off-site impacts ("one-year review"). In advance of this meeting, the Applicant shall provide a status report on the workforce housing motel project. The report shall summarize all actions taken by the applicant to ensure compliance with the within conditions, any instances of noncompliance and all steps Ocean Edge has taken to address those issues. The report shall also detail any and all complaints by neighbors regarding the project and all steps taken by the applicant to address those complaints. The Planning Board may hold a public hearing and amend the conditions of approval if deemed necessary based upon the one-year review.

- Ocean Edge is scheduled to meet with the Planning Board at their regularly scheduled meeting on November 14, 2018 to review our compliance with the permit conditions.
- Ocean Edge's project manager, Thomas Devane, met with the development's closest neighbor and spoke with the Police Chief, Fire Chief, Building Commissioner, and Town Planner. No off-site impacts, other than issues raised by Mr. Suffriti discussed below, were reported.
- Ocean Edge did not hear from any neighbors with respect to the development with the exception of Mr. Suffriti at 59 Thad Ellis Road. Mr. Devane discussed the development with Mr. Suffriti on many conversations via site meetings, telephone calls and emails throughout project development and operation. Mr. Devane continued to keep Mr. Suffriti informed of the schedule. Mr. Devane believes that Mr. Suffriti is generally satisfied with Ocean Edge's efforts. Below is a listing of Mr. Suffriti's concerns that Mr. Devane received via email, and Ocean Edge's response:
 - i. The construction employees were not using the on-site portable restroom. Mr. Devane told the general contractor this was unacceptable behavior, and Ocean Edge never received another complaint about this issue.
 - ii. Mr. Suffriti asked about the schedule for the fence and the trees behind the fence, which were completed per the approved plan.
 - iii. Mr. Suffriti said the exterior wall sconces were not downward casting lights. The modular manufacturer sent the wrong lights and the lights were replaced and are now downward casting and compliant.
- Ocean Edge experienced some issues with the smoke alarms.
 - i. Ocean Edge had one faulty smoke alarm that was replaced.
 - ii. The modular manufacturer installed smoke alarms in the bathrooms which kept going off. Ocean Edge removed the smoke alarms from the bathrooms after consultation with the Building Commissioner and Fire Chief.
- Two of residents were required to vacate for not following Ocean Edge's occupancy rules.

Ocean Edge is committed to providing safe, habitable, and peaceful workforce housing that respects the concerns of its neighbors. Ocean Edge hopes that Members of the Planning Board have the opportunity to visit the site, and looks forward to meeting on November 14th to discuss the status report and any other questions or concerns.

Respectfully,

OCEAN EDGE RESORT LIMITED PARTNERSHIP

By its project manager,

Thomas Devane



Lynn St. Cyr

From: Amy von Hone
Sent: Monday, October 23, 2023 4:59 PM
To: Lynn St. Cyr; James Gallagher; Davis Walters; William Grafton; Griffin Ryder; Robert Moran; Kevin Varley; Scott Romer; Erika Glidden; Jill Scalise; Chris Miller; Jonathon Idman; Heath Eldredge; Charles Mawn; Peter Lombardi; Donna Kalinick; Paul Anderson
Cc: Sherrie McCullough
Subject: RE: Request for Comments on Proposed Modification of Special Use Permit and Site Plan Approval Decision (#2017-11 MOD1), Ocean Edge workforce housing
Attachments: Ocean Edge Workforce Housing Septic COC Permit.pdf

Health Department:

- The existing property is located within the Cape Cod Bay Watershed (unimpaired), a Board of Health defined Environmentally Sensitive Area due to existing wetlands onsite, and is serviced by town water.
- The existing workforce housing units (accommodating up to 84 persons/4620 gpd) are serviced by a fully compliant 1986 Title 5 septic system with a total capacity of 9000 gpd.
- No changes of existing use are proposed.
- DEP certificate of compliance granted in 2017 for the original construction of the units and the Health Department issued 1986 Title 5 septic installation permit are attached.
- Any major modifications including increase in flow or habitable space or change of use will require further review by the Health Department and DEP.

Please advise if you have any questions.

Thank you, Amy

Amy L. von Hone
Health Director

Brewster Health Department
508.896.3701 X1120

From: Lynn St. Cyr <lstcyr@brewster-ma.gov>
Sent: Monday, October 16, 2023 2:37 PM
To: James Gallagher <jgallagher@brewster-ma.gov>; Davis Walters <dwalters@brewster-ma.gov>; William Grafton <wgrafton@brewster-ma.gov>; Griffin Ryder <gryder@brewster-ma.gov>; Robert Moran <rmoran@brewster-ma.gov>; Kevin Varley <kvarley@brewster-ma.gov>; Scott Romer <sromer@brewster-ma.gov>; Amy von Hone <avonhone@brewster-ma.gov>; Erika Glidden <eglidden@brewster-ma.gov>; Jill Scalise <jwertz-scalise@brewster-ma.gov>; Chris Miller <cmiller@brewster-ma.gov>; Jonathon Idman <jldman@brewster-ma.gov>; Heath Eldredge <heldredge@brewster-ma.gov>; Charles Mawn <cmawn@brewster-ma.gov>; Peter Lombardi <plombardi@brewster-ma.gov>; Donna Kalinick <dkalinick@brewster-ma.gov>; Paul Anderson <panderson@brewster-ma.gov>
Subject: Request for Comments on Proposed Modification of Special Use Permit and Site Plan Approval Decision (#2017-11 MOD1), Ocean Edge workforce housing

Good afternoon,

Attached please find a department review comment form and documents related to:

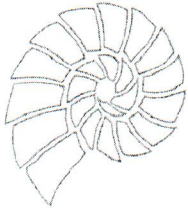
Proposed Modification, Special Use Permit and Site Plan Approval Decision (#2017-11 MOD1): Applicant: Ocean Edge Resort LLC. Owner: Brewster Properties, Inc. Property: 30-44 Villages Drive as shown on Tax Map 89, Parcel 23. The Applicant seeks to modify special use permit and site plan approval decision #2017-11, which authorized the construction and operation of seasonal workforce housing units as an accommodations use for employees of Ocean Edge Resort. Specifically, the Applicant seeks modification of condition #2 of the decision, which limited the term of the approval to five (5) years, to remove any term limitation of the approval and make it permanent.

This application is scheduled on the November 8, 2023 Planning Board agenda. Please provide your comments on this application by **Monday, October 30, 2023.**

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.



J.M. O'REILLY & ASSOCIATES, INC.

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

Site Development • Property Line • Subdivision • Sanitary • Land Court • Environmental Permitting

May 22, 2018

JMO-8353

MA Department of Environmental Protection - Southeast Region
C/O Mr. Brian Dudley
20 Riverside Drive
Lakeville, MA 02347

Re: As-Built Certification – Ocean Edge Resort LTD Partnership
Work Force Housing Project – Villages Drive, Brewster, MA
Assessor's Map 89, Parcels 23 & 35

Dear Mr. Dudley,

As per the requirement of the Massachusetts State Sanitary Code 310 CMR 15.021(3), J.M. O'REILLY & ASSOCIATES, INC. has conducted on-site inspections of the newly installed sewer lines, lift station and connection to the existing sewage disposal system for the proposed employee housing located at the above referenced property.

The employee housing wastewater flow is now connected to a previously installed Title 5 sewage system. The Sewage system was installed and received a certificate of compliance on July 7, 1988 through the Disposal Works Permit # 249-86.

At the time of our inspections on May 4, 15, 17 and 21, 2018 the system installation had been completed with the exception of backfilling and final grading. Based on our inspections, the sewer line, lift station and force main were installed within substantial compliance with the approved plan dated November 3, 2017, last revised 3-2-2018, as previously provided to you.

This letter represents J.M. O'REILLY & ASSOCIATES, INC's inspection prior to backfill. No warranties or guarantees are expressed or implied for the future operation of this system. Please contact my office directly with any questions, comments or for any additional information you may need.

Very Truly Yours,
J.M. O'Reilly & Associates, Inc.

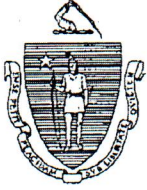
John M. O'Reilly, P.E., P.L.S.
Principal



ENCL: As-built Plot Plan
Installers Cert. Card.

cc: Client
John M. O'Reilly, P.E., P.L.S.

/jmo



Commonwealth of Massachusetts
 City/Town of
Certificate of Compliance
 Form 3

DEP has provided this form for use by local Boards of Health. Other forms may be used, but the information must be substantially the same as that provided here. Before using this form, check with the local Board of Health to determine the form they use.

This is to Certify that the following work on an On-Site Sewage Disposal System

- Construction of a new system
- Repair or replacement of an existing system
- Repair or replacement of an existing system component

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



Has been done in accordance with Title 5 and the Disposal System Construction Permit (DSCP):

249-86 (Town of Brewster) DSCP Number 7/7/1988 (Original Certificate of Compliance) DSCP Date

Ocean Edge Resort LTD Partnership
 Facility Owner
Villages Drive, Assessor's Map 89, Parcels 23 and 25
 Street Address or Lot #

Brewster MA 02631
 City/Town State Zip Code

Designer Information:

John M. O'Reilly J.M. O'Reilly and Associates, Inc.
 Name Name of Company
 Signature See certification letter 5/22/2018
 Date

Installer Information:

Gregory F. Morris GFM, Inc.
 Name Name of Company
 Signature See certification card 5/22/2018
 Date

Use of this system is conditioned on compliance with the provisions set forth below:

The system was installed in 1988 and is not currently accepting sewage flow. The system shall not receive more than 9,000 gallons per day (gpd) of sewage flow from all sources based on the original design. This Certificate of Compliance authorizes 4,620 gpd while leaving 4,380 gpd of remaining capacity.

The issuance of this certificate shall not be construed as a guarantee that the system will function as designed.

Brian A. Dudley, MassDEP/SERO
 Approving Authority
Brian A. Dudley Signature May 24, 2018 Date

No. 249-86

Village Center
Building #1
BREWSTER, MASSACHUSETTS

Date... October 8, 1986

Fee	\$380.00
New Installation	\$40.00
Alter	\$25.00
Repair	\$20.00

Per 10/14/86

BOARD OF HEALTH

Application for Disposal Works Construction Permit

Application is hereby made for a Permit to construct (X) Alter or Repair () an individual Sewage Disposal System at:

Villages Drive at Route 6A Map 14, Lot 60
Location - Address Lot No./Assessors Map & Lot No.

Villages Development Company One Heritage Drive, Quincy, MA 02171
Owner Address

CMJ Builders One Heritage Drive, Quincy, MA 02171
Installer Address

Type of Building Size Lot 360,415 Sq. feet

Dwelling — No. of Bedrooms Expansion Attic () Garbage Grinder (X)

Other — Type of Building mix use No. of persons Showers () — Cafeteria (X)

Other fixtures Retail & Office Space (see plans)
design

Design Flow see plans gallons per person per day. Total ~~daily~~ flow 9,000 gallons.

Septic Tank—Liquid capacity 18,000 gallons Length 35'-10" Width 11'-0" Diameter Depth 7'-0"

Disposal Trench—No. 6 Width 3'-0" Total Length 600 ft. Total leaching area 6,680 sq. ft.

Seepage Pit No. Diameter Depth below inlet Total leaching area sq. ft.

Distribution box (X) Dosing tank () Other

Percolation Test Results Performed by Date

Test Pit No. 6 2 minutes per inch Depth of Test Pit 20'-0" Depth to ground water none. encounte

Test Pit No. 7 2 minutes per inch Depth of Test Pit 20'-0" Depth to ground water none. encounte

Description of Soil See plans for complete description

Nature of Repairs or Alterations - Answer when applicable

NOTE; This application must be accompanied by a plan showing the following: property lines, location of buildings, location of proposed sewage system, any existing sewage systems, well or water line, water supplies on adjacent lots, location of driveway and or parking area, location of any adjacent bogs, marshes, wetlands, ponds, streams, beaches or drains, and expansion area.

Agreement:

The undersigned agrees to install the aforescribed Individual Sewage Disposal System in accordance with the provisions of Title 5 of the State Environment Code — The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed *[Signature]* 10/10/86
Date

Application Approved By *[Signature]* 10/21/86
Date

Application Disapproved/Restrictions *[Signature]*

BREWSTER, MASSACHUSETTS
BOARD OF HEALTH

Certificate of Compliance

THIS IS TO CERTIFY, That the Individual Sewage Disposal System constructed (X) or Repaired ()

by CMJ Builders
Installer

at Map 14 Lot 60 Villages Drive Owned by Village Development Company
X Village Center Building 1

has been installed in accordance with the provisions of Title 5 State Environmental Code described in the application for Disposal Works Construction Permit No. 249-86 dated 10/21/86

THE ISSUANCE OF THIS CERTIFICATE SHALL NOT BE CONSTRUED AS A GUARANTEE

THAT THE SYSTEM WILL FUNCTION SATISFACTORILY.

DATE July 7, 1985 Inspector *[Signature]*

CHECK OR FILL IN WHERE APPLICABLE



Town of Brewster
Planning Board
Ch. 179 Application Cover Sheet

FOR TOWN OFFICIAL USE ONLY

TOWN CLERK RECEIVED:

RECEIVED
122 BERTIE ST
BREWSTER, MA 01901

PERMIT NUMBER ASSIGNED:

2017-11 Mod

Project Location:

30-44 Villages Drive

Street Address

89/23/0

Assessors Map(s) and Parcel(s)

Book 11047 Page 312, Book 10147 Page 333

Deed/ Title Reference

VB-CH-RM

Zoning District(s)

Applicant:

Ocean Edge Resort LLC

Name

2907 Main Street

Mailing Address

781-771-5058

tdevane@corcoranjennison.com

Phone Number

Email Address

Property Owner (if different than Applicant):

Brewster Properties, Inc.

Name

2907 Main Street

Mailing Address

781-771-5058

tdevane@corcoranjennison.com

Phone Number

Email Address

Professional Representative:

Attorney Michael Ford

Name

72 Main Street, West Harwich, MA 02671

Mailing Address

508-430-1900

mike@fordandfordattorneys.com

Phone Number

Email Address



Type of Application (Check as applicable):

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

Brief Project Description: See Narrative _____

Seek Modification of Special Use Permit Decision # 2017-11 _____

Signatures

 _____ Date 9/25/23
 Applicant Thomas T. DeLuca Applicant/Agent for Ocean Edge Resort LLC Date
 _____ Date 9/25/23
 Property Owner (if different than Applicant) for Brewster Properties, Inc. Date

Professional Representative (as applicable) _____ Date

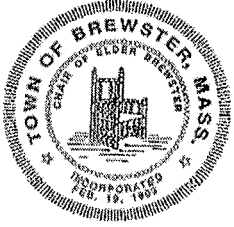
If the Applicant is not the Owner, the Application materials shall include the Owner's written consent or authorization to make application, or evidence that the Applicant's interest in the property is sufficient to make application (e.g. lease, P&S Agreement, etc.).

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

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

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

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



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

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

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

- The Planning Board may waive or modify submission requirements (except review fees) in light of the specific circumstances presented in a given case.
- The Planning Board may require additional, revised or supplemental information, as necessary, during its review of an application.
- Note, applicants are not required to handle noticing. As applicable, Planning Department Staff obtains the certified abutters list and handles abutter and newspaper notifications.
- Twelve (12) hard copies of all materials are required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
- One (1) electronic copy of all materials is required to be submitted (including any supplemental or revised materials that might be provided through the course of review).
- Twelve (12) hard copies of Site and Building Plans must be provided at a minimum size of 11"x17", with one (1) hard copy at a minimum size of 18"x24"; electronic copies of plans must be digital not scanned copies.

~~Referral from Building Commissioner to Planning Board for the zoning relief/ approval requested.~~

Owner's Authorization or equivalent, as applicable.

Filing Fee per current Planning Board Fee Schedule, with check made to "Town of Brewster."

Project Narrative, including a description of existing site conditions, a description of the project and proposed site conditions, reference to applicable sections of the Zoning Bylaw and discussion about consistency with the applicable standards and criteria for approval set out in the Zoning Bylaw.

As applicable, information about Staff Review undertaken for the project pursuant to Brewster Code Chapter 83.

A site plan/plan set of existing and proposed site conditions, stamped by a professional land surveyor licensed in Massachusetts, showing the following information:

- Inset Locus Map
- Plan Title, name and address of applicant and person responsible for preparation
- North arrow and scale- minimum scale 1" = 40'
- Boundaries of property plotted to scale
- Plan preparation date and any revision dates
- Plan Notes regarding record title and plan information for locus and for abutting properties
- Tax Map and Parcel and Owner Identification for locus and abutting properties
- Ruled box for Board signature and date, as applicable for site plan review/ approval
- Lot area by square foot and acreage
- Zoning Compliance Table
 - Proposed, existing and required dimensional criteria for locus

- Zoning District classification and boundaries relative to locus, including any overlays
- Location and dimensions of site buildings and structures including setback distances
- Location, dimensions and design of site parking, drive aisles and loading areas
 - Parking calculations per 9/11/13 Planning Board Policy
 - Delineation of both regular and handicapped spaces
 - Delineation of reserved parking areas, as applicable
 - Surface materials and striping/ design details
 - Description of site circulation (vehicles, bicycles, pedestrians)
- Location and design of other site improvements including:
 - Walkways, paths, trails and sidewalks
 - Refuse storage and disposal
 - Stormwater Management Facilities/ BMPs
 - Retaining walls and fences
 - Outdoor storage or other outdoor use areas
 - Bike storage rack
 - Signs
 - Exterior lighting
 - Driveways and curbcuts
 - Swimming Pools
 - Water courses, water bodies, wetlands, wetland buffer zones, all with current delineations, and other significant natural features
- Flood Zone identification/ boundaries
- Historic District boundaries
- Location of wells and/or septic systems on-site (and off-site wells, if known)
- Utilities available to the site, including municipal water/ fire hydrants
- Record easements and rights-of-way affecting the site
- Site topography and grading
- Other relevant resource mappings such as MESA Priority Habitat
- Stormwater Management and Hydrologic Report stamped by a professional engineer licensed to practice in Massachusetts:

 - Design and location of Stormwater Management Facilities/BMPs
 - Recharge, run-off volume and peak discharge calculations for the 25-year,24-hour storm event
 - Site soils identification
 - Water quality treatment calculations
 - Groundwater information
 - BMP Operation & Maintenance Manual
 - Erosion and Sedimentation Control Plan
- Proposed Landscape site plan including:
 - Calculation/ depiction of proposed green space and clearing
 - Location, size and type/ species of shade trees and other vegetation
 - Irrigation information
 - Notes about maintenance
 - Existing treeline, including specific identification of specimen trees on-site and as might be located along or within in road rights-of-way
 - See native plant list at <https://capecodnativeplants.org> and invasive species list at <https://mass.gov/massachusetts-prohibited-plant-list>
- Architectural rendering, elevation and floor plans- minimum scale 1/4"= 1', stamped by design professional licensed to practice in Massachusetts
- Lighting (photometric) site plan, cut sheets and specifications, including fixture mount heights
- Any other information or materials as might be required in the particular section(s) of the Zoning Bylaw relevant to the application

SECRETARY'S CERTIFICATE

BREWSTER PROPERTIES, INC.

Unanimous Consent in Lieu of Special Meeting of the Board of Directors

September 25, 2023

The undersigned, being the duly appointed Secretary of Brewster Properties, Inc., a Massachusetts corporation (the "Corporation"), hereby certifies that by unanimous written consent of the Board of Directors of the Corporation dated September 25, 2023, and filed with the records of meetings of the Board of Directors, the following votes were adopted:

- VOTED: To authorize Ocean Edge Resort LLC to construct and operate workforce housing on the Corporation's parcel at 30-44 Villages Drive, Brewster, Massachusetts, pursuant to Special Use Permit & Site Plan Approval Decision No. 2017-11 dated September 27, 2017, recorded at Barnstable Registry of Deeds at Book 30901, Page 5 (the "Special Permit").
- VOTED: To authorize Ocean Edge Resort LLC to renew and modify the Special Permit at its discretion.
- VOTED: To authorize Thomas Devane, project manager, or Attorney Michael Ford to take any and all actions and to execute and deliver to any person or entity any documents or instruments deemed by him to be necessary and/or appropriate to facilitate the consummation of actions authorized by the foregoing vote, in form approved by him, such approval shall be conclusive.
- VOTED: To direct the Secretary of the Corporation to file this Consent with the records of the Corporation.

Executed as a sealed instrument as of the 25th day of September 2023.



John A. Mostyn, Secretary

**Ocean Edge Resort LLC
2907 Main Street
Brewster, MA 02631**

September 25, 2023

Brewster Planning Department
c/o Jonathon Idman, Town Planner
Town Offices - 2198 Main Street
Brewster, MA 02631-1898

RE: Special Use Permit and Site Plan Approval Permit Decision No. 2017-11 Request for Modification
Ocean Edge Resort LLC
30-44 Villages Drive
Brewster, MA
Assessor Map 89, Lots 23 & 35

Dear Board Members,

On behalf of Ocean Edge Resort LLC, we are submitting the enclosed Application Cover Sheet seeking a modification to Special Use Permit Decision # 2017-11.

We look forward to your public hearing scheduled on November 8, 2023, wherein we will review the existing development history, operation and answer any questions you may have. The following narrative should be used to document the successful operation of this development in accordance with the Special Permit Conditions of Approval.

We respectfully request that the Conditions of Approval in the Special Permit be modified as follows:

- Condition #2 That the Special Permit be extended without any term limitation.

We believe that this Special Permit should be extended without any further term limitation because it has been 7 years since the Special Permit was granted including 6 years of successful operations all in accordance with the conditions of the permit. Furthermore, there have been no major issues per the Police, Fire and Board of Health Departments as well as the applicant's outreach with the neighbors. Lastly, demand for workforce housing continues to greatly outstrip supply in the area. This housing has been received very favorably by our employees and remains a key component of Ocean Edge's successful operation.

Ocean Edge has addressed each of the twelve enumerated conditions in the Special Permit as follows:

1. The proposed development shall be constructed in accordance with the plans and information submitted to the record.
 - The development was constructed in substantial compliance with and according to the approved plans.
2. This Special Permit shall be valid for a period of 5 years from the date of approval unless an extension is granted, through a duly advertised public hearing, by the Brewster Planning Board. Violation of any of the within conditions shall constitute grounds for non-renewal.
 - Ocean Edge has complied with all conditions of approval and requests that the Special Permit be extended without any further term limitation.
3. The motel use may be occupied April 1st through November 30th. From December 1st to March 31st, the units will not be inhabited and all utilities to the site will be turned off.
 - Ocean Edge has complied with the occupancy dates.
4. The Applicant shall install security cameras on the site and conduct on-site security monitoring between 10 PM and 3 AM.
 - Security cameras were installed at the site.
 - Ocean Edge has employed a dedicated security officer on site from 10 PM to 3 AM seven days a week during occupancy.
5. Quiet hours shall be observed between 10 PM and 7 AM to prevent anything audible outside the buildings.
 - Quiet hours have been observed at the stated times and enforced by the on-site security officer 7 days a week.
6. The on-site dining facility will be closed from 12 AM to 6 AM.
 - The dining building has closed at the stated times and the building has been locked by the security officer between 12 AM and 6 AM.
7. The Applicant will coordinate with the Fire Chief and Building Inspector(s) on final fire safety issues, including building separation, fire lane striping, and signage locations.
 - The development was constructed in according to the approved plans and coordinated with the Fire Chief and Building Inspector.
 - The Fire and Building Departments will continue to inspect the property on an annual basis. Any issues identified during the inspection are immediately corrected by the Ocean Edge staff before occupancy.
8. All stormwater is required to be managed on site. Any stormwater impacts to abutters resulting from this development shall be mitigated.
 - The stormwater has been managed on site and within substantial compliance to the approved plans.
 - There has been no observed stormwater impact to abutters.

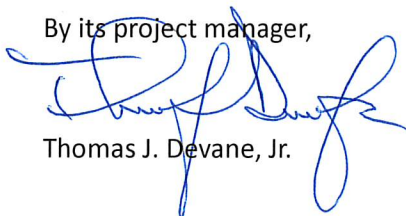
9. All exterior lighting shall be downward casting and designed to not illuminate areas off the property. There shall be no exterior lighting on the rear of the units to the northwestern and western edges of the site.
 - All exterior lights are downward casting and do not illuminate areas off the property.
 - There are two exterior lights at the end of buildings 32 and 34 in the northwest edges of the site. These lights are required to illuminate the entry doors to units 32A and 34F. They are downward casting.
10. All landscaped areas shall be maintained. Shrubs and trees which die shall be replaced as soon as practicable, but in any event within one growing season.
 - The landscaping has been completed per the approved plans. The shrubs and trees have been properly maintained and Ocean Edge will continue to monitor their growth.
11. Existing specimen plants and trees on the site shall be preserved or relocated when possible.
 - Ocean Edge preserved as many specimen plants and trees as possible, particularly on the western side of the property.
12. The Applicant shall return to the Planning Board on or before December 1st, 2018 for a review of the applicant's compliance with the within permit conditions and evaluation of any off-site impacts ("one-year review"). In advance of this meeting, the Applicant shall provide a status report on the workforce housing motel project. The report shall summarize all actions taken by the applicant to ensure compliance with the within conditions, any instances of noncompliance and all steps Ocean Edge has taken to address those issues. The report shall also detail any and all complaints by neighbors regarding the project and all steps taken by the applicant to address those complaints. The Planning Board may hold a public hearing and amend the conditions of approval if deemed necessary based upon the one-year review.
 - Ocean Edge successfully complied with this condition in November of 2018.
 - Ocean Edge reached out to the Police and Fire Departments as well as our immediate neighbors and there have been no significant issues since this issuance of the permit. All issues have been resolved quickly.

Ocean Edge is committed to provide safe, habitable and a peaceful environment for our employees while respecting the concerns of our neighbors. We encourage Members of the Planning Board to visit the Workforce Housing site prior to the meeting on November 8th and we look forward to further discussions regarding this modification request.

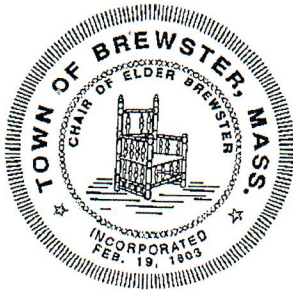
Respectfully,

OCEAN EDGE RESORT LLC

By its project manager,

A handwritten signature in blue ink, appearing to read "Thomas J. Devane, Jr.", is written over the text "By its project manager,".

Thomas J. Devane, Jr.



Town Of Brewster
Planning Board
2198 Main Street
Brewster, Massachusetts 02631-1898
(508) 896-3701 ext. 133

SPECIAL USE PERMIT & SITE PLAN APPROVAL Decision # 2017-11

APPLICANT/OWNER: Ocean Edge Resort LTD Partnership/ Brewster Properties Inc. & Old Kings Highway Nominee Trust
REGISTRY: Plan Book 11047, Page 312 and Plan Book 10147, Page 333
LOCATION: 0 Main Street & Villages Drive
MAP/PARCEL: Assessors' Map 89, Lots 23 & 35
APPLICATION FILED: June 20th, 2017
DECISION DATE: September 27, 2017

APPLICATION:

Ocean Edge Resort LTD Partnership proposed to construct temporary workforce housing for seasonal employees of Ocean Edge Resort Operations as a motel use on an 8-acre site located at 0 Main Street and Villages Drive, and shown on Assessor's Map 89, Lots 23 and 35 in the V-B, C-H, and R-M Zoning Districts. Pursuant to Brewster Zoning Bylaw §179-11, a Special Permit for a hotel/motel use is required in the C-H Zoning District.

The development consists of seven (7) temporary, modular residential buildings with an occupancy of twelve (12) persons per building. The total occupancy for the site will be 84 persons. The proposal also includes a standalone unit with an exterior deck to serve as the common dining, recreation and laundry area. The combined, total building area is 9,300 square feet.

JURISDICTION:

The Applicant underwent Staff Review on June 20th, 2017, as required by Chapter 83 of the Brewster General Bylaw. Pursuant to Town of Brewster Zoning By-laws § 179-51 and §179-63, the Brewster Planning Board is the permit granting authority for the request of a Special Use Permit and Site Plan Approval.

INFORMATION SUBMITTED TO THE RECORD:

1. Site Plan entitled "Proposed Work Force Housing Development", prepared by J.M. O'Reilly & Associates, Inc. for Ocean Edge Resort LTD Partnership, dated June 28, 2017 and as revised August 11, 2017.
2. Work Force Housing Floor Plans, sheets A2 and S3, prepared by Russell Scott Steedle & Capone Architects, Inc. for Ocean Edge, Villages Drive, Brewster, MA, dated August 3rd, 2017.
3. Landscape Plan entitled "Work Force Housing Development", prepared by Hawk Design, Inc., Sagamore, MA, dated September 12, 2017.

Brewster Planning Board Site Plan Approval and Special Use Permit Decision # 2017-11:
September 27, 2017

5

PUBLIC HEARING:

The Public Hearing was opened July 26th, 2017 in the Brewster Town office building and continued to August 9th, 2017 when it was closed. The hearing was advertised in the July 7th and July 14th edition of the Cape Codder. Notice was also duly posted in a conspicuous place in Town Hall for all parties interested and abutters were notified on July 6th, 2017. The decision period was continued to August 23rd, 2017, at which pointed the Board voted to re-open the public hearing and advertise the hearing for September 27th, 2017. The hearing was advertised in the September 8th and 15th editions of the Cape Codder. Notice was also duly posted in a conspicuous place in Town Hall for all parties interested and abutters were notified on August 30, 2017.

TESTIMONY:

John O'Reilly, Project Engineer, J.M. O'Reilly & Associates, John Mostyn, Attorney for Corcoran Jennison Company, and Tom Devane, Project Director, Corcoran Jennison Company presented the project.

Tom Suffriti, Thad Ellis Road, asked about the expiration date of any special permit granted and the steps Ocean Edge would need to take to build something permanent on the site. He stated the current buffer is inadequate and the project should be moved further east on the site. Potential noise and adequate supervision of the future residents were also a concern.

Faythe Ellis, Rocky Hill Road, stated that she felt the project was detrimental to the historical character of the town.

Greg O'Brien, a Brewster resident, stated that workforce housing was needed for safety reasons and noted that Ocean Edge has been a good community partner.

Jan Moore, Main Street, questioned the hotel/motel use classification. Ryan Bennett, Town Planner, noted that the Building Commissioner, acting as Zoning Enforcement Officer, determined the motel use classification of the Brewster Zoning Bylaw as appropriate for this development.

Evelyn Franzen, Thad Ellis Road, owns four cottages abutting the site to the West. She believes this project will be detrimental to the quiet character of her rental cottage business.

Ken Benson, 38 Thad Ellis Road, about onsite storm water management swale and recreation uses. He suggested a fence be put around the property and moving building further east.

Nancy Burdick, Fox Meadow Drive, stated concerns with the management of the residents drinking and smoking on the site.

Fay Ramsay stated the buildings should be moved further east, away from the abutters.

Margaret McKnight, Thad Ellis, expressed concern the site was no longer mapped NHESP habitat.

Paul Derry, Brewster resident, stated support for the project noting taking responsibility for the safety of temporary workers was the right thing to do.

Meridith Baier, Main Street, expressed concern for the safety and job security of J1 and H2B visa workers. She also noted the kitchen and common area was too small for 84 persons.

John Lipman, former Brewster resident, spoke to the need for clean and convenient workforce housing.

Richard Koch, Chief of Police, believes project will help with bike safety issues. He referenced complaints the PD has received on questionable living conditions, but the police do not get involved with landlord/tenant issues. He noted Ocean Edge has been very cooperative with the Brewster Police Department.

Alex Wentworth, Stony Brook Road, expressed concerns over bike safety and rail trail access. Ocean Edge noted there is a bike access point to the Rail Trail on their property.

Lynn Max, Vesper Pond Rd, suggested provision of landscape plan by Applicant, noting Leland Cypress would be good for community character.

FINDINGS OF FACT:

1. The Applicant is required to obtain an Approval Not Required (ANR) subdivision plan endorsement from the Brewster Planning Board to address the deficient frontage for Lot 23 (Map 89) along Route 6A.
2. The motel use is consistent with the Town of Brewster's Comprehensive Plan.
3. As presented on the approved site plan dated August 11, 2017, and as conditioned by this decision, the location, type, character and size of the proposed use and buildings will be in harmony with the visual character of the neighborhood.
4. A motel use is allowed by Special Permit in the CH zoning district. The site is suitable for the proposed use.
5. Adequate access will be provided for the purpose of fire protection, police protection and other emergency equipment.
6. The streets serving the motel use are adequate to carry all prospective traffic and adequate provision is made for entering and leaving the proposed site such that no undue hazard to traffic congestion will be created.
7. Trip reduction is achieved through the purpose of the proposed development, which is to provide accommodations to a portion of Ocean Edge's seasonal workforce. The development has limited parking spaces, provides biking and pedestrian amenities, and may include variable work-hours for employees and company supported carpooling/van pooling.
8. Adequate parking and loading facilities are provided.
9. Adequate sewage disposal will be determined by the regulating authority.
10. Adequate utilities and other public services will be provided.
11. The use will not degrade the groundwater quality or coastal water quality offsite.
12. The site is not located in a mapped Natural Heritage and Endangered Species Program (NHESP) area.
13. The motel use complies with all applicable provisions of the Brewster Zoning Bylaw.
14. The motel units proposed are classified as a Manufactured Buildings pursuant to State Building Code 780 CMR 110.R3 and comply with the minimum standards for human habitation under the State Health Code 105 CMR 410.020.
15. The following agreements will be used to govern occupation of the units.

- a. "Agreement for License to Use & Occupy", submitted August 3, 2017 and as revised August 16, 2017 by John A. Mostyn, Esq., General Counsel for Ocean Edge.
 - b. "Employee Housing Rules", submitted August 3rd, 2017 (as amended August 9th, 2017 to include alcohol prohibition), by John A. Mostyn, Esq., General Counsel for Ocean Edge.
16. Grass swales and impervious surfaces will be used to manage stormwater on-site.
 17. Plantings specified on the Landscape Plan submitted to the record will be installed prior to the issuance of a Certificate of Use and Occupancy.

CONDITIONS OF APPROVAL:

1. The proposed development shall be constructed in accordance with the plans and information submitted to the record, as enumerated above.
2. This Special Permit shall be valid for a period of 5 years from the date of approval unless an extension is granted, through a duly advertised public hearing, by the Brewster Planning Board. Violation of any of the within conditions shall constitute grounds for non-renewal.
3. The motel use may be occupied April 1st through November 30th. From December 1st to March 31st, the units will not be inhabited and all utilities to the site will be turned off.
4. The Applicant shall install security cameras on the site and conduct on-site security monitoring between 10PM and 3AM.
5. Quiet hours shall be observed between 10PM and 7AM to prevent anything audible outside the buildings.
6. The on-site dining facility will be closed from 12AM to 6AM.
7. The Applicant will coordinate with the Fire Chief and Building Inspector(s) on final fire safety issues, including building separation, fire lane striping, and signage locations.
8. All stormwater is required to be managed on site. Any stormwater impacts to abutters resulting from this development shall be mitigated.
9. All exterior lighting shall be downward casting and designed to not illuminate areas off the property. There shall be no exterior lighting on the rear of the units to the northwestern and western edges of the site.
10. All landscaped areas shall be maintained. Shrubs and trees which die shall be replaced as soon as practicable, but in any event within one growing season.
11. Existing specimen plants and trees on the site shall be preserved or relocated when possible.
12. The Applicant shall return to the Planning Board on or before December 1st, 2018 for a review of the applicant's compliance with the within permit conditions and evaluation of any off-site impacts ("one-year review"). In advance of this meeting, the Applicant shall provide a status report on the workforce housing motel project. The report shall summarize all actions taken by the applicant to ensure compliance with the within conditions, any instances of noncompliance and all steps Ocean Edge has taken to address those issues. The report shall also detail any and all complaints by neighbors regarding the project and all steps taken by the applicant to address those complaints. The Planning Board may hold a public hearing and amend the conditions of approval if deemed necessary based upon the one-year review.

Based on the plans, information submitted to the record, and conditions of this decision, a motion was made by Scott Collum and seconded by Charlotte Degen to approve the Site Plan and Special Use Permit.

Voting Aye: Scott Collum, Charlotte Degen, Elizabeth Taylor, Rick Judd. Voting Nay: Madalyn Hillis-Dineen, Kari Hoffman. Motion 4-2-0.

The Board moved 6-0-0 to reconsider the motion to allow discussion of additional conditions.

A motion was made by Madalyn Hillis-Dineen and seconded by Kari Hoffman to approve the Site Plan and the Special Use Permit with conditions, as amended #2017-11.

Voting Aye: Madalyn Hillis-Dineen, Kari Hoffman, Scott Colum, Charlotte Degen, Elizabeth Taylor, Rick Judd. Motion 6-0-0.

The Planning Board certifies that copies of this Decision and all plans referred to in it have been filed with the Planning Board and the Town Clerk.

Appeal of the Special Permit may be made pursuant to Massachusetts General Laws Chapter 40A Section 17, within 20 days of the filing of the Decision with the Town Clerk.

Signed: Richard Judd 10/5/17
Richard Judd, Chairman Date

Filed with:
Asst. TOWN CLERK: Jayanne Su
DATE RECEIVED: 10-5-2017

DATE: October 26 2017 I hereby certify that the 20 day appeal period has lapsed, no appeal OR an appeal was taken on the Special Permit #2017-11 for Ocean Edge Resort LTD Partnership/Brewster Properties Inc. & Old Kings Highway Nominee Trust.

[Signature]
Town Clerk

This permit is not valid until recorded in the Barnstable County Registry of Deeds and proof of the filing is received by the Town Clerk of Brewster, Massachusetts. **This Special Permit will lapse 2 years from the date of release by the Town Clerk following the appeal period if the Special Permit is not exercised.**

Lynn St. Cyr

From: tim.pellegrin@gmail.com
Sent: Tuesday, October 17, 2023 6:16 PM
To: brewplan
Subject: Proposed Modification, Special Use Permin and Site Plan Approval Decision (#2017-11 MOD1)

With respect to the above referenced hearing, I would like to offer that I'm a full time Ocean Edge resident, living less than a mile from the housing units in question and would like to add to the record that I am aware of no problems or disturbances whatsoever with the existence and operation of these housing units and am very supportive of the requested modification to make these units permanent.

Thank you,

Tim Pellegrin
4 Susanna Drive
Brewster, MA

**APPROVAL OF MEETING MINUTES DATED
OCTOBER 25, 2023**



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

Approved:
Vote:

MEETING MINUTES
Wednesday, October 25, 2023 at 6:30 pm
Brewster Town Office Building

Chair Amanda Bebrin convened a meeting of the Planning Board at 6:31 pm with the following members participating: Charlotte Degen, Madalyn Hillis-Dineen, Tony Freitas, 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.

6:33 PM PUBLIC ANNOUNCEMENTS AND COMMENT

None.

6:34 PM PUBLIC HEARING

Proposed Modification, Special Permit and Site Plan Review Decision #2019-01 MOD1: Applicant/Owner: Stephen Brown, Trustee of the Brown Realty Trust, through his representative David Schlesinger, has requested an extension to Special Permit and Site Plan Review Decision #2019-01 issued pursuant to Brewster Zoning Bylaw Chapter 179-5E and 179-51. The special permit allows for the construction of a new building containing retail and office uses at 2624 Main Street, Tax Map 89, Parcel 14.

Documents:

- 09/05/23 Planning Board Application with Special Permit & Site Plan Review Decision #2019-01 and approved plans
- 10/04/23 Memo from Jon Idman, Town Planner

Wentworth recused himself from this hearing as he is an abutter to the subject property. Attorney Chris Senie and David Schlesinger, property manager for the Great Cape Co-op, were present on behalf of Applicant Stephen Brown who attended via Zoom.

Motion by Degen to Open the Public Hearing on Proposed Modification, Special Permit and Site Plan Review Decision #2019-01 MOD1. Second by Michaels. Vote: 6-0-0.

Senie stated that he was hired by the Applicant approximately one year ago to help with the sale of the property and to help with enforcement actions against the property by the Board of Health, Building Commissioner, and Conservation Commission. Senie stated that enforcement issues raised by the Building Commissioner have been resolved. The enforcement actions taken by the Board of Health have resulted in closing some of the accessory buildings on site which remain closed. The Conservation Commission issued four enforcement orders and some date back decades. Senie stated that the Applicant has worked with the Conservation Commission on a superseding consolidated order which is expected to be filed by the end of the year. BSC Group has been hired to prepare an existing conditions plan, a restoration plan, and a wetlands delineation plan. Senie stated that it has not been possible due to COVID and the inability to finance a property under enforcement orders to take out a loan to construct the building approved in the special permit. Senie stated that the proposed building is a modest addition to the Snowy Owl building and there is septic capacity for the building. Senie stated that the proposed building fits in well with the site and that it would be helpful to tell a purchaser that there is a special permit for the proposed building. Senie stated that ideally the Applicant would like the Planning Board to approve a two-year extension to the special permit to allow for the sale of the property and a new buyer to get up to speed and obtain financing. Schlesinger stated that the Great Cape Co-op has been

working for the last year and a half to address violations at the property and the special permit does add value to the sale of the property.

Idman stated that the application is a modification to a term of the special permit not a review of the building. Idman stated that the Planning Board has a lot of discretion in considering the extension request. The Applicant needs to provide good reasons as to why the special permit has not been exercised and why it should be extended the permit. Idman noted that the Planning Board could extend the permit for one or two years and the Applicant can return to request extensions so long as the permit has not been exercised.

Taylor stated that the special permit has been in place for a while and she has no reasonable expectation that it will be exercised if extended. She also stated that the property is on the market so there may be a new owner soon. Michaels agreed with Taylor and stated that although COVID and financing may have created delays, the Applicant has had over four years to exercise the special permit. Michaels also stated that the Applicant provided a reason to extend the special permit is because it adds value to the sale of the property. Michaels stated that this reason makes him think the owner has no intent to exercise the permit prior to a sale.

Degen asked how long it would take to resolve the enforcement orders. Senie responded that there are four phases to the superseding consolidated order including signing of an agreement, cleaning up the site, making temporary improvements to a culvert, and planting to stabilize resources areas, completing engineering drawings for replacement of the culvert and replacing the culvert. Senie estimated that all phases may be complete in four years. The set up is progressive and the Applicant must earn cancellation of the enforcement orders. Town Counsel has been involved in drafting the agreement. Schlesinger noted that the Conservation Commission is willing to allow development in the section of the property where this building is proposed as the phases progress. Degen stated that the work to resolve the enforcement orders is a challenge on its own. Schlesinger stated that potential buyers would find value in the front four acres of the property and would move quickly to develop that area. The order from the Conservation Commission does transfer responsibility for restoration to the new owner. Schlesinger believes work on development and restoration work would be concurrent.

Hillis-Dineen stated that she is not inclined to vote for a modification extending the special permit and wanted more information on new owners. She stated that it would be better for the new owners to pursue development of the property and apply to the Planning Board as necessary. Freitas asked if the property could be sold during the four years the property is being remediated. Senie responded that the property could be sold if a buyer is satisfied with the agreement with the Conservation Commission and the responsibilities of the agreement. Freitas stated that the agreement seemed like a lot for a potential new buyer to take on. He also stated that the Planning Board has been receptive to development in the Village Business district and he does not believe this special permit is necessary to keep in place for further development. Bebrin stated that she understands that COVID has played a part in delaying this project but there have also been other issues of the owner's doing. She recognized work being done to resolve those issues. She proposed a one-year extension to the special permit. Bebrin welcomed comments from the public, but no comment was provided.

Idman stated that a permit is a valuable property right and when property conveys the permit goes along with the property. Idman also stated that the work is circumscribed by the permit, so it does not matter who owns the property because the work needs to be completed per the terms of the permit. Freitas asked what happens if the property is sold and the owner wants to do something different than what the permit allows. Idman responded that the special permit would need to be modified. Freitas stated that the permit could be of value, but he could also see it being a hamstring.

Degen asked what the Planning Board would look to as a good faith effort if the special permit was extended for one year and the owner returned for another extension. Schlesinger stated that the special permit stalled in review by the Historic District Committee so that would be the next permitting step before the application for a building permit was filed.

Motion by Degen to Close the Public Hearing on Proposed Modification, Special Permit and Site Plan Review Decision #2019-01 MOD1. Second by Michaels. Vote: 6-0-0.

Motion by Degen to Extend the Special Permit for One Year from the Date of Expiration on Proposed Modification, Special Permit and Site Plan Review Decision #2019-01 MOD1. Second by Michaels. Vote: 2-4-0.

Wentworth rejoined the meeting.

6:59 PM PUBLIC MEETING

Discussion with Department of Public Works Director Griffin Ryder regarding stormwater management permitting.
This item was rescheduled to November 8, 2023.

7:00 PM APPROVAL OF MEETING MINUTES

Approval of Meeting Minutes: September 27, 2023.

The Board reviewed the September 27, 2023 meeting minutes. **Motion by Michaels to Approve September 27, 2023 Meeting Minutes. Second by Wentworth. Vote: 7-0-0.**

7:01 PM COMMITTEE REPORTS

Bebrin stated that she along with Idman and Sharon Tennstedt recorded a video to help residents learn more about the Local Comprehensive Plan. It will be available on the town's website.

Degen summarized a recent Select Board meeting including: work on the town meeting warrant which includes amendments to the private road repair and betterment bylaw including removing the Planning Board's role in the process among other changes; the annual Community Preservation Committee meeting to discuss funding took place on October 25, 2023; Cape Cod Tech recognized for 2023 MCAS exams; grant funds available through the Brewster Affordable Housing Trust; capital projects for the shooting range and Long Pond ramp project; recognition of the Brewster Ladies Library for recent author discussion; the town was recognized for their distinguished budget for FY24; hunting policies are not changing; town meeting warrant articles include appropriation of opioid settlement funds; evaluation and goals for the town manager; and approval of Serenity Brewster rent rate changes. Taylor stated that the Community Preservation Committee held their annual meeting. Current funding and possible future applications were discussed at the meeting. Bebrin stated that a public forum regarding the former Sea Camps properties is scheduled for November 30th. Freitas stated that there was lively discussion at the Affordable Housing Trust meeting around the Serenity rent increases. He also mentioned Barbie dolls found at a Yankee Drive home being renovated by the town and the possible legal process for the town to obtain the dolls.

7:11 PM FOR YOUR INFORMATION

The Planning Board received public hearing notices from the Harwich Planning Board for October 10, 2023 and October 24, 2023 and the proposed Planning Board meeting schedule for 2024.

7:12 PM MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR

Bebrin reminded everyone that Town Meeting was scheduled for November 13, 2023.

Motion by Wentworth to Adjourn. Second by Michaels. Vote: 7-0-0. The meeting adjourned at 7:13 PM. Next Planning Board Meeting Date: November 8, 2023.

Respectfully submitted,

Lynn St. Cyr, Senior Department Assistant, Planning