

## William Grafton

---

**From:** Mark Wilson <mark.sampson.wilson@gmail.com>  
**Sent:** Tuesday, October 10, 2023 2:43 PM  
**To:** William Grafton  
**Subject:** Question on Corcoran Property--Proposed Observation Decks

Mr. Grafton

Thank you again for the call this morning clarifying the reason for the extension request.

As we have been reviewing the various materials, TLAI members noticed the two sets of stairs towards the East each seem to show a proposed 6 x 6-foot deck on the site plan. In the original plan submitted to the Town of Brewster the two proposed decks were sized at 25 x 15 feet. During the discussions with the Town (both Planning and Conservation Commissions) there was very strong objection to the building of any deck structures on the fragile dunes. While a repair and replacement of the existing stairs and landing was acceptable, decks were specifically not allowed.

As you may recall, I previously sent you a note stating that all three stairways have existed for a number of decades and while one of the stairways was inadvertently left off a drawing, the original discussions with the Town allowed for the replacement of all three stairs. Decks were not allowed.

I note on the current site plan and on a number of previous versions the notation for the 6x6 Proposed Deck for the two easternmost stairways. To my knowledge these decks have not yet been built. The only structure for those two stairs is a typical landing at the top of the dune. TLAI would like clarification as to whether or not the Conservation Commission has changed its position and is now going to allow the construction of decks on the top of the dune. Clearly, typical, small landings are necessary for the safe use of the stairs, however, the proposed 6x6 decks as shown on the site plans are meant to be in addition to such landings.

Regards,

Mark S. Wilson  
1-774-454-5613  
mark.sampson.wilson@gmail.com

**Ten Lots Association, Inc.**  
**Conservation Commission Meeting 10 October 2023**

1. The original Request for an Amended Order of Conditions—Cobb Family Trust was submitted on 31 July 2023. This requested amendment included a letter from Haines Hydrogeologic Consulting and a revised site plan dated 28 July 2023. The updated amendment request submitted on 2 October 2023 includes an updated site plan 2 October 2023 and a revised explanatory letter. There are significant differences in the two explanatory letters and it is unclear if the issues raised in the first letter are still applicable and will be addressed by the Conservation Commission. TLAI respectfully requests that the issues raised in the first letter and which are not called out in the second letter are still outstanding and need to be addressed. These issues include:
  - a. Requested approval for an already constructed but unpermitted retaining wall.
  - b. Establishing a specific date for the removal of the Eastern cottage as per the previously established project conditions.
  - c. Concerns over tree roots for several large, mature trees on the project site.
  - d. Replanting of areas cleared for utility work, including property owned by TLAI.
  - e. Recognition that an additional request for amendment is required for vista creation and invasive species removal.
2. The Ten Lots Association, Inc. (TLAI) notes that some of the trees wrongfully cut down were located on property owned by TLAI. The original cutting of these trees was first noticed and brought to the attention of both the owners and the Conservation Commission Staff by TLAI members. Some of the proposed mitigation plantings to be reviewed and approved by the Conservation Commission are located on TLAI property. TLAI respectfully asks whether we will be formally asked for permission for these plantings to go ahead, or is the assumption that TLAI property can simply be used for mitigation purposes without seeking permission?
3. The original order of conditions required three existing cottages be demolished and removed as part of the overall project approval. The remaining cottage has not yet been removed and the original amendment request dated 31 July 2023 seeks to delay such removal until the “construction on the east (fourth) house has commenced.” No date for such construction was specified, and presumably if the fourth house is never built the last cottage would never have to be removed. As noted above, the updated amendment request letter dated 2 October 2023 makes no reference to the removal of the fourth cottage. TLAI is respectfully asking that the original requirement for removal of the last cottage be enforced, and that the new orders of condition include a requirement for the last cottage to be removed as expeditiously as possible, but no later than 30 November 2023.
4. The Request for an Amended Order of Conditions from Haines Hydrogeologic Consulting dated 2 October 2023 specifically states that “As a correction to the previous plan, only four trees were cut by mistake.” This statement is incorrect. The original Request for an Amended Order of Conditions—Cobb Family Trust, dated 31 July 2023 noted the locations of the **five** trees that were mistakenly cut down. Two of those trees were located on TLAI property. Permission was

neither sought nor granted for the cutting of those trees. The revised site plan dated 2 October 2023 and attached to the revised amendment request notes the location of *four* trees wrongfully cut down but has removed the notation of the fifth tree which did exist and was removed.

5. The Request for an Amended Order of Conditions from Haines Hydrogeologic Consulting dated 2 October 2023 also specifically states that “One Black Oak that was located in the middle of the approved proposed driveway had to be removed to construct the driveway.” This statement is incorrect. The driveway already existed and had been in use for well over 60 years. Furthermore, as can be seen on all site plan drawings, this oak tree was located on property owned by TLAI, and was not located in the middle of the driveway but on the side of the drive. These facts are clearly shown on all site drawings when referencing the location of the existing driveway and the location of the tree as shown on the drawings.
6. In the Conservation Notes: Demolition section of the site plans (dated 31 July 2023 and 2 October 2023) there is a reference to an “approved restoration plan as prepared by Crawford Land Management, dated 8-16-2021”. This 16 August 2021 plan includes proposed potential vista clearing areas, and appears to have proposed plantings different from the updated 31 July 2023 drawing in the same locations. Referencing the previous CLM plan as approved in this new amendment request would seem to imply the prior plan has been accepted or will be acceptable should the new plan be allowed. TLAI seeks to understand the status of the prior plan and if it is not a valid, accepted plan, then should references to it be included in the current amendment request?