



**Town of Brewster**  
**Zoning Board of Appeals**  
 2198 Main St., Brewster, MA 02631  
 brewplan@brewster-ma.gov  
 (508) 896-3701

**ZBA MEETING AGENDA**  
**2198 Main Street Room B**  
**January 9, 2024 at 7:00 PM**

**Zoning Board**

Brian Harrison  
 Chair

Jeff Carter  
 Vice Chair

Patricia Eggers

Bruce MacGregor

Trish Metz

David Ayers

Corey Gill

**Department Assistant**

Ellen Murphy

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 meetings may do so in the following manner:**

- Phone:** Call (929) 436-2866 or (301) 715-8592. **Zoom Meeting ID:** 880 7666 8068 **and Passcode** 047258  
 To request to speak: Press \*9 and wait to be recognized.
- Zoom Webinar:** <https://us02web.zoom.us/j/88076668068?pwd=b3lXWnMwM2tybTk4SzlKMk5vT3NTUT09>  
**enter Passcode** 047258

To request to speak: Tap Zoom "Raise Hand" button, 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 8), **Livestream** ([livestream.brewster-ma.gov](http://livestream.brewster-ma.gov)), or **Video recording** ([tv.brewster-ma.gov](http://tv.brewster-ma.gov)).

Please note that the ZBA may take official action, including votes, on any item on this agenda.

- Call to Order
- Declaration of a Quorum
- Meeting Participation Statement
- 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.
- Public Announcements and Comments:** Members of the public may address the ZBA on matters not on the meeting's agenda for a maximum of 3-5 minutes at the Chair's discretion. The ZBA will not reply to statements made or answer questions raised during public comment but may add items presented to a future agenda
- Approval of November 14, 2023 Meeting Minutes
- Notice of Project Change  
**ZBA Case #23-04 Applicants: Preservation of Affordable Housing, Inc. and Housing Assistance Corporation, (represented by Peter L. Freeman, Esq.), Spring Rock Village 0 Millstone Road, Map 98, Lot 12-0.** The applicants are requesting the Board determine the proposed changes to the previously approved Comprehensive Permit Project are insubstantial, pursuant to 760 CMR 56.05(11)(a) and (b) and 760 CMR 56.07(4), and allow the project to proceed as modified without further Board review.
- Public Hearing  
**ZBA Case #24-01 Owner/Applicant: MOG Real Estate Holdings, LLC (represented by Benjamin E. Zehnder, Esq.), 94 Thad Ellis Road, Map 89, Lot 8, in the CH zoning district.** The applicant seeks a Special Permit pursuant to section 179-25B of the Brewster zoning bylaw to alter and extend the pre-existing commercial garage building on the property by razing and replacing it within the pre-existing, nonconforming (north) side yard setback.
- For your Information
- Matters Not Reasonably Anticipated by the Chair
- Next Meeting: February 13, 2024
- Adjournment

**Date Posted:**  
 12/21/2023

**Date Revised:**

**Received by Town Clerk:**

BREWSTER TOWN CLERK  
 23 FEB 13 2024

TOWN OF BREWSTER ZONING BOARD OF APPEALS  
MEETING MINUTES  
Town Hall Room B  
Tuesday, November 14, 2023, at 7 PM

Brian Harrison, Chair, convened the Brewster Zoning Board of Appeals with members: Jeff Carter, Patricia Eggers, Bruce MacGregor, Trish Metz and David Ayers.

Also present: Sean Darcy (virtual), Attorney John Kanaga and Tom Ladd (ZBA #22-04 MOD), Jon Idman (Town Planner), and Ellen Murphy (Department Assistant)

The Chair read the Recording or Taping Notification: 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.

To submit public comment or questions to the Zoning Board of Appeals, please email: [zbameeting@brewster-ma.gov](mailto:zbameeting@brewster-ma.gov).

**Review and Approval of September 12<sup>th</sup> meeting minutes:**

Brian asked the Board if there were any changes to the minutes. There being none, a motion was made by Pat to approve the September 12<sup>th</sup> meeting minutes, Trish seconded the motion, a vote was taken, and the minutes were approved by a majority vote.

Brian welcomed the newest member of the Board, David Ayers who will be joining as an alternate.

**New Applications:**

- **ZBA case #22-04 MOD Owner/Applicant: Sean and Ellen Darcy, 61 Considine Road, Map 66, Lot 5 in the RM zoning district.**

Members present and voting: Brian Harrison, Jeff Carter, Bruce MacGregor, Pat Eggers, and Trish Metz.

Mr. Darcy joining virtually addressed the Board. He requested a modification to the existing decision that limited the shed height to 12 feet. He stated that prior to the installation of the shed, 4 trees were removed, and the ground was excavated, in order to shift the location of the shed 2 ½ feet away from the property line. Mr. Darcy was notified by the Building Commissioner that the Ladds (abutting neighbors) filed a formal complaint that the shed was higher than planned. After being surveyed by Ryder and Wilcox it was confirmed that the shed was 1.2 feet higher than originally planned. Mr. Darcy is requesting the ZBA allow the shed height to remain as is. He referred to the application with exhibits. Pat asked if the excavation was intended to meet the original requirement. Mr. Darcy confirmed that was the intention however when the shed was installed Mr. Darcy was not present. Trish asked if the shed was sitting on something that would make it higher than the 12 ft. Mr. Darcy confirmed that the shed is sitting on sonar tubes which raises the height. Mr. Darcy confirmed the shed is 14 inches over at the peak of the roof. He stated that the shed was the model that was represented to the Historic District and the ZBA for approval. Mr. Darcy indicated that they intended to install the model that was submitted which was smaller than the previous shed. The only difference was the excavation was not deep enough which made the pitch of the roof higher than 12 ft. Jeff asked if the new shed was the same height as the previous shed. Mr. Darcy stated the previous shed was 11 inches shorter as measured by the Building Commissioner. He indicated that the old shed didn't have a floor and it was built on the ground and due to the topography and where you were standing you would get different measurements.

Pat made a motion to open to public input, Trish seconded the motion, all were in favor of opening to public input. Attorney John Kanaga and Tom Ladd (abutter, 81 Considine Road) addressed the Board. Attorney Kanaga stated that that the shed is significantly higher than agreed upon. Trish asked Attorney Kanaga what his client is requesting. Attorney Kanaga stated that his client would like the Darcys to comply with the agreed upon special

permit. Trish stated that it doesn't seem feasible to chop off the top of the shed or sink it into the ground. Brian reminded Attorney Kanaga that the Darcy's didn't have to move the shed at all due to statute of limitations and as far as the Town was concerned there was no enforcement action. The shed had been in the location over 10 years.

After much discussion the Board decided to close to public input. Pat made a motion to close to public input, Jeff seconded the motion, all were in favor to close to public input. The Board discussed the request to modify the existing special permit and allow the height of the shed to remain. Jon Idman, Town Planner addressed the Board. He stated under the Brewster Bylaw a shed is a type of residential accessory use up to 120 sq ft. under 200 sq ft. a shed registration through the Building Department is required. Over 200 sq ft. requires a building permit. He stated that the standard to be considered is whether this request for modification is more detrimental to the neighborhood than what was there in the past. He also confirmed the Building Commissioner believed the shed was under 200 sq ft.

After discussion, Pat made a motion to grant the modification of the special permit, Bruce seconded the motion, a vote was taken, and the Board unanimously granted the modification to ZBA #22-04 special permit.

**For Your Information:**

- None at this time

**Matters Not Reasonably Anticipated by the Chair:**

- Ellen Murphy, highlighted the 2024 ZBA schedule that was included in the hearing packet.

There will be no hearing in December, the next hearing of the Brewster Zoning Board of Appeals is scheduled for January 9<sup>th</sup>, 2024.

Pat made a motion to adjourn the meeting, Jeff seconded the motion, the vote was taken, and the Board unanimously voted to adjourn. Vote: 5-0-0. The hearing adjourned at 7:56 pm.

# **Notice of Project Change**

#23-04 Owner/Applicant:  
Preservation of Affordable Housing, Inc.  
And  
Housing Assistance Corporation

Represented by:  
Attorney Peter L. Freeman

Spring Rock Village  
0 Millstone Road





# FREEMAN LAW GROUP LLC

*Attorneys at Law*

**Peter L. Freeman**

pfreeman@freemanlawgroup.com  
Tel. (508) 362-4700 Mobile (781) 854-2430

**Nancy J. MacPhee Legal Assistant**

nmacphee@freemanlawgroup.com  
Tel. (508) 362-4700 ext. 3

*Via email to emurphy@brewster-ma.gov and via USPS First Class Mail*

December 20, 2023

Brian Harrison, Chairman  
Town of Brewster Zoning Board of Appeals  
2198 Main Street  
Brewster, MA 02631

Re: 0 Millstone Road – Spring Rock Village  
Preservation of Affordable Housing, Inc. and Housing Assistance Corporation  
Comprehensive Permit  
ZBA Decision No. 2023-04

## NOTICE OF PROJECT CHANGE

Dear Mr. Harrison:

Reference is made to the above-described Comprehensive Permit issued to my clients, Preservation of Affordable Housing, Inc. and Housing Assistance Corporation by Decision of the Board voted on June 13, 2023 (the “Comprehensive Permit”).

On behalf of my clients, this letter is requesting that the Board approve modifications to the plans approved by the Comprehensive Permit. The proposed modifications are shown on the revised Site Plan submitted herewith (“Overall Site Plan” prepared by Horsley Witten Group, Inc. dated October 12, 2023, Sheet C-6) and on the revised Architectural Plans submitted herewith (“Spring Rock Village...Proposed Site Revision” prepared by Union Studio dated December 7, 2023, 12 Sheets). A brief Narrative Description of the changes is provided on Exhibit A attached hereto and incorporated herein by reference. A brief description of the changes is as follows:

	<u>Approved</u>	<u>Proposed</u>
- Units	45	45
- Bedrooms	80	80
- Buildings	12	7
- Parking spaces – standard	65	66
- Parking spaces – standard, ADA, and oversize	79	80
- Building Coverage	27,767 SF	25,772 SF
- Lot Coverage	28.4%	27.4%
- % Open Space	71.6%	72.6%

The modifications are necessitated by a substantial increase in the cost of construction since the time the Comprehensive Permit was issued, and a need to satisfy the requirements of Commonwealth of Massachusetts Executive Office of Housing and Livable Communities under the Low Income Housing Tax Credit Program as to financial feasibility. My clients have already met with the Town's Affordable Housing Trust, who has endorsed the proposal with the attached support letter.

This Notice of Project is provided pursuant to the provisions of 760 CMR 56.05(11)(a), and I request that the Board determine that the proposed changes are insubstantial, in accordance with 760 CMR 56.05(11)(a) and (b) and 760 CMR 56.07(4). As you know, pursuant to these regulations, the Board is required to determine within twenty (20) days whether the changes are insubstantial; if it is determined that they are insubstantial or if notice is not provided by the Board to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed modified to incorporate the changes. The above process does not require a public hearing. A public hearing is only required if the Board determines that the changes are substantial changes. The public hearing must be within thirty (30) days of a timely determination that the changes are substantial.

In the Chapter 40B Regulations, as described in 760 CMR 56.07(4), there are guidelines indicating that requested modifications are generally considered insubstantial if they do not change the type of housing tenure (in our case, the project will still be rental apartments), and if they do not increase or decrease the number of units by more than ten (10%) percent. We are not proposing any change to the number of units, bedrooms or mix of bedrooms. We further believe that our modifications are insubstantial because they actually will result in a reduction of impacts to abutting properties.

We request that this matter be placed on your Agenda for your regular monthly meeting of January 9, 2024, which is the 20<sup>th</sup> day from the date this letter is being transmitted to you; but if you think you need a slight extension of the 20 day period beyond January 9, 2024, we will cooperate.

Thank you.

Very truly yours,



Peter L. Freeman

Enc.

cc: David Quinn, Housing Assistance Corporation  
Vita Shklovsky, Preservation of Affordable Housing  
Donna Kalinick  
Jill Scalise  
Jon Idman



## MEMORANDUM

**To:** Brian Harrison, Chair, Brewster Zoning Board of Appeals  
**From:** Brian Kuchar, RLA, P.E. – Horsley Witten Group  
**Date:** December 18, 2023  
**Re:** Millstone Road Comprehensive Permit (ZBA Case No. 23-04)  
Revised Plan Summary (Revision Date: December 18, 2023)  
**cc:** Peter Freeman (Freeman Law Group LLC), Vita Shklovsky (POAH), David Quinn (HAC); Joe Henderson (HW)

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On behalf of the Preservation of Affordable Housing, Inc. (Applicant), the Horsley Witten Group (HW) is providing the following summary of proposed revisions to the site plan included on the revised Overall Site Plan, sheet C-6 of the final plan set submitted to the Zoning Board of Appeals (ZBA) as part of the package transmitted on May 2, 2023.

### Site Design Revision

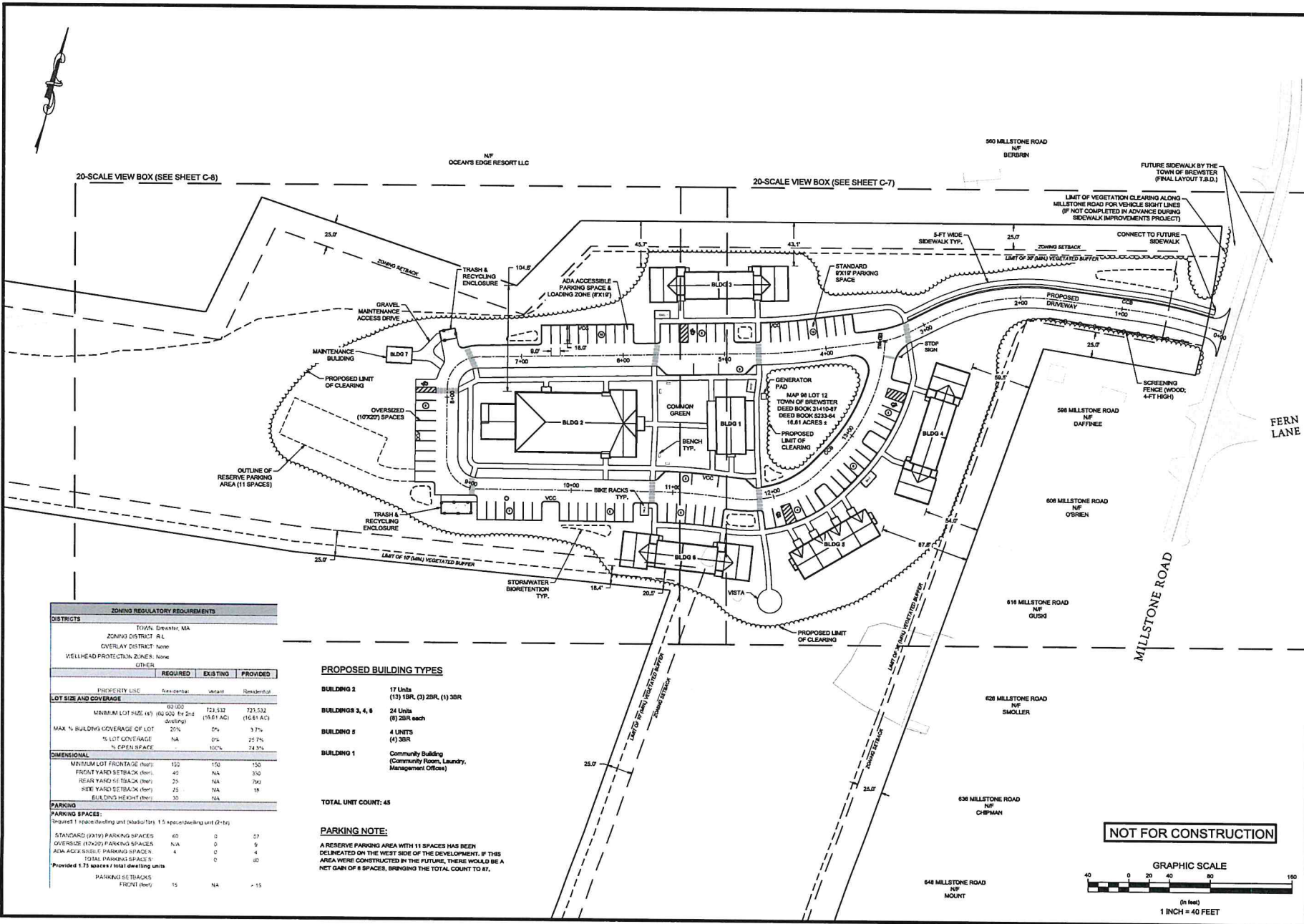
The overall changes to the site design have created a more compact development, which has reduced the limit of work area, the length of roadway, and impervious (pavement ) cover while allowing more of the wooded site to remain undisturbed. Below is a summary of the proposed changes and impacts to the overall site design.

- Total Buildings and Unit Count:
  - The total number of buildings has been reduced from 12 to 7 while the total number of units and bedrooms remains the same.
  - The overall limit of work has been reduced from 205,000 sf to 186,000 sf
  - The overall building coverage has been reduced.
- Roadway and Parking Layout.
  - The length of the internal road has been reduced.
  - The total number of parking spaces provided has been increased from 79 to 80 spaces.
  - The interior loop connection road between Building 2 and the community center has been eliminated to create more interior green space.
  - The overall % lot coverage has been decreased and the % of open space has been increased by 1%, respectively.
- Grading



- The proposed new building foundations stepped to match the proposed site grading to reduce the earthwork (cut and fill) required.
- Stormwater Management
  - The stormwater management approach remains unchanged and relies on green stormwater infrastructure (GSI) for treatment and underground infiltration to manage the stormwater peak rate attenuation, volume control, and provide groundwater recharge.
  - Due to the reduction in roadways/impervious cover the increase in stormwater runoff be reduced. This allows the overall size of both the GSI and underground chambers to be adjusted accordingly.
- Wastewater
  - The wastewater flow and treatment system remains unchanged. The location of the treatment system and leachfield will be adjusted accordingly, but will remain in the area of the proposed open field located at the rear of the proposed development.
- Utilities
  - The utility services provided remains the same, with a reduction in the length of piping and conduit needed, due to the more compact development.
- Landscape
  - The landscape design approach remains unchanged and relies on the same plant species with adjustments being made to the foundation plantings as it related to the new building footprints.
  - All proposed landscape/vegetated buffers remains the same, with the buffer along the northern property line between the proposed development and the existing Ocean Edge development increasing from 80 feet to 130 feet.
  - The reduction in roadway length also relocates the proposed perpendicular parking further away from the Ocean Edge property line.

last modified: 12/18/23 by ml H:\Projects\2022\22084 Millstone Road Brewster\Drawings\Temp\231214\_22084-ST.dwg

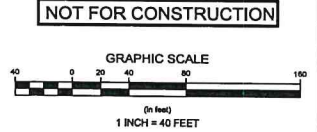


ZONING REGULATORY REQUIREMENTS			
DISTRICTS	REQUIRED	EXISTING	PROVIDED
TOWN, Brewster, MA ZONING DISTRICT R-1 OVERLAY DISTRICT none WELLHEAD PROTECTION ZONES: none OTHER			
PRIORITY USE	Residential	Medium	Developmental
LOT SIZE AND COVERAGE			
MINIMUM LOT SIZE (45' (62,000 sq ft) (2nd dwelling)	721,532 (16.61 AC)	721,532 (16.61 AC)	
MAX. % BUILDING COVERAGE OF LOT	20%	0%	3.7%
% LOT COVERAGE	NA	0%	25.7%
% OPEN SPACE	100%	100%	74.3%
DIMENSIONAL			
MINIMUM LOT FRONTAGE (feet)	150	150	150
FRONT YARD SETBACK (feet)	40	NA	350
REAR YARD SETBACK (feet)	25	NA	360
SIDE YARD SETBACK (feet)	25	NA	16
BUILDING HEIGHT (feet)	30	NA	
PARKING			
PARKING SPACES:			
Required 1.75 spaces/dwelling unit (dwelling unit) 1.5 spaces/dwelling unit (2-sty)			
STANDARD (9'x19') PARKING SPACES	60	0	57
OVERSIZE (10'x20') PARKING SPACES	NA	0	9
ADA ACCESSIBLE PARKING SPACES	4	0	4
TOTAL PARKING SPACES			60
Provided 1.75 spaces / total dwelling units			
PARKING SETBACKS FRONT (feet)	15	NA	15

- PROPOSED BUILDING TYPES**
- BUILDING 2** 17 Units (13) 1BR, (2) 2BR, (1) 3BR
  - BUILDINGS 3, 4, 6** 24 Units (8) 2BR each
  - BUILDING 5** 4 UNITS (4) 3BR
  - BUILDING 1** Community Building (Community Room, Laundry, Management Offices)

**TOTAL UNIT COUNT: 45**

**PARKING NOTE:**  
A RESERVE PARKING AREA WITH 11 SPACES HAS BEEN DELINEATED ON THE WEST SIDE OF THE DEVELOPMENT. IF THIS AREA WERE CONSTRUCTED IN THE FUTURE, THERE WOULD BE A NET GAIN OF 8 SPACES, BRINGING THE TOTAL COUNT TO 87.



Revisions

1	REVISED PER TOWN ENGINEER COMMENTS
2	REVISED PER TOWN ENGINEER COMMENTS
3	REVISED PER TOWN ENGINEER COMMENTS
4	REVISED PER TOWN ENGINEER COMMENTS
5	REVISED PER TOWN ENGINEER COMMENTS
6	REVISED PER TOWN ENGINEER COMMENTS
7	REVISED PER TOWN ENGINEER COMMENTS
8	REVISED PER TOWN ENGINEER COMMENTS
9	REVISED PER TOWN ENGINEER COMMENTS
10	REVISED PER TOWN ENGINEER COMMENTS

DATE: OCTOBER 11, 2023

SCALE: AS SHOWN

Prepared For:  
Preservation of Affordable Housing, Inc.  
2 Cow Street, Suite 200  
Brewster, MA 01930  
Phone: 508-832-3100  
Fax: 508-832-3100

Project Name:  
Spring Rock Village  
100% Design Development Set  
Brewster, Massachusetts

Project Number:  
22084

Sheet:  
6 of 23

Drawn By:  
Horsley Witten Group, Inc.  
10 Route 1A  
Brewster, MA 01930  
Fax: (508) 832-3100  
Date: October 11, 2023

Checked By:  
AUC/AVM

Approved By:  
AUC/AVM

**C - 6**

# SPRING ROCK VILLAGE

WOODLOT WAY  
MILLSTONE ROAD - BREWSTER, MA

PROPOSED SITE REVISION

DECEMBER 7, 2023







# SPRING ROCK VILLAGE

VICINITY MAP  
 19 SEPTEMBER 7, 2023





# SPRING ROCK VILLAGE

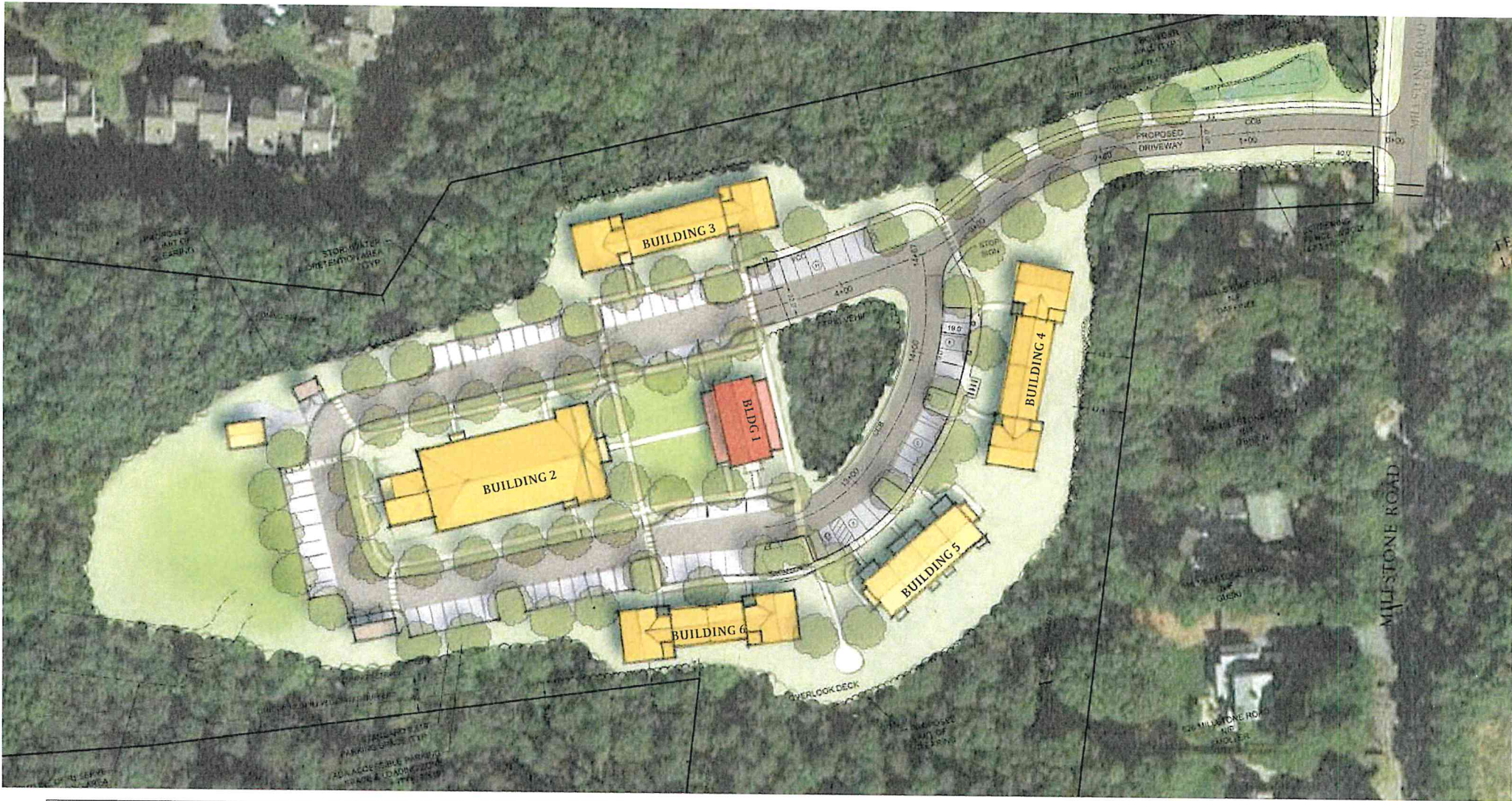
APPROVED SITE PLAN

01 OF MR132.2, 2023

SCALE: 1"=60'-0"







# SPRING ROCK VILLAGE

PROPOSED SITE PLAN

10/11/2023

SCALE: 1"=60'-0"

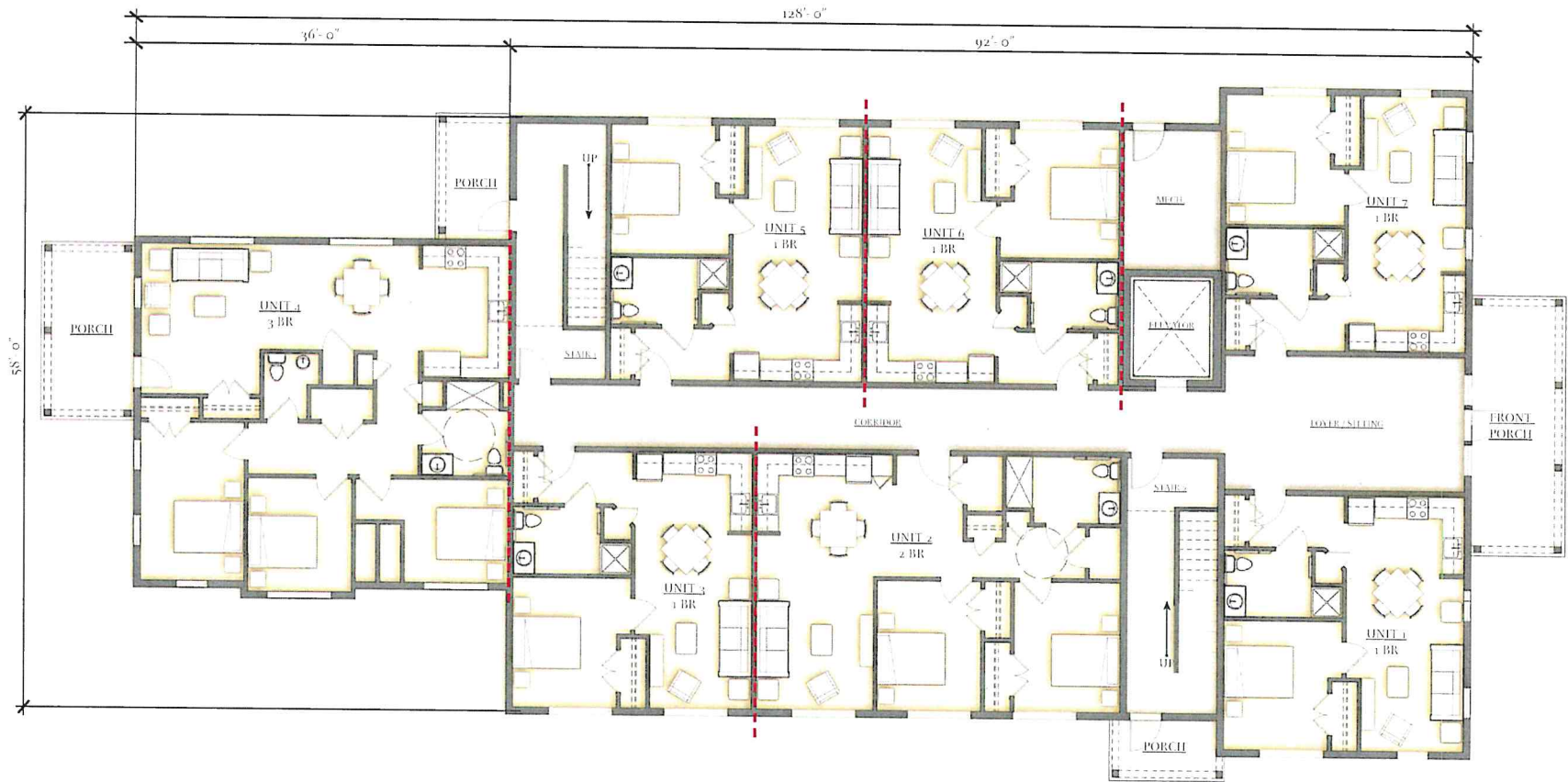


PAGE 1



UNION STUDIO  
ARCHITECTURE & COMMUNITY DESIGN





FRONT ELEVATION

**SQUARE FOOTAGE TOTALS**

Total Heated - 12,535 sf  
 First Floor Heated - 6,175 gsf  
 Second Floor Heated - 6,360 gsf

FIRST FLOOR PLAN

**13 UNITS**

- (8) 1 BEDROOMS
- (3) 2 BEDROOMS
- (2) 3 BEDROOMS



# SPRING ROCK VILLAGE

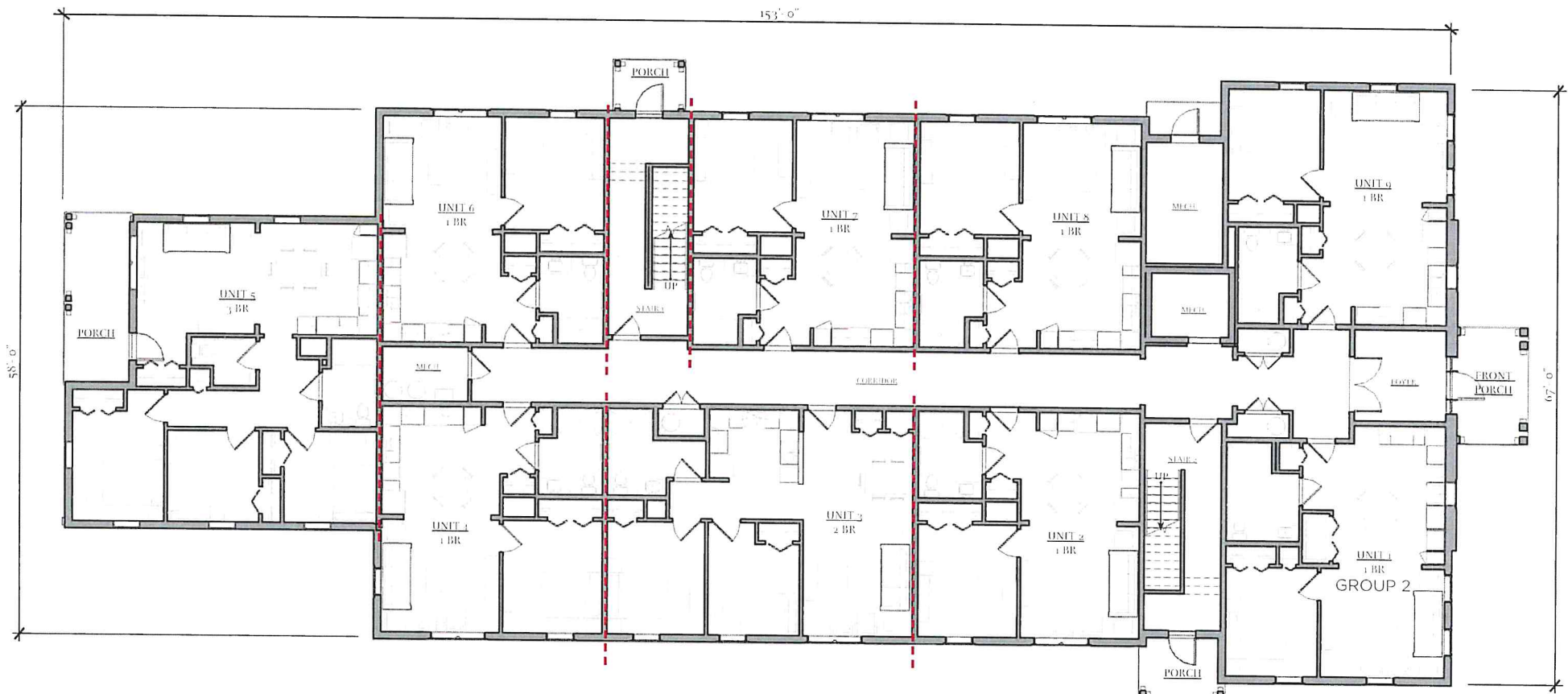
BUILDING #2 - FIRST FLOOR PLAN

DECEMBER 7, 2023

SCALE: 3/32"=1'-0"



UNION STUDIO  
 ARCHITECTURE & COMMUNITY DESIGN



FRONT ELEVATION

SQUARE FOOTAGE TOTALS	
Total Heated	- 15,100 sf
First Floor Heated	- 8,065 gsf
Second Floor Heated	- 7,035 gsf

FIRST FLOOR PLAN

17 UNITS	
(12)	1 BEDROOMS
(3)	2 BEDROOMS
(2)	3 BEDROOMS



# SPRING ROCK VILLAGE

BUILDING #2 - FIRST FLOOR PLAN

DECEMBER 7, 2023

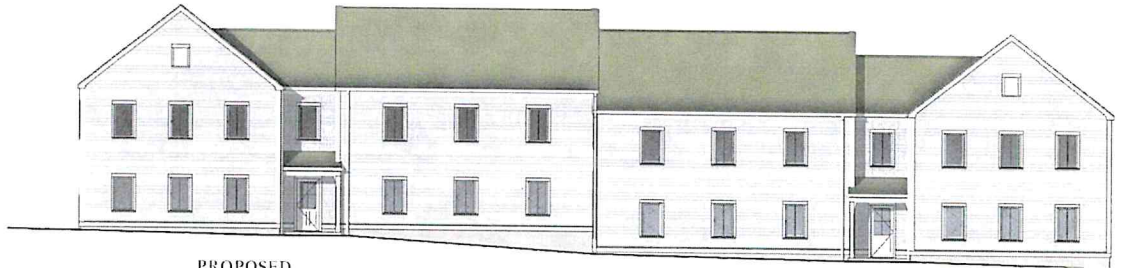
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UNION STUDIO  
ARCHITECTURE & COMMUNITY DESIGN

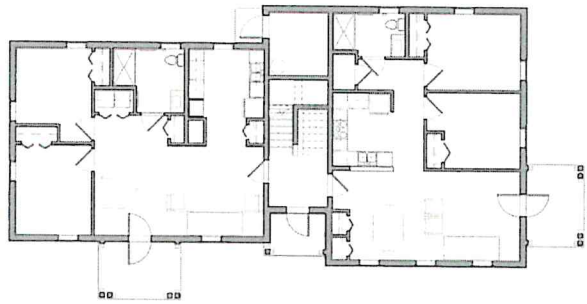


APPROVED

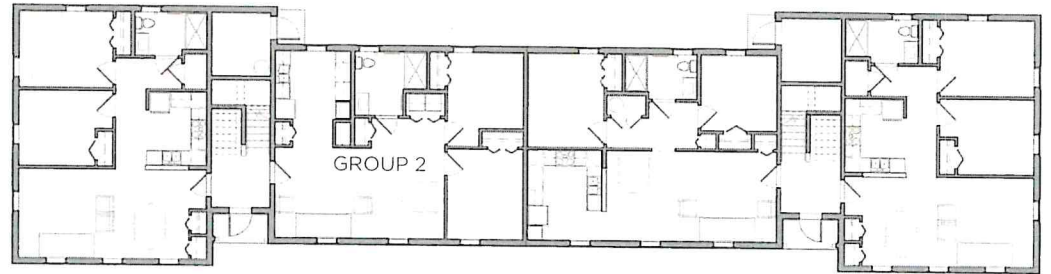


PROPOSED

FRONT ELEVATION



APPROVED



PROPOSED

FIRST FLOOR PLAN



# SPRING ROCK VILLAGE

BUILDING #4 & 9 - NEW BUILDING #3 & 4

19 DECEMBER 7, 2023

SCALE: 1/8"=1'-0"



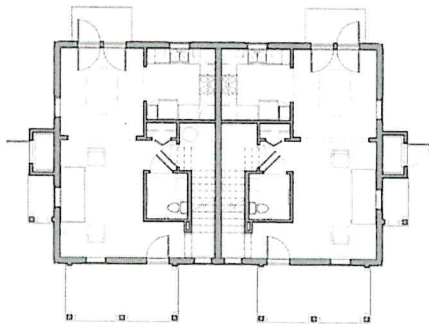


APPROVED

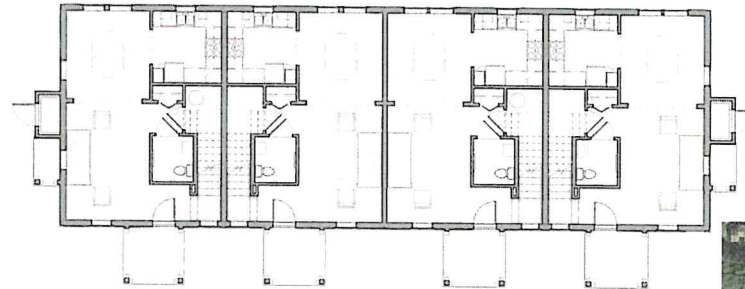


PROPOSED

FRONT ELEVATION



APPROVED



PROPOSED

FIRST FLOOR PLAN



# SPRING ROCK VILLAGE

BUILDING #8 & 11 - NEW BUILDING #5

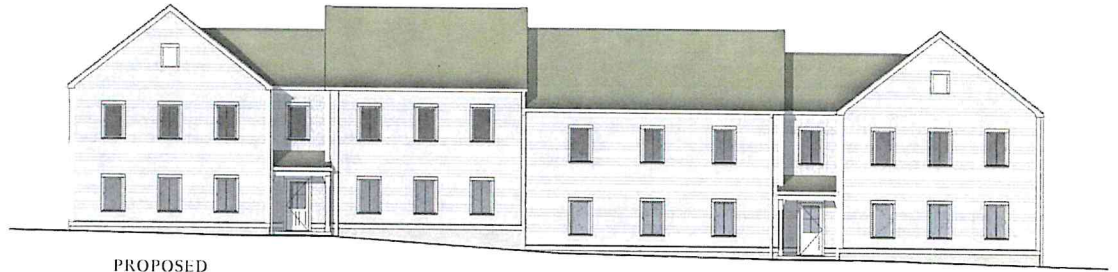
03/03/2024

SCALE: 1/16"=1'-0"





APPROVED

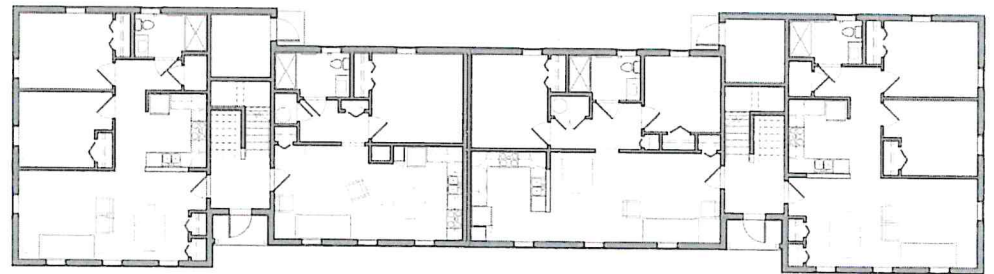


PROPOSED

FRONT ELEVATION



APPROVED



PROPOSED

FIRST FLOOR PLAN



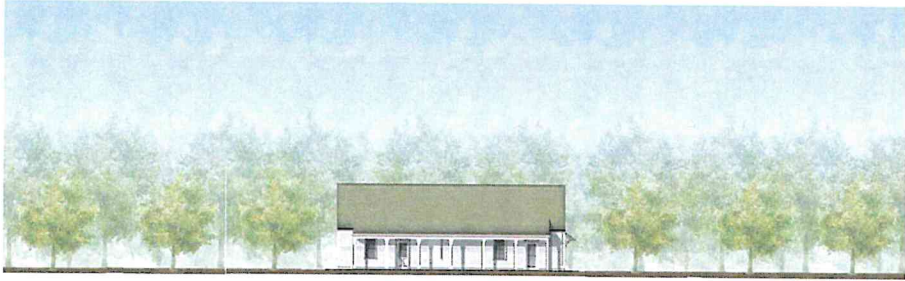
# SPRING ROCK VILLAGE

BUILDING #3, 7 & 10 - NEW BUILDING #6

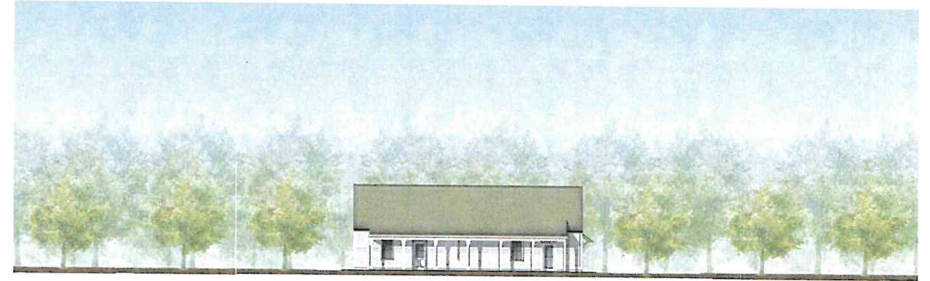
DATE: FEBRUARY 2, 2023

SCALE: 1/8"=1'-0"



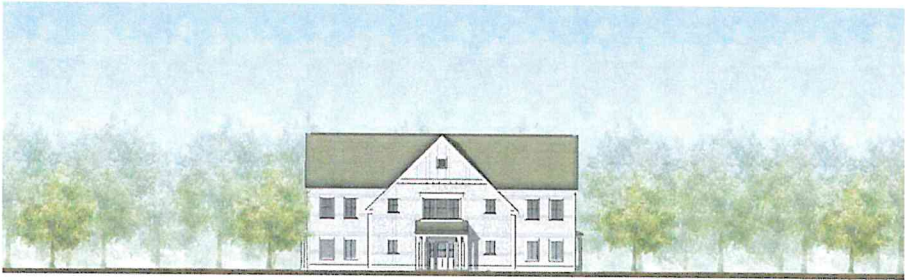


APPROVED



PROPOSED

BUILDING #1 - FRONT ELEVATION



APPROVED



PROPOSED

BUILDING #2 - FRONT ELEVATION

# SPRING ROCK VILLAGE

STREETSCAPES - COMMON GREEN

DECEMBER 7, 2023

SCALE: 1"=30'-0"







BUILDING #3

BUILDING #4  
APPROVED

BUILDING #5



BUILDING #3

PROPOSED



NORTHERN STREETSCAPE

SPRING ROCK VILLAGE

STREETSCAPES - NORTHERN

DECEMBER 7, 2023

SCALE: 1"=50'-0"



UNION STUDIO  
ARCHITECTURE & COMMUNITY DESIGN





BUILDING #6

BUILDING #7

BUILDING #8

BUILDING #9

BUILDING #10

BUILDING #11

APPROVED



BUILDING #4

BUILDING #5

BUILDING #6

PROPOSED



SOUTHERN STREETScape

# SPRING ROCK VILLAGE

STREETSCAPES - SOUTHERN

DECEMBER 2, 2023

SCALE: 1/8"=1'-0"





## Town of Brewster

2198 Main Street  
Brewster, MA 02631-1898  
Phone: (508) 896-3701  
Fax: (508) 896-8089

Office of:  
Housing Trust

December 19, 2023

Mr. Brian Harrison, Chair  
Zoning Board of Appeals  
Brewster Town Hall  
2198 Main Street  
Brewster, MA 02631

RE: BAHT Support for Spring Rock Village Notice of Project Change

Dear Chair Harrison,

The Brewster Affordable Housing Trust (BAHT) unanimously voted at its December 7, 2023 meeting to support the requested Spring Rock Village Project Change and to send this letter of support to the Zoning Board of Appeals (ZBA). At that BAHT meeting, Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC), along with their development team from Union Studio and Horsely Witten Group, presented the proposed changes to the Spring Rock Village Comprehensive Permit plans. POAH and HAC stated that they would be sending a Notice of Project Change to the Brewster Zoning Board of Appeals containing these proposed changes.

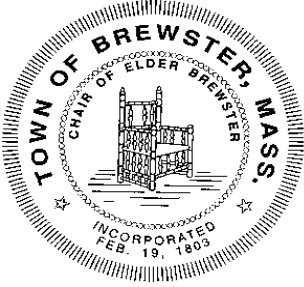
The BAHT is supportive of the Spring Rock Village redesign which is needed because of increased project costs. The proposed updated design is consistent with the original Development Objectives, the Comparative Evaluation Criteria of the Town's October 2021 Request for Proposals (RFP) and the terms of the Land Disposition Agreement. The redesign provides a compact, sustainable neighborhood of 45 affordable rental homes in multiple buildings, development remains in the prescribed area of the property, buffers are increased in the northern vicinity of Ocean Edge, the majority of the wooded lot remains untouched, parking spaces are retained, and no additional waivers or revisions to the granted waivers are needed.

The proposed changes are similar to the proposed changes for Brewster Woods that the ZBA found insubstantial. The BAHT supports a ZBA finding that the proposed changes for Spring Rock Village are insubstantial so the project can proceed without further review.

Thank you for your work on behalf of the Town of Brewster.

*Tim Hackert*

Tim Hackert, Chair  
Brewster Affordable Housing Trust



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

**Office of:**  
**Planning Department**  
**Housing Office**

**MEMORANDUM**

**Date:** January 4, 2024  
**To:** Zoning Board of Appeals  
**From:** Town Planner  
           Housing Coordinator  
**Re:** Comprehensive Permit, ZBA Case No. 2023-04  
        Notice of Project Change, Spring Rock Village, Millstone Road (Map 98 Parcel 12)

**Staff Recommendation**

Staff recommends that the Board find that the requested project changes are insubstantial and allow the project to proceed with the requested changes without further review by the Board.

**Discussion**

The Board approved the above-referenced Comprehensive Permit (“40B”) in June 2023. Because of escalating construction cost and funding concerns, the applicants have now requested changes to the approved project. The applicants submitted a detailed request and supporting information on 12/20/23, in advance of the Board’s next regularly scheduled meeting on 1/9/24.

Under the controlling State Regulations (760 CMR 56), the Board has 20 days from the filing of the applicants’ notice to review the proposed changes and determine whether they are “substantial.” If the Board determines that the changes are insubstantial, the project may proceed as modified without further review by the Board. The terms and conditions of the Comprehensive Permit decision apply as originally approved unless specifically modified. If the Board determines that the changes are substantial, the requested changes are subject to further Board review through a public hearing and notice process.

The State Regulations further provide that the following are general factors or examples to consider in determining whether the proposed changes are substantial or insubstantial:

<b>Substantial</b>	<b>Insubstantial</b>
<ol style="list-style-type: none"> <li>1. An increase of more than 10% in the height of the building(s)</li> <li>2. An increase of more than 10% in the number of housing units proposed</li> <li>3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed</li> <li>4. A change in building type (e.g., garden apartments, townhouses, high-rises)</li> <li>5. A change from one form of housing tenure to another</li> </ol>	<ol style="list-style-type: none"> <li>1. A reduction in the number of housing units proposed</li> <li>2. A decrease of less than 10% in the floor area of individual units</li> <li>3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%</li> <li>4. A change in the color or style of materials used</li> <li>5. A change in the financing program under which the Applicant plans to receive a subsidy, if the change affects no other aspect of the proposal</li> </ol>

As described in its request, the type of changes proposed appear to be examples of insubstantial changes relative to the factors set out in the Regulations: e.g. the number of bedrooms and units, the housing rental tenure, the size of the site, and the general multi-family type of building proposed remain unchanged from the approved project. The proposed changes do not significantly affect the conditions of the approved Comprehensive Permit Decision, nor do they invoke the need for new or modified waivers from local regulations.

Other factors the Board might consider in its change determination relate to the Town's Request for Proposals (RFP) for the Project; the Land Disposition Agreement (LDA) for the project between the Select Board and the applicants; the general land use impacts associated with the proposed changes; and the terms and conditions of the Comprehensive Permit decision.

With the requested changes, the project still:

- would exceed the 'highly advantageous' criteria and meet the intent of the RFP, including that the project is designed with the dwelling units in at least four separate buildings;
- meets the terms and intent of the LDA, without the requirement for further amendment to the LDA; and
- maintains the conditions of the Comprehensive Permit decision with essentially the same requirements, including the issues the Board seemed especially concerned with during the public hearing (e.g. number and size of parking spaces, drive aisle widths. In fact, the number of parking spaces will be increased with the proposed changes).
- The general land use impacts of the project are arguably reduced with the changes by reducing and compacting the overall development footprint.

At its meeting in December 2023, the Brewster Affordable Housing Trust voted to support and recommend the proposed project changes as "insubstantial," which is reflected in the Trust's letter submitted to the Board. The Trust was directly involved with preparing and issuing the above-referenced RFP for the Town.

#24-01 Owner/Applicant:  
MOG Real Estate Holdings, LLC  
Represented by:  
Attorney Benjamin E. Zehnder  
94 Thad Ellis Road



**Brewster Zoning Board of Appeals**

2198 Main Street  
Brewster, Massachusetts 02631-1898  
(508) 896-3701 x 1168  
FAX (508) 896-8089  
www.brewster-ma.gov

Date + Time Stamped  
By Town Clerk  
23 NOV 27 9:23#  
BREWSTER TOWN CLERK

**ZBA CASE FILE # 24-01**  
**APPLICATION FOR BREWSTER ZONING BOARD OF APPEALS**  
**SPECIAL PERMIT/ VARIANCE/ ZBA APPEAL APPLICATION**  
**(\$300 Filing Fee)**

**NAME OF APPLICANT** MOG Real Estate Holdings, LLC

**REPRESENTATIVE** Benjamin E. Zehnder **PHONE NUMBER** (508) 255-7766

**MAILING ADDRESS** 972 Stony Brook Road, Brewster, MA 02631; 62 Route 6A, Suite B, Orleans, MA 02653

**PROPERTY ADDRESS** 94 Thad Ellis Road

**CURRENT PROPERTY OWNER(S)** MOG Real Estate Holdings, LLC

**REGISTRY OF DEEDS TITLE REFERENCE** **BOOK** 35360 **PAGE** 213 **OR**

**CERT. OF TITLE #** N/A **LAND COURT #** N/A

**PLAN #** N/A

**TOWN MAP #** 89 **LOT #** 8

**ZONING DISTRICT** CH **YEAR BUILT** 1958

**STATEMENT OF PROJECT**

Demolition of existing dwelling, garage, and two sheds; construction of new garage / workshop; grading, site work and landscaping; installation of new septic system, wastewater holding tank, and drainage system.

  
**SIGNATURE OF OWNER OR AGENT FOR OWNER**

11/21/23  
**DATE**

**NOTE:** This petition is NOT COMPLETE until all information is provided. Accuracy of this information is the responsibility of the petitioner.

**DATA SHEET**

Complete this form for **every structure** on the site that is in some way **nonconforming**.

Identify structure: primary house, garage, tool shed, other existing garage

**STREET ADDRESS** 94 Thad Ellis Road **YEAR BUILT** 1962

**MAP #** 89 **LOT #** 5

**ZONING DISTRICT** CH

**List only the nonconformities below:** Identify all nonconforming setbacks.

LOCATION	EXISTING	REQUIRED	PROPOSED
<u>side (N)</u>	<u>14.0'</u>	<u>15'</u>	<u>10.0'</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

- **Location** is used to identify the setback: I.E. front, back, left side, right side, N-north, S-south, E-east, W-west,
- **Existing** is the setback that currently exists on the ground
- **Required** is the applicable setback required currently in the Brewster zoning bylaw
- **Proposed** is the setback being requested

**FRONTAGE: EXISTING** 112' **REQUIRED** 80'

**LOT SIZE:** 16,800 sq. ft.

**LOT COVERAGE EXISTING %** 20.1 **PROPOSED %** 28.5 **ALLOWED %** 40

**SIZE OF PARCEL** 16,800 sq. ft. sq. ft. **BUILDABLE UPLAND** 16,800 sq. ft. sq. ft.

**BUILDING COVERAGE/PRIMARY STRUCTURE** 3,376 ex. / 4,800 prop. sq. ft.

**BUILDING COVERAGE ALL OTHER STRUCTURES** \_\_\_\_\_ sq. ft.

**BUILDING HEIGHT: EXISTING** <30' **PROPOSED** 27.6'

**SPECIAL PERMITS:**

- APPLICATION FOR SPECIAL PERMIT AS SET FORTH IN M.G.L. 40A, § 6, or § 9 and SECTION 179-25, BREWSTER BYLAW UPON WHICH THE BOARD IS EMPOWERED TO ACT.**

**SECTION(S) PARAGRAPH(S) OF BREWSTER BYLAW UNDER WHICH THE SPECIAL PERMIT IS SOUGHT AND A BRIEF DESCRIPTION OF THE PROPOSAL.**

S.179-25(B) (change, extension, or alteration of pre-existing, non-conforming structure).  
Applicant proposes demolishing all structures including a non-conforming garage (side yard setback - N) and building one 60'x80' 4-bay commercial garage, which will intensify the existing side yard setback.

**VARIANCES:**

- APPLICATION FOR VARIANCE AS SET FORTH IN M.G.L. 40A, § 10**

**SECTION(S) PARAGRAPH(S) OF BREWSTER BYLAW UNDER WHICH THE VARIANCE IS SOUGHT AND A BRIEF DESCRIPTION OF THE PROPOSAL.**

In order to grant a Variance, the ZBA must find all three of the following to be true:

- Owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, and
- A literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and
- That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law

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- APPEAL IN ACCORDANCE WITH M.G.L. 40 A, § 8, 14**

**CITE ORDER OR DECISION OF ZONING AGENT OR OTHER ADMINISTRATIVE OFFICIAL OR ATTACH LETTER FROM ZONING AGENT/ADMINISTRATIVE OFFICIAL.**

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## **ZONING BOARD OF APPEALS FILING PROCEDURES**

Completed application packages are required to be submitted and time stamped by the Town Clerk at least thirty-five (35) days prior to the requested hearing date. Town Hall hours are 8:30 am – 4:00 pm Monday- Friday.

Complete application (**12 copies**) checklist:

- Application
- Professionally engineered site plan
- Assessor's map showing the applicant's lot
- Building plans, including floor layout, elevations and dimensions
- Decision letter from the zoning agent, if applicable
- \$300 Filing Fee (made payable by check)

Photographs are recommended.

**Please also provide one (1) pdf or electronic copy of the completed application package.**

An Abutter's List will be requested by the Zoning Board Clerk when the application is filed.

In accordance with Massachusetts General Laws, Chapter 40A, Section 11, the Appeal will be advertised in the local newspaper for two (2) consecutive weeks prior to the public hearing. The agenda will also be posted of the Meeting Board on the main floor of the Town Offices.

A copy of the Zoning-By-Law, Chapter 179, is available at the Brewster Ladies' Library. It may also be purchased at the Town Offices for \$25.00 or downloaded without charge from The Town of Brewster e-code website: <http://www.ecode360.com/BR1068>

Any Decision of the Board of Appeals may be appealed to Superior Court, Land Court or District Court within twenty (20) days from the time that the decision is filed with the Town Clerk.

Project Narrative

Brewster Zoning Board of Appeals  
Special Permit Application

94 Thad Ellis Road  
Assessor's Map 89, Parcel 8  
MOG Real Estate Holdings, LLC

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November 22, 2023

Prepared by Benjamin E. Zehnder

Alexander Wentworth and Kristen Wentworth are the managers of MOG Real Estate Holdings, LLC, owner of the developed property at 94 Thad Ellis Road in the Commercial High Density zoning district and the location of the applicants' automotive repair business, Wentworth Motorsports. They seek a special permit for their proposal to demolish all structures on the lot and redevelop the property with a new automotive garage and associated site work.

The lot is conforming under current zoning in the CH district. It is improved with four structures: a dwelling, a garage, and two sheds. The property is pre-existing, non-conforming with regard to having more than one principal structure located on a single lot. The applicants' automotive repair business is operated in the garage. That use is permitted by right in the C-H district. The dwelling is pre-existing, non-conforming as to minimum (northerly) side yard setback distance (15' allowed; 14.0' existing) under the Area Regulations and as to residential one-family detached dwelling unit use under the Use Regulations. There is a paved driveway from Thad Ellis Road to the garage, and there are gravel driveways and parking areas on the property.

The applicants propose site redesign consisting of demolition of the four existing structures, construction of a new garage, grading, site work, and landscaping, and installation of a new septic system, wastewater holding tank, and drainage system. The proposed new 60' x 80' (2,400 s.f.) four bay building will be placed on a new concrete slab foundation.

The proposal will reconfigure the site layout so that vehicles enter via the northerly curb cut and can either drive into the garage bays or travel over the southerly access driveway to the customer parking area at the back of the property. There is a proposed narrower partial access driveway on the north side of the building. The driveways and front parking area will be gravel and the rear parking area will be paved. The applicants propose landscaping along the southerly and westerly sides of the property, as well as along the northerly side of the rear parking area, and a stand-alone rain garden island adjacent to Thad Ellis Road.

The applicants' proposal will eliminate two existing non-conformities: the current multiple principal structures on one lot non-conformity and the residential use non-conformity. The existing northerly side yard non-conformity will be increased by four feet, with a proposed 10.0' setback to that line.

The proposal requires a special permit to extend the existing side yard setback non-conformity pursuant to Bylaw § 179-25-B. The applicants have separately applied for Planning Board Site Plan Review is required pursuant to Bylaw §§ 179-64-A (development requiring staff review), -C (existing commercial use increasing floor area by more than 500 s.f.), and -E (increase in lot coverage 10% or more). The applicants' proposal has previously completed staff review pursuant to Bylaw Chapter 83.

The applicants respond to the required Bylaw § 179-51(A)(5)(a)(1-13) special permit findings as follows:

- 1. The proposed use is consistent with the purpose and intent of the Town of Brewster's Comprehensive Plan.*

Automotive service use is permitted by right and consistent with the 2023 draft comprehensive plan. Wentworth Motorsports provides excellent, reasonably priced repair service to its customers while providing full-time skilled employment. The use and the business contribute to the town's continued economic stability. The proposed new garage is an example of the type of "growth that is appropriately scaled and sited within the context that it is proposed" encouraged by the plan while remaining compatible with Brewster's small-town character. The proposal will improve the appearance of the property and support our year-round economy by growing a successful small business.

- 2. The location, type, character and size of the use/building, or other structure in connection therewith, will be in harmony with the visual character of the neighborhood, including views and vistas and, where applicable, the historic character of the neighborhood.*

The location, type, size, and use of the proposed garage will be similar to the nearby 78 Thad Ellis Road property improved and used as an automobile service center, however, the new structure and site layout will be more modern in appearance and construction.

Due to the historical development pattern along Thad Ellis Road there is not a unified visual or historic character to the neighborhood. The area was developed as a mix of residential and commercial structures built before the adoption of the current commercial district. The proposal will contribute to improving the visual appearance of the area, both through the new structure and site design but also by removing the current dwelling and garage, which are not noteworthy buildings, and by cleaning and unifying the appearance of the grounds.

There are no views or vistas near the property.

- 3. The site is suitable for the proposed use.*

The property is a suitable location for the proposed continued automotive service use. It is located in a commercial district where the use is permitted by right, and it has been used for that purpose for many years.

- 4. Adequate access will be provided for the purpose of fire protection, police protection, and other emergency services.*

The proposal includes adequate access to the property from Thad Ellis Road and to the back of the building from the southerly driveway, which provides 22' of clearance between the side property line and the building, sufficient for emergency vehicle passage.

- 5. The streets serving the proposed use are adequate (width, grade, construction, overall safety and design capacity) to carry all prospective traffic and adequate provision is made for entering and leaving the proposed site such that no undue hazard to traffic will be created.*

Thad Ellis Road is an approximately 0.20 mile long, 40' wide paved, two-lane dead-end public road off of Route 6A. Because of the road's short length and because it does not connect to any other roads drivers typically drive slowly. It is adequate for the current and expected traffic to and from the applicants' business. The proposed design includes two curb cuts to the property which will provide excellent visibility. The applicants do not expect any undue traffic hazard from the proposal.

- 6. The proposed use/development has incorporated applicable trip reduction measures, where possible, in order to minimize vehicular trips to and from the site. These include company sponsored carpooling/vanpooling, bicycle and pedestrian incentives, and/or variable work-hour or flextime programs.*

The applicants propose a new bike rack on the site. Due to the nature of the automobile repair business it is inherently difficult to reduce vehicle trips because customers must drive to and from the property.

- 7. Adequate parking and loading facilities are provided in accordance with § 179-22.*

Please see site plans filed herewith. The proposal includes eight delineated spaces and one handicap space at the back, as well as parking at the front of the property. The proposed new garage will contain four bays with enough room for vehicles being serviced.

8. *The site will be suitably landscaped to protect the character of the neighborhood and adjacent property.*

The applicants propose landscaped areas along the southerly and rear property lines, and a portion of the northerly property line. They also propose a landscaped rain garden with plantings and shrubs at the front of the property. The landscaped areas will contribute to protecting the character of the neighborhood and the adjacent properties.

9. *The proposed use has an adequate method of sewage disposal, source of water, and drainage.*

The existing septic system will be serviced and the perimeter soil replaced with clean medium sand which will provide adequate flow for the new service building. The applicants propose a new non-hazardous industrial wastewater holding tank and leaching pits. The property is connected to town water service.

10. *Adequate utilities and other public services will be provided.*

The property has existing electrical, telephone, and data services which are adequate for the existing and proposed continued automotive service use.

11. *The proposed use will not result in the degradation of groundwater quality or coastal water quality off site.*

The proposal has been designed to minimize any potential impact on groundwater. There are no nearby coastal waters.

12. *The location and design of buildings, roads, parking, and loading areas will not cause avoidable damage to wildlife habitats or corridors or to any plant species listed as endangered, threatened, or of special concern by the Massachusetts Natural Heritage and Endangered Species Program.*

The Blueberry Pond Wildlife Management Area is located to the southeast of the property. The proposed improvements will be more than 100' from any protected resource area. The applicants are not aware of any wildlife habitats or corridors or any plant species listed as endangered, threatened, or of special concern on the property.

13. *The proposed use complies with all applicable provisions of this Zoning Bylaw.*

The proposed use complies with the current Brewster Zoning Bylaw.

Based on the foregoing the applicants submit that the requirements for granting of a special permit have been met and that the proposed automotive service use and site improvements will be in harmony with the purpose and intent of the Bylaw and will not be detrimental or injurious to the neighborhood, public, or town.



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

### AGENT AFFIDAVIT

Name of Owner: MOG Real Estate Holdings, LLC Phone: (508) 896-8660

Address (mailing): 972 Stony Brook Road, Brewster, MA 02631

Address of Property: 94 Thad Ellis Road

Map 89 Lot 8<sup>5</sup>

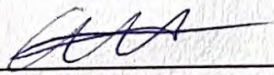
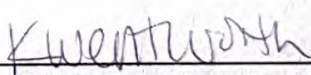
I testify that I have granted the authority to: Benjamin E. Zehnder to act as agent for me and the property for which I/We own(s).

Agent Name: Benjamin E. Zehnder Phone: (508) 255-7766

Company Name: Benjamin E. Zehnder LLC

Address: 62 Route 6A, Suite B, Orleans, MA 02653

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature of Owner    
MOG Real Estate Holdings, LLC by Alexander Wentworth & Kristen Wentworth, Managers

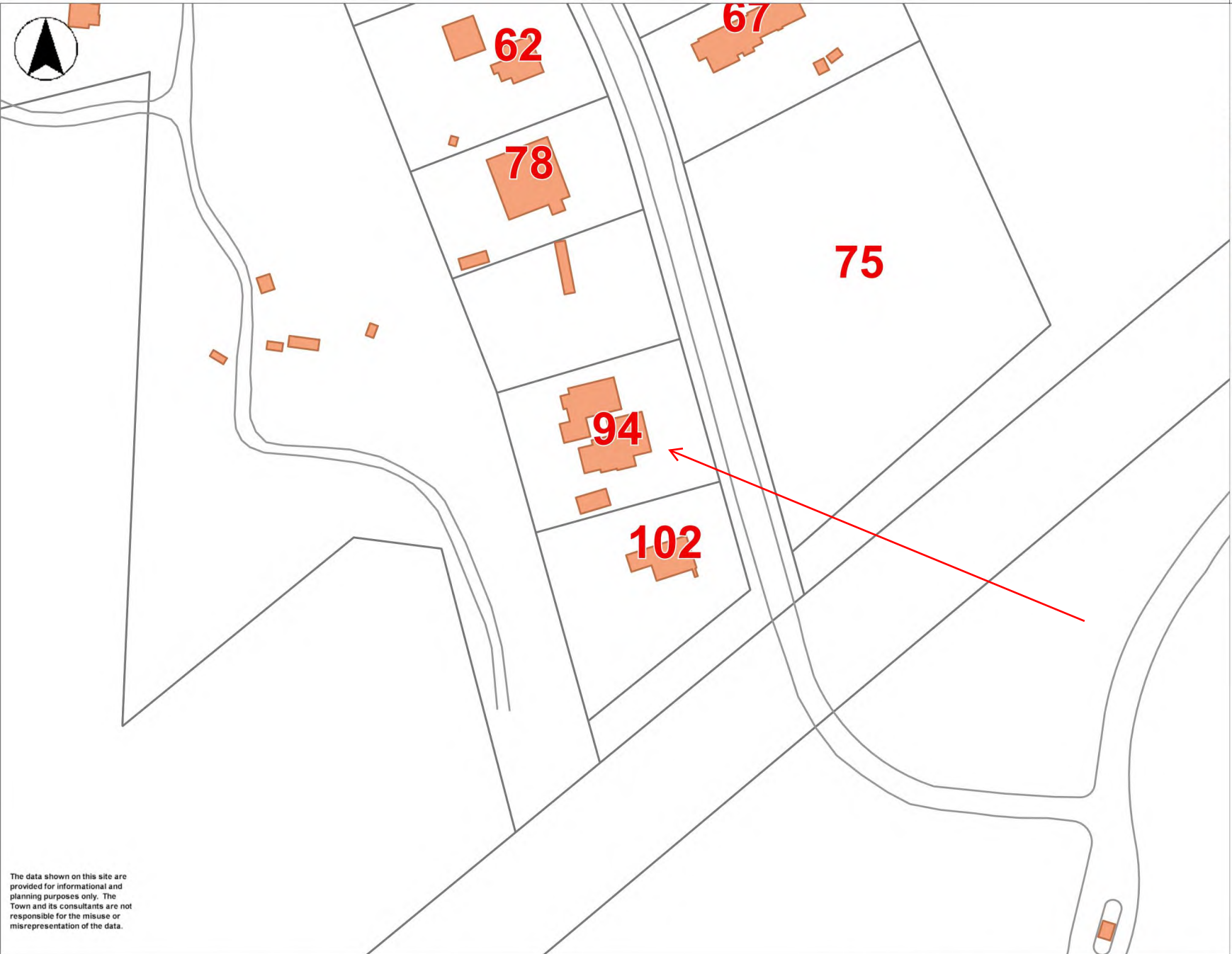
Date: 7-31-23



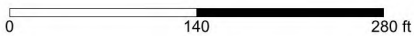




- Edge of Pavement
- Buildings
- Parcels
- Town Boundary
- MA Highways
  - Interstate
  - US Highway
  - Numbered Routes
- Abutting Towns
- Bathymetry
  - 0-5 ft
  - 5-10 ft
  - 10-15 ft
  - 15-20 ft
  - 20-30 ft
  - 30-40 ft
  - 40-50 ft
  - 50-60 ft
- Streets



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



Printed on 05/04/2023 at 09:27 AM



## QUITCLAIM DEED

I, ALEXANDER WENTWORTH, as I am Trustee of The Donald B. Wentworth 2018 Living Trust w/t/a dated June 21, 2018, for which a Trustee Certificate pursuant to M.G.L. c.184, §35 is recorded herewith, with a mailing address of 972 Stony Brook Road, Brewster, MA 02631,

For consideration in the amount of ONE AND 00/100 (\$1.00) DOLLAR,

Grant to MOG Real Estate Holdings, LLC, a Massachusetts Limited Liability Company, with a mailing address of 972 Stony Brook Road, Brewster, MA 02631,

With QUITCLAIM COVENANTS,

The land in Brewster, Barnstable County, Massachusetts, together with the buildings thereon, bounded and described as follows:

Located at 94 Thad Ellis Road, also known as Country Club Road and Golf Course Road, Brewster, Massachusetts, as shown on a plan entitled "Pleasant Acres, A subdivision in Brewster, Mass. Property of Warren E. Burgess, Scale 1 inch = 60 feet, Feb. 1951, Nickerson & Berger, Civil Engineers, Eastham, Mass." and being recorded in Barnstable County Registry of Deeds in Plan Book 97, Page 155 and being the lot labeled thereon "George C. and Janice M. Dunsford" and

Beginning at the Northeast corner of the granted premises at a stake on the West side of a Town Road, called Proprietors Road leading to the Brewster Golf Course Road, said stake being two hundred thirty-two (232) feet northerly from the northerly line of land now or formerly of Old Colony Railroad Company;

Thence running westerly by land now or formerly of Warren E. Burgess, one hundred fifty (150) feet to a stake at the Northwest corner;

Thence running southerly by other land now or formerly of said Warren E. Burgess, one hundred twelve (112) feet to a stake at the Southwest corner;

Thence running easterly by other land now or formerly of said Warren E. Burgess, one hundred fifty (150) feet to a stake at the Southeast corner in said Proprietors Road; and

Thence running northerly by said Proprietors Road, one hundred twelve (112) feet to the stake at the point of beginning.

Property Address: 94 Thad Ellis Road, Brewster, MA 2631

The grantor hereby releases all rights of Homestead in the within-described property and certifies under pains and penalties of perjury that no person occupies the premises as a primary residence and no person has or can claim the benefit of a Homestead therein.

Said property is hereby conveyed subject to and together with the benefit of all rights, restrictions and easements of record, insofar as the same are in force and applicable.

The manager of MOG Real Estate Holdings, LLC is the son of Donald B. Wentworth, therefore, no consideration is required.

For title, see deed recorded with Barnstable County Registry of Deeds in Book 31420, Page 131.

TITLE NOT EXAMINED.

Signed under the pains and penalties of perjury this 9 day of SEPT, 2021.

THE DONALD B. WENTWORTH 2018  
LIVING TRUST,

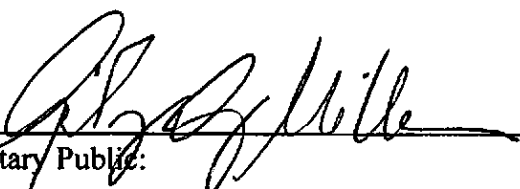


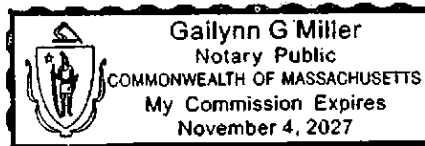
By: ALEXANDER WENTWORTH  
Trustee

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable ss.

On this 9<sup>th</sup> day of Sept, 2022, before me, the undersigned notary public, personally appeared ALEXANDER WENTWORTH, Trustee as aforesaid, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

  
Notary Public:  
My Commission Expires: NOV 4, 2027



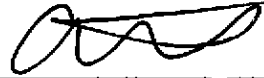
**TRUSTEE CERTIFICATE**

**I, ALEXANDER WENTWORTH, as I am Trustee of The Donald B. Wentworth 2018 Living Trust w/t/a dated June 21, 2018, hereby certify that:**

- 1. I am the current Trustee of said Trust;**
- 2. Said Trust has not been amended and is in full force and effect; and**
- 3. All of the beneficiaries of said Trust who are natural persons, if any, are of full age;**
- 4. All of the beneficiaries of said Trust who are natural persons, if any, are competent.**
- 5. The Beneficiaries of said Trust have consented to the transfer of 94 Thad Ellis Road, Brewster, Massachusetts, to ALEXANDER WENTWORTH for nominal consideration.**

EXECUTED as a sealed instrument this 9 day of SEPT, 2022.

THE DONALD B. WENTWORTH 2018  
LIVING TRUST,

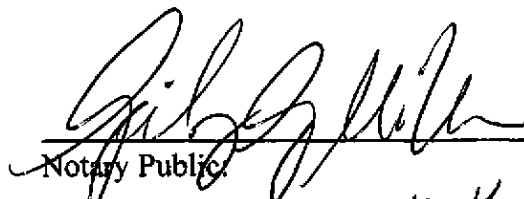


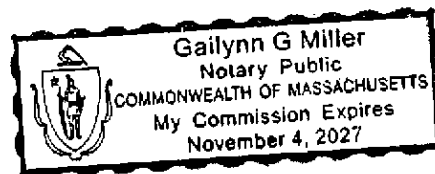
By: ALEXANDER WENTWORTH  
Trustee

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

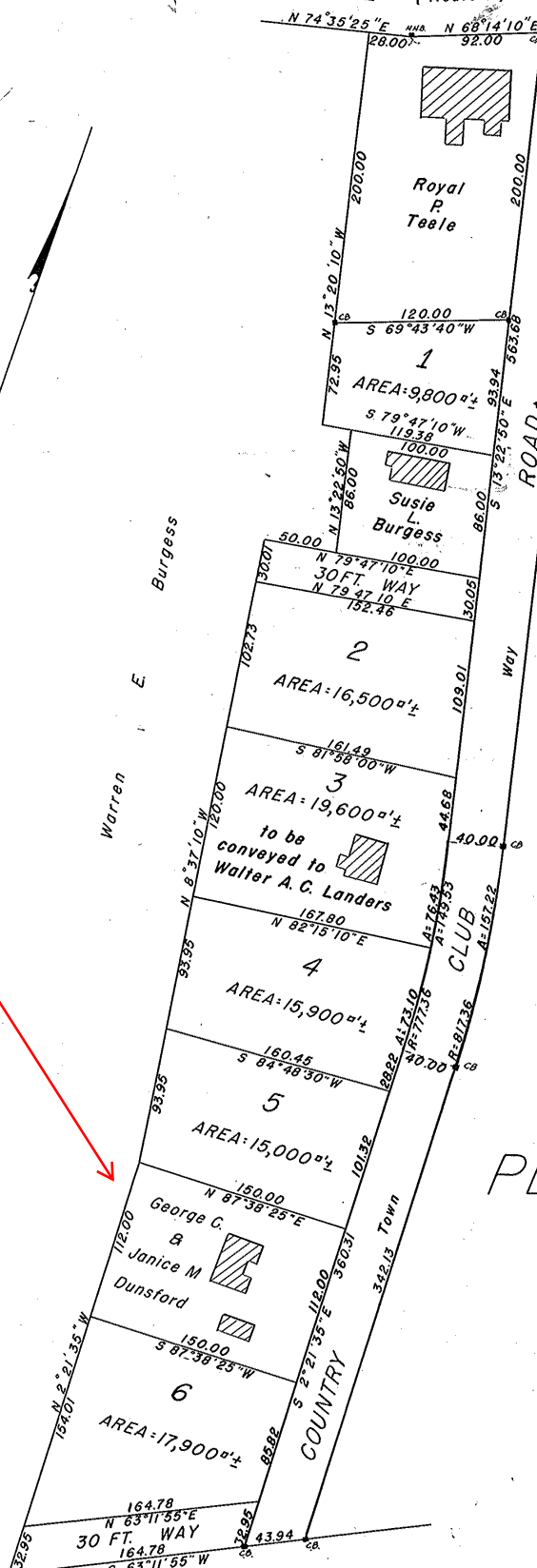
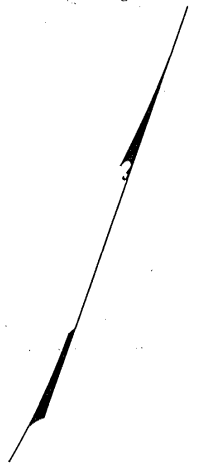
On this 9<sup>th</sup> day of Sept, 2022, before me, the undersigned notary public, personally appeared ALEXANDER WENTWORTH, Trustee as aforesaid, proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness,  personal knowledge of the undersigned, to be the person whose name is signed on the preceding Quitclaim Deed, and acknowledged to me that he signed it voluntarily as his free act and deed.

  
Notary Public.  
My Commission Expires: NOV 4, 2027



97-155

STATE (Route 6) HIGHWAY 1901 Layout



# PLEASANT ACRES

A Subdivision in Brewster Mass.

property of

**WARREN E. BURGESS**

Scale 1 inch = 60 ft. Feb. 1951

Nickerson & Berger Civil Engineers

EASTHAM MASS.

BARNSTABLE  
 REGISTRY OF DEEDS  
 MAR 19 1951  
 R.H.B. M.P.M.  
 RECORDED

\* Also known as THAD ELLIS ROAD

N.Y. NH. & HARTFORD R.R. CO. (Lessee)

97-155





W

WENTWORTH MOTORSPORTS  
W  
BOSTON, MASS 02108

808-896-8860  
IMPORT SERVICE  
SPECIALIZING IN  
VOLKSWAGEN  
AUDI BMW





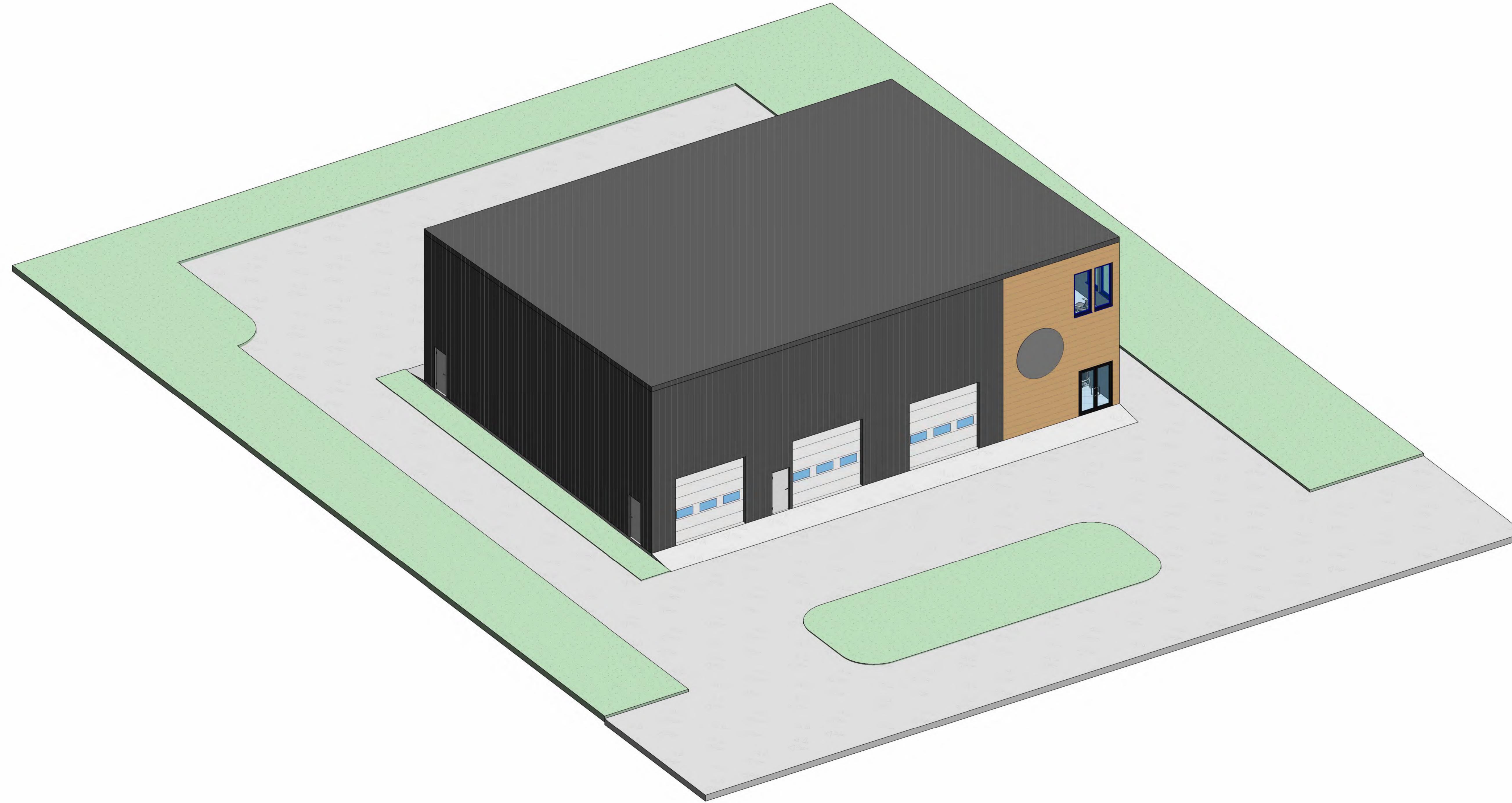












# WENTWORTH MOTORSPORTS

Location: 94B Thad Ellis Rd. Brewster, MA 02631

Client: Alex Wentworth

#### DESIGNER

Ben Mayo  
Unaffiliated Designer  
mayoben21@gmail.com  
(912) 398-2274

#### \*DISCLAIMER\*

These drawings are for conceptual and descriptive purposes only. They are NOT intended for construction use.

#### Original Issue Date

08/10/23

#### Plan Name:

Isometric

#### Drawing Number:

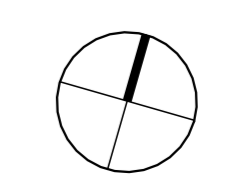
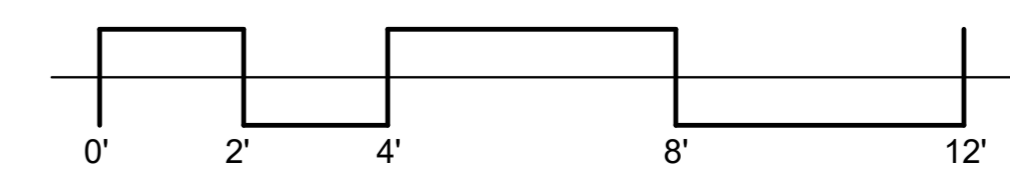
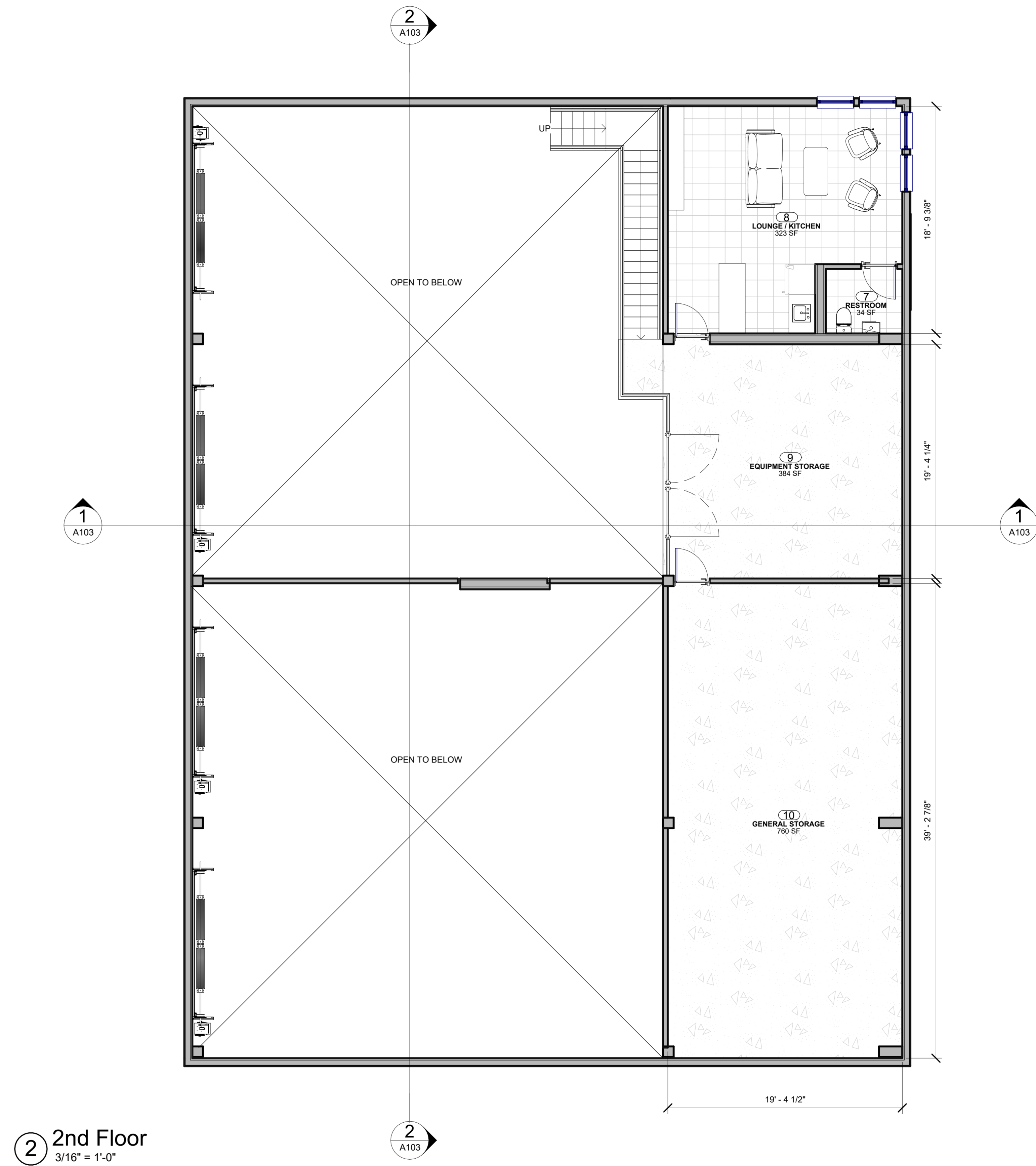
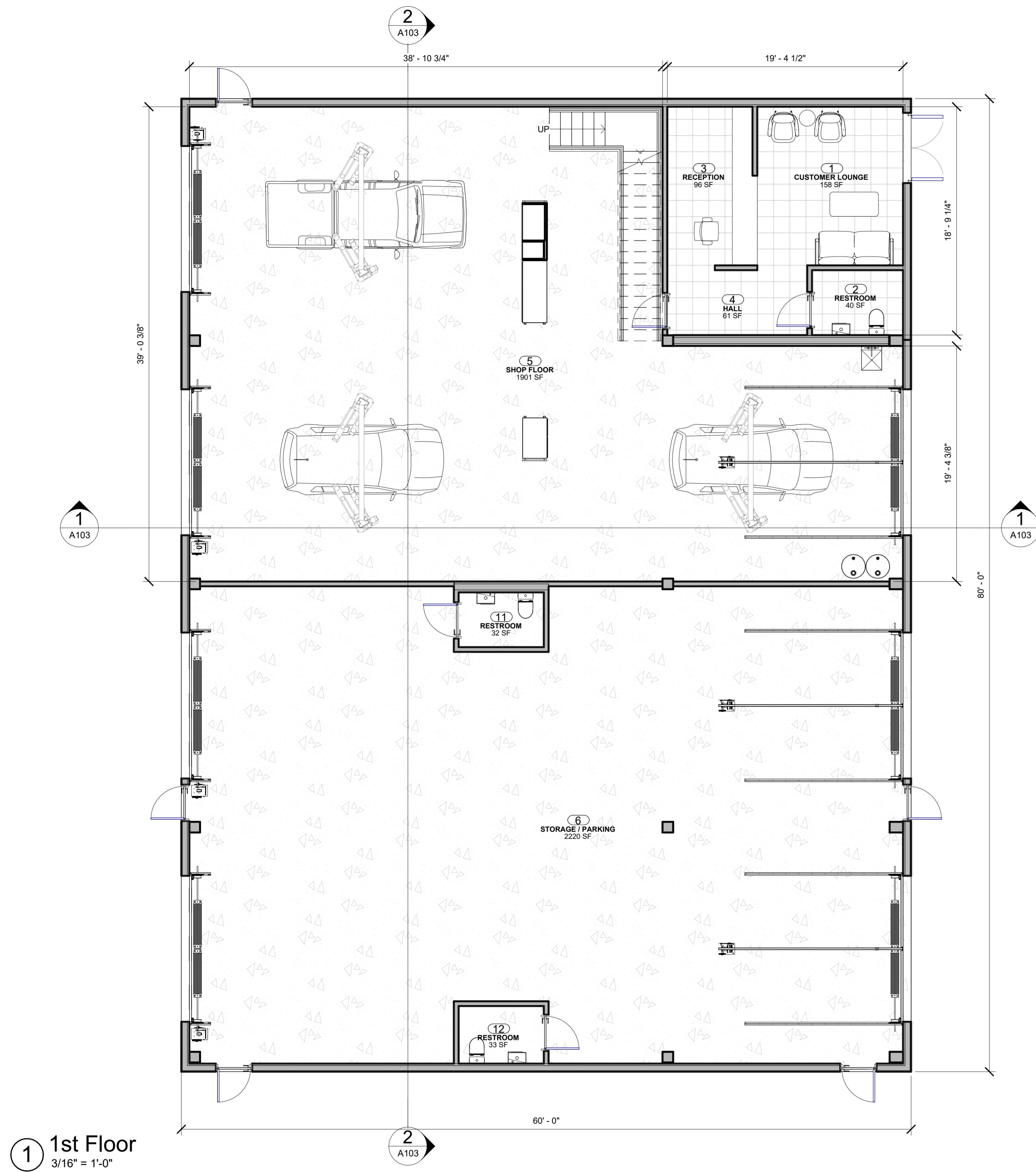
**A100**  
Drawing of



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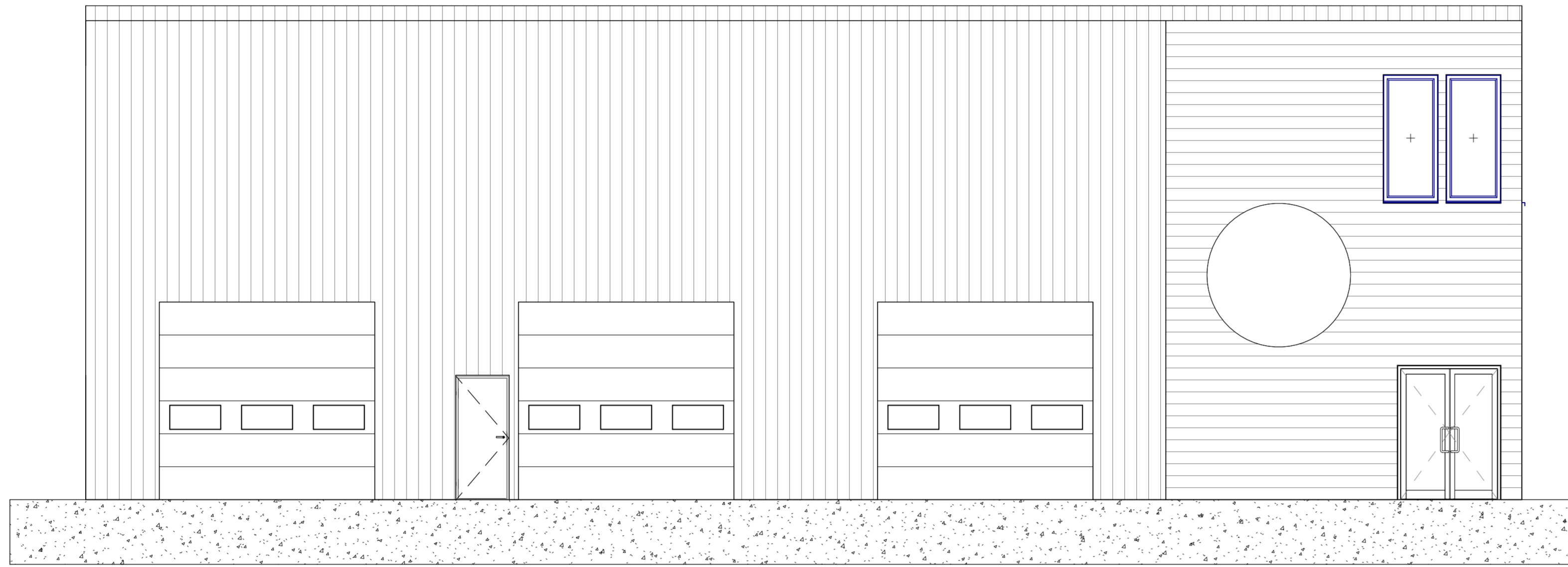
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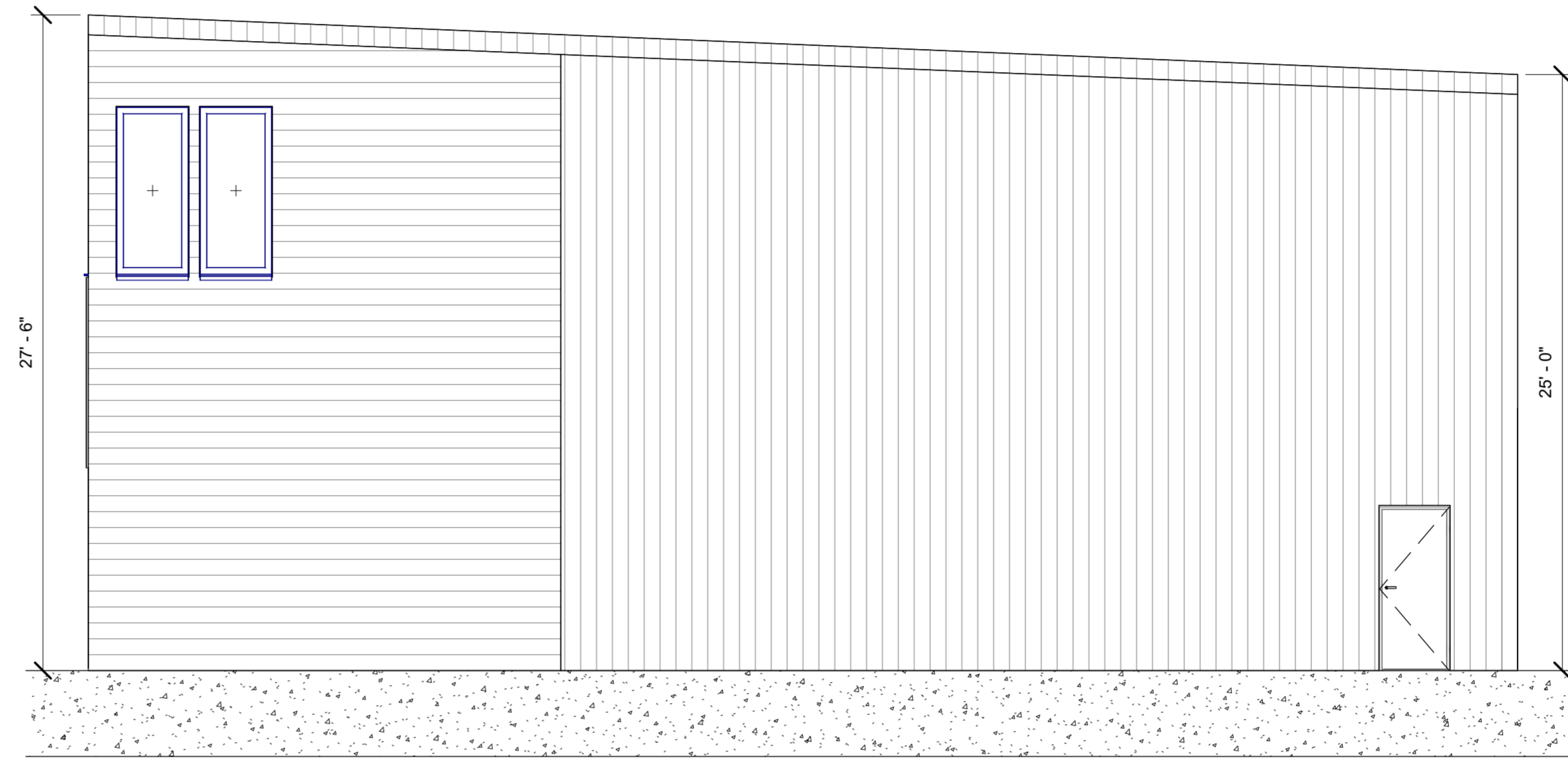
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Floorplans

Drawing Number:  
A101  
Drawing of

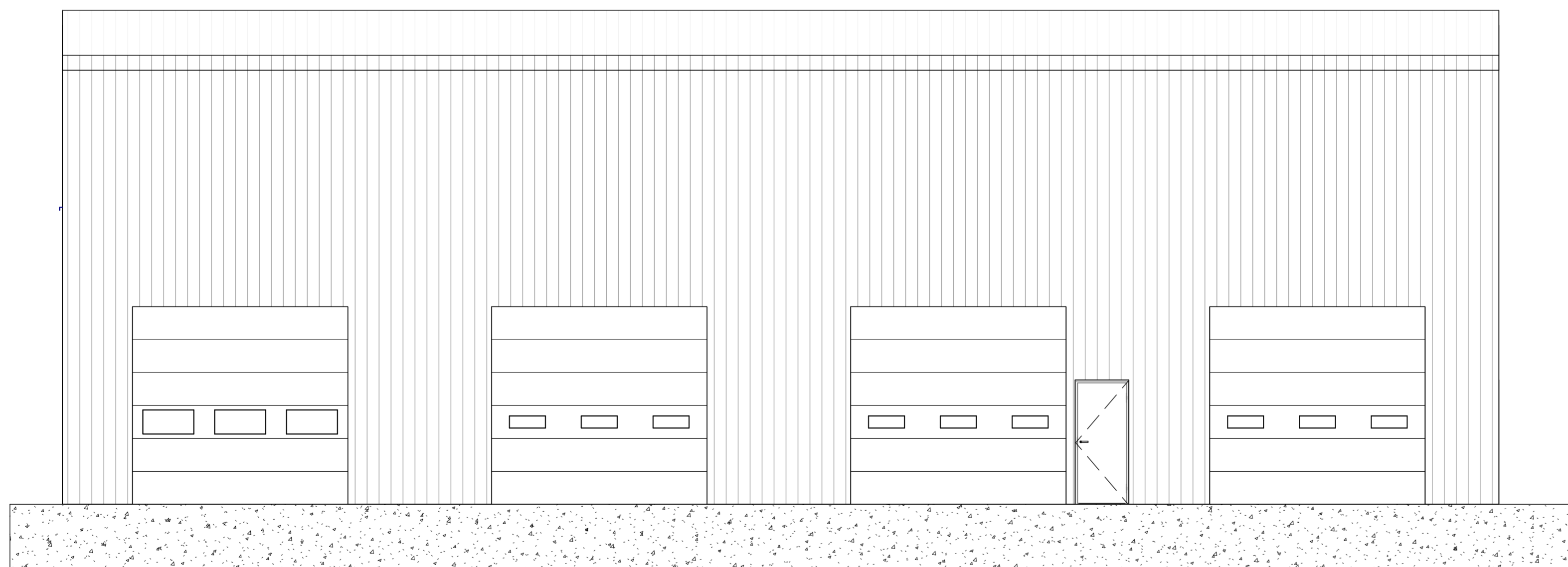




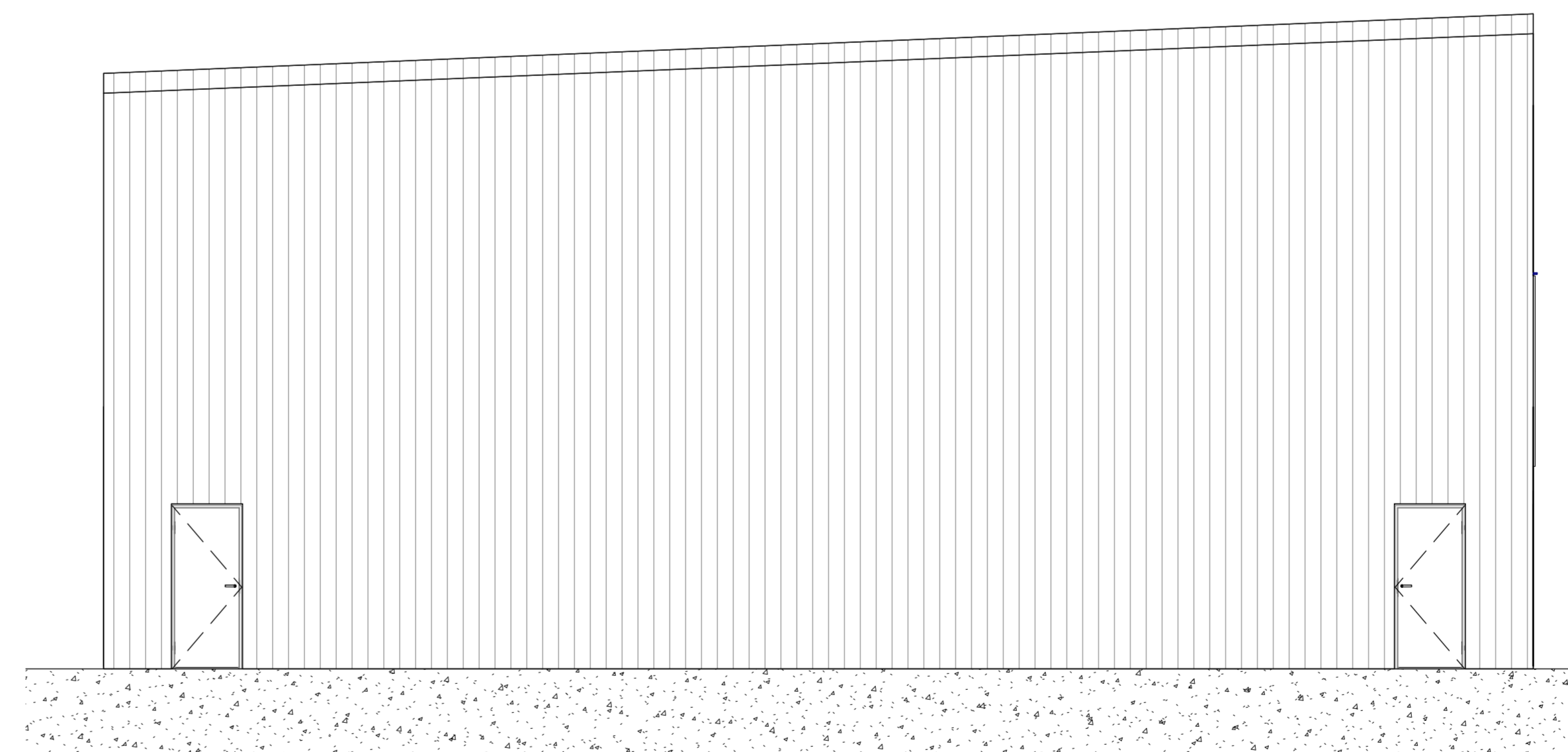
① East Elevation  
3/16" = 1'-0"



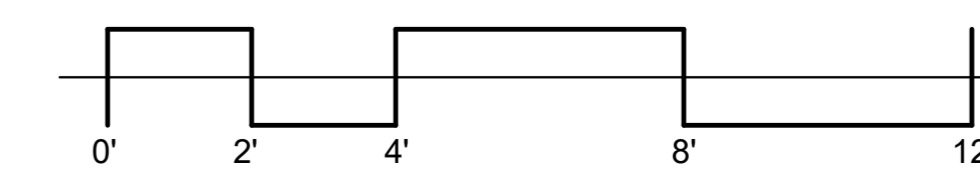
② North Elevation  
3/16" = 1'-0"



④ West Elevation  
3/16" = 1'-0"



③ South Elevation  
3/16" = 1'-0"



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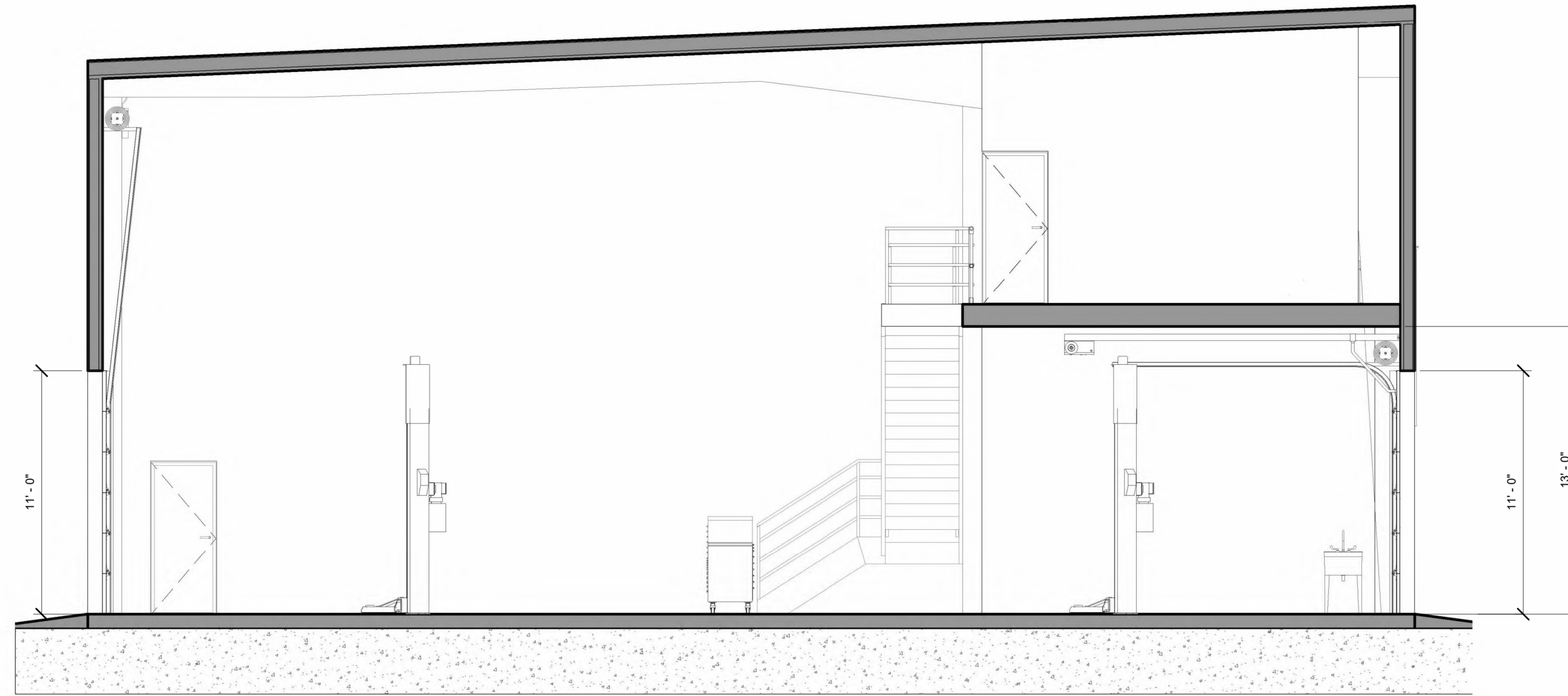
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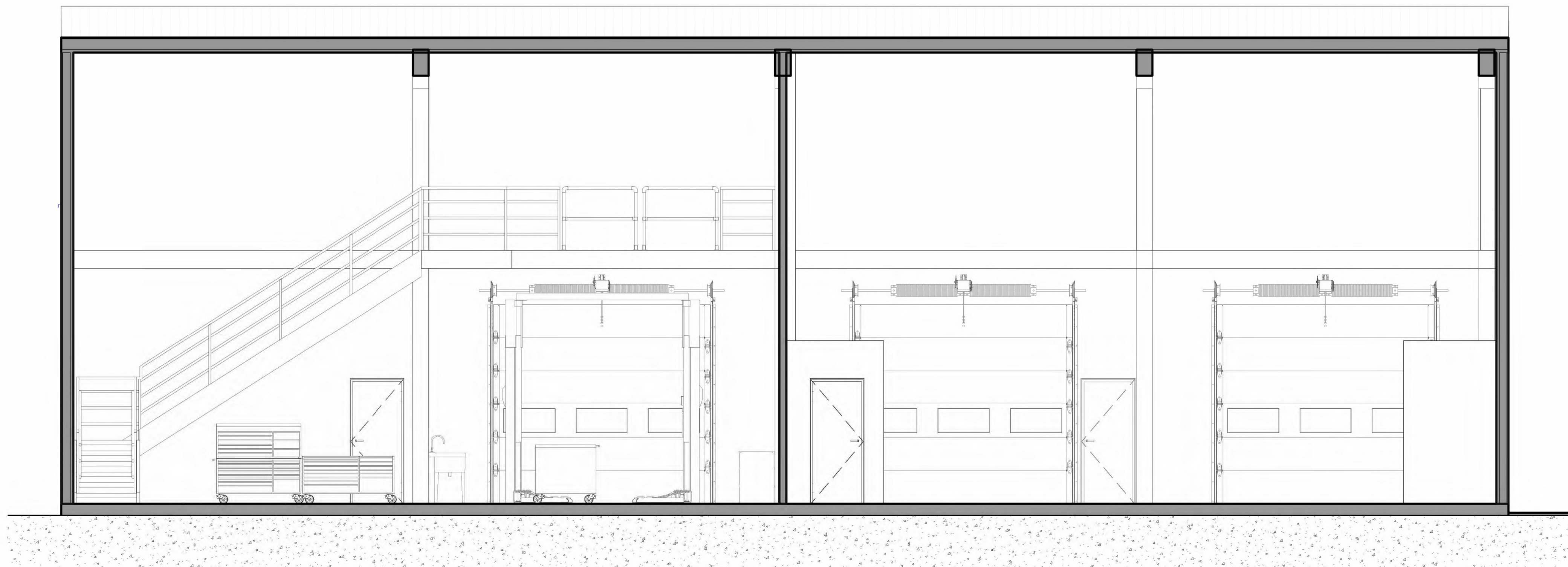
Elevations

Drawing Number:

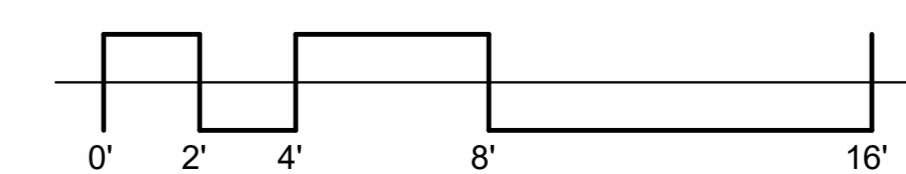
A102  
Drawing of



① Section 1  
1/4" = 1'-0"



② Section 2  
1/4" = 1'-0"



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Original Issue Date

08/10/23

Plan Name:

Sections

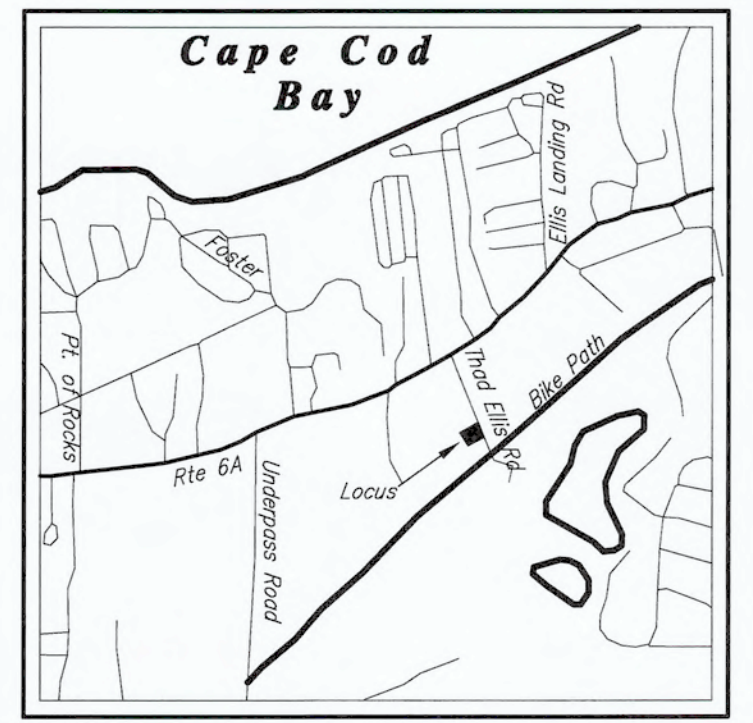
Drawing Number:

A103  
Drawing of



# Wentworth Motorsports Site Construction Plans

94 Thad Ellis Road  
Brewster, MA



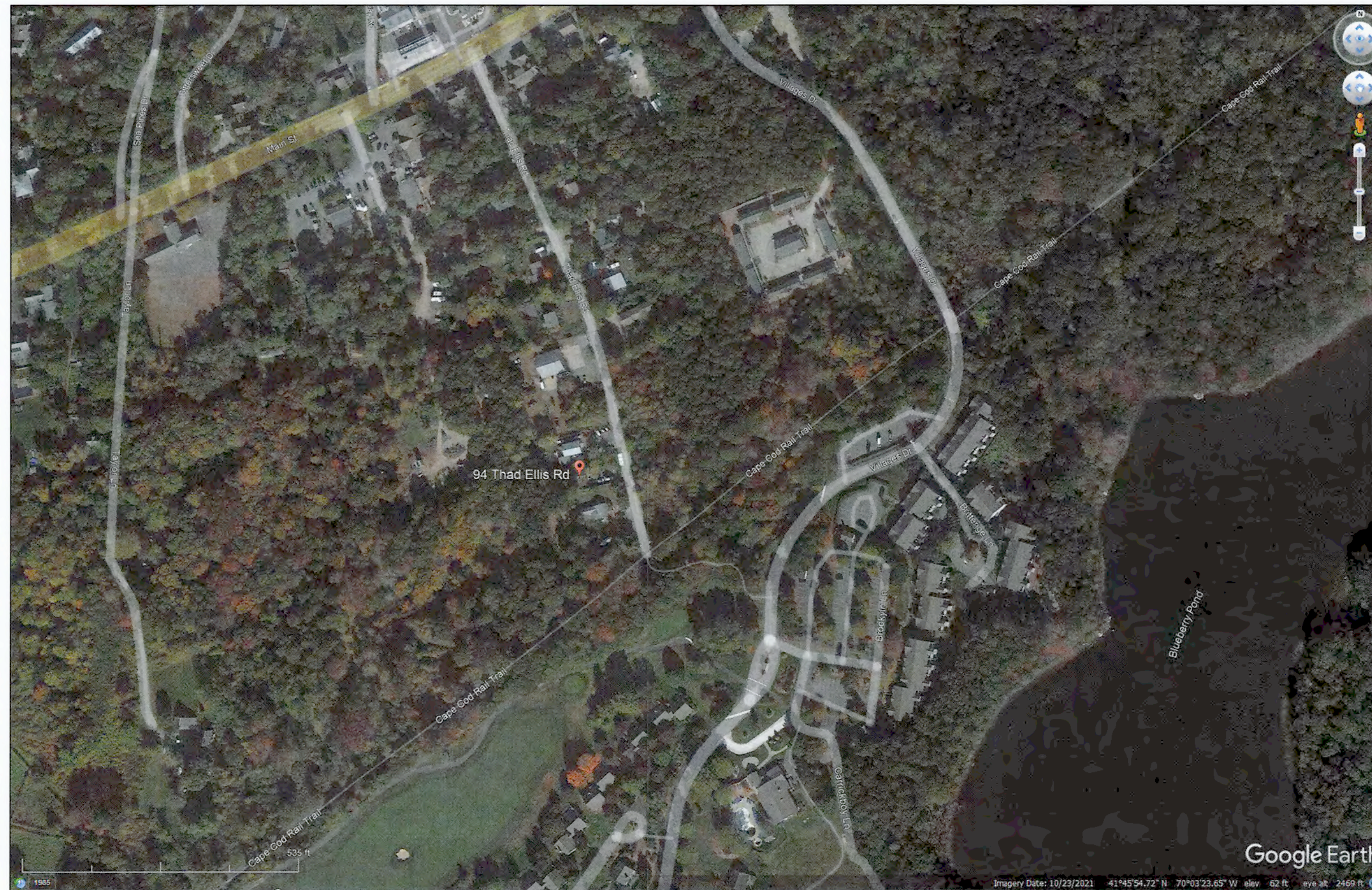
**LOCUS MAP**  
SCALE 1"=2000'±  
ASSESSORS MAP 89 PARCEL 5  
LOCUS IS WITHIN FEMA FLOOD ZONE X  
(AREA OF MINIMAL FLOOD HAZARD) AS  
SHOWN ON COMMUNITY PANEL #25001C0418J  
DATED 7/16/2014

**OWNER OF RECORD**  
MOG REAL ESTATE HOLDINGS, LLC  
972 STONY BROOK ROAD  
BREWSTER, MA 02631

**REFERENCES**  
DEED BOOK 35360 PAGE 213  
PLAN BOOK 97 PAGE 155



ZONING MAP: TOWN OF BREWSTER GIS, N.T.S.



AERIAL IMAGE GOOGLE EARTH, N.T.S.



## PLAN SHEET INDEX:

1. Cover Sheet
2. Existing Conditions Plan
3. Landscape/Layout
4. Utilities/Grading Plan
5. Civil Detail Sheet

COVER SHEET  
FOR  
SITE PLAN  
OF

**94 THAD ELLIS ROAD  
BREWSTER, MA**

PREPARED FOR  
**WENTWORTH MOTORSPORTS**

DATE: JULY 18, 2023  
REV: OCTOBER 27, 2023 (STAFF COMMENTS)

*Daniel A. Qjala* 10/27/23  
DANIEL A. QJALA, P.E., P.L.S. DATE  
PERMIT SET, NOT FOR CONSTRUCTION

SHEET 1 OF 5

off 508-362-4541  
fax 508-362-9880  
downcape.com ©  
**down cape engineering, inc.**  
civil engineers  
land surveyors  
939 Main Street ( Rte 6A )  
YARMOUTHPORT MA 02675  
21-490 WENTWORTH.DWG

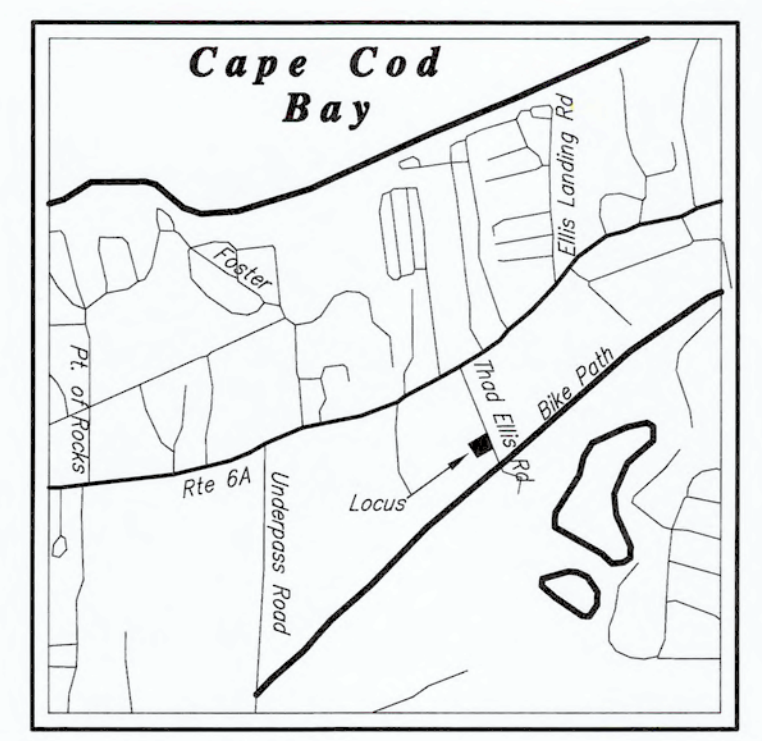


**LEGEND**

- 99 — EXISTING CONTOUR
  - X 99.1 EXIST. SPOT ELEV.
  - [99]— PROPOSED CONTOUR
  - [98.4] PROPOSED SPOT ELEV.
  - TH1 TEST HOLE
  - 2% SLOPE OF GROUND
  - UTILITY POLE
  - FIRE HYDRANT
- NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING

**NOTES**

1. DATUM IS NAVD88
2. THIS PLAN IS FOR PROPOSED WORK ONLY AND NOT TO BE USED FOR LOT LINE STAKING OR ANY OTHER PURPOSE.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING DIGSAFE (1-888-344-7233) AND VERIFYING THE LOCATION OF ALL UNDERGROUND & OVERHEAD UTILITIES PRIOR TO COMMENCEMENT OF WORK.
4. EXISTING SEPTIC SYSTEM SHOWN IS APPROXIMATE. NO SEPTIC INFORMATION ON FILE WITH THE TOWN.
5. WETLAND FLAGGED BY INDEPENDENT ENVIRONMENTAL CONSULTANTS, INC. 1/5/2022.



**LOCUS MAP**  
 SCALE 1"=2000'±  
 ASSESSORS MAP 89 PARCEL 5  
 LOCUS IS WITHIN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON COMMUNITY PANEL #25001C0418J DATED 7/16/2014



**TEST HOLE LOGS**

ENGINEER: DANIEL E. GONSALVES, SE #13587  
 WITNESS: AMY VON HONE, RS, CHO  
 DATE: 9/22/22  
 PERC. RATE = FAILED (NO SUITABLE SOILS DISCOVERED)

CLASS	SOILS	ELEV.
0"	FILL	64.8'
20"	A SL	62.6'
26"	10YR 3/2	61.6'
38"	B SL	61.2'
174"	C SIL	50.3'
PERCHED GROUNDWATER ENCOUNTERED AT 168" EL. 50.8'		

CLASS	SOILS	ELEV.
0"	FILL	64.2'
12"	A SL	62.5'
20"	10YR 3/2	61.2'
36"	B SL	61.2'
204"	C SIL	47.2'
NO GROUNDWATER ENCOUNTERED		

**TEST HOLE LOGS**

ENGINEER: DANIEL E. GONSALVES, SE #13587  
 WITNESS: SHERRI MCCULLOUGH (BREWSTER)  
 DATE: 10/18/22  
 PERC. RATE = < 2 MIN/INCH

CLASS	SOILS	ELEV.
0"	A SL	64.5'
26"	10YR 4/2	61.8'
32"	10YR 5/6	53.5'
132"	C1 FSL	45.5'
228"	C2 SIL	41.5'
276"	5Y 5/1	41.5'
PERCHED GROUNDWATER ENCOUNTERED AT 228" EL. 45.5'		

**ZONING SUMMARY**

ZONING DISTRICT:	C-H COMMERCIAL HIGH DENSITY DISTRICT
MIN. LOT SIZE	15,000 S.F.
MIN. LOT FRONTAGE	80'
MIN. FRONT SETBACK	30'
MIN. SIDE SETBACK	15'
MIN. REAR SETBACK	15'
MAX. BUILDING COVERAGE	40%
MAX. BUILDING HEIGHT	30'

**OWNER OF RECORD**

MOG REAL ESTATE HOLDINGS, LLC  
 972 STONY BROOK ROAD  
 BREWSTER, MA 02631

**REFERENCES**

DEED BOOK 35360 PAGE 213  
 PLAN BOOK 97 PAGE 155

**EXISTING CONDITIONS**

FOR  
**SITE PLAN**  
 OF

**94 THAD ELLIS ROAD  
 BREWSTER, MA**

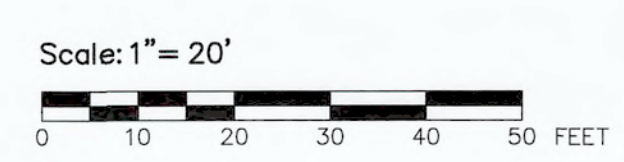
PREPARED FOR

**WENTWORTH MOTORSPORTS**

DATE: JULY 18, 2023  
 REV: OCTOBER 27, 2023 (STAFF COMMENTS)



*D. Ojala*  
 DANIEL A. OJALA, P.E., P.L.S. DATE 10/27/23



off 508-362-4541  
 fax 508-362-9880  
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**down cape engineering, inc.**  
 civil engineers  
 land surveyors  
 939 Main Street ( Rte 6A )  
 YARMOUTHPORT MA 02675  
 21-490 WENTWORTH.DWG



**LEGEND**

- 99 - EXISTING CONTOUR
  - X 99.1 EXIST. SPOT ELEV.
  - [99] - PROPOSED CONTOUR
  - [98.4] - PROPOSED SPOT EL.
  - TH1
  - TEST HOLE
  - 2% SLOPE OF GROUND
  - UTILITY POLE
  - FIRE HYDRANT
- NOTE: NOT ALL SYMBOLS MAY APPEAR IN DRAWING

**HARDSCAPE CALCULATIONS:**

HARDSCAPE	0-50'	50-100'
EXISTING:	780 SF	3803 SF
PROPOSED:	726 SF	5503 SF
INCREASE:	-54 SF	1700 SF

**PARKING CALCULATIONS:**

AUTOMOTIVE SERVICE AND REPAIR FACILITY:  
 3 BAYS (2 SPACES/BAY) = 6 SPACES  
 1/ EMPLOYEE MAX SHIFT = 2 SPACES  
 400 S.F. OFFICE:  
 (1 SPACE/250 S.F.) = 2 SPACES REQ.

TOTAL: 10 SPACES REQUIRED  
 9 SPACES PROVIDED

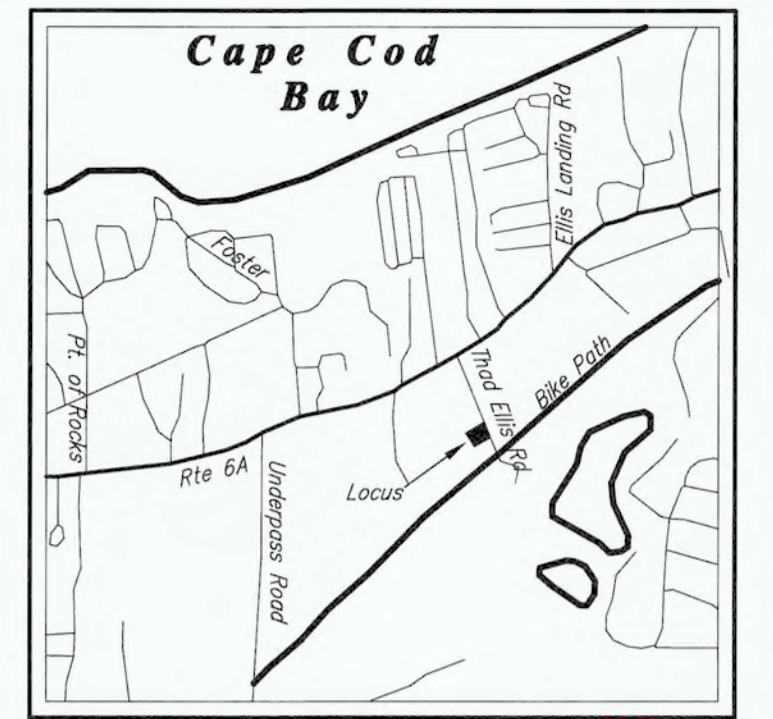
**LANDSCAPE KEY**

- Hydrangea macrophylla 'Nikko Blue'  
Nikko Blue Hydrangea-blue mophead
- Ilex glabra 'Shamrock'  
Shamrock Inkberry-compact
- Juniperus Virginiana  
Eastern Red Cedar

RAIN GARDEN PLANTING SCHEDULE			
SYMBOL	PLANT NAME	SIZE	QUANT.
	WINTERBERRY ILEX VERTICILLATA	#3	3
	NORTHERN BAYBERRY MYRICA PENNSYLVANICA	#3	4

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12. EXISTING LEACHING FACILITY SHALL BE PUMPED AND REMOVED.
13. WETLAND FLAGGED BY INDEPENDENT ENVIRONMENTAL CONSULTANTS, INC. 1/5/2022.
14. ALL ROOF RUNOFF TO BE DIRECTED TO ROOF DRYWELLS.



**LOCUS MAP**

SCALE 1"=2000'±  
 ASSESSORS MAP 89 PARCEL 5  
 LOCUS IS WITHIN FEMA FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON COMMUNITY PANEL #25001C0418J DATED 7/16/2014

**ZONING SUMMARY**

ZONING DISTRICT:	C-H COMMERCIAL HIGH DENSITY DISTRICT		
MIN. LOT SIZE	15,000 S.F.	EXIST. 16,800 S.F.	PROP. 16,800 S.F.
MIN. LOT FRONTAGE	80'	112'	112'
MIN. FRONT SETBACK	30'	45.7'	36.0'
MIN. SIDE SETBACK	15'	14.0'	10.0'
MIN. REAR SETBACK	15'	39.6'	54.0'
MAX. BUILDING COVERAGE	40%	20.1% (3376 S.F.)	28.5% (4800 S.F.)
MAX BUILDING HEIGHT	30'	<30'	<30'

**OWNER OF RECORD**

MOG REAL ESTATE HOLDINGS, LLC  
 972 STONY BROOK ROAD  
 BREWSTER, MA 02631

**REFERENCES**

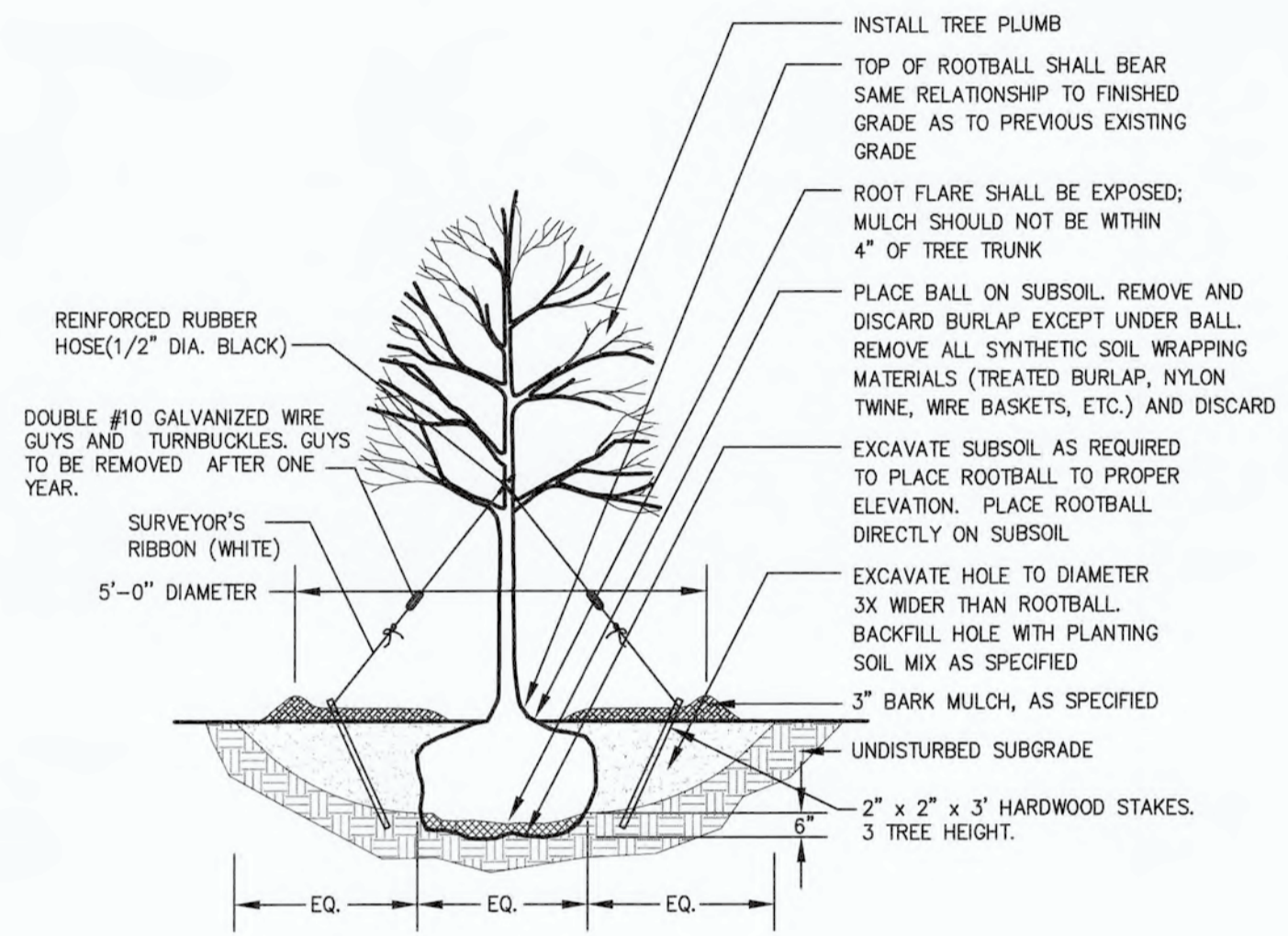
DEED BOOK 35360 PAGE 213  
 PLAN BOOK 97 PAGE 155

**GENERAL SEEDING NOTES**

- 1) PERMANENT SEEDING SHALL CONSIST OF THE FOLLOWING MIXTURE OR APPROVED EQUAL - OPTIMUM SEEDING DATES ARE BETWEEN APRIL 1 AND MAY 31 AND AUGUST 16 AND OCTOBER 15.  
 SUMMER STRESS MIXTURE (LOFTS SEED INC.)  
 90% REBEL II OR TRIBUTE TALL FESCUE  
 10% NASSAU OR BARON KENTUCKY BLUEGRASS  
 SEEDING RATE: 5# PER 1,000 SQ. FT. OR 200# PER ACRE.
- 2) PERMANENT SEEDING TO BE APPLIED BY RAKING OR DRILLING INTO THE SOILS AT A RATE OF 150# PER ACRE. SLOPED AREA TO BE COVERED WITH MULCH AS INDICATED IN NOTE 4.
- 3) FERTILIZER FOR THE ESTABLISHMENT OF TEMPORARY AND PERMANENT VEGETATIVE COVER SHALL BE 10-10-10 APPLIED AT A RATE OF 15# PER 1,000 SQ. FT. OR AS DETERMINED BY SOIL TESTS. LIMESTONE FOR TEMPORARY SEEDING SHALL BE APPLIED AT A RATE OF 90# PER 1,000 SQ. FT. LIMESTONE FOR PERMANENT SEEDING SHALL BE APPLIED AT A RATE OF 135# PER 1,000 SQ. FT.

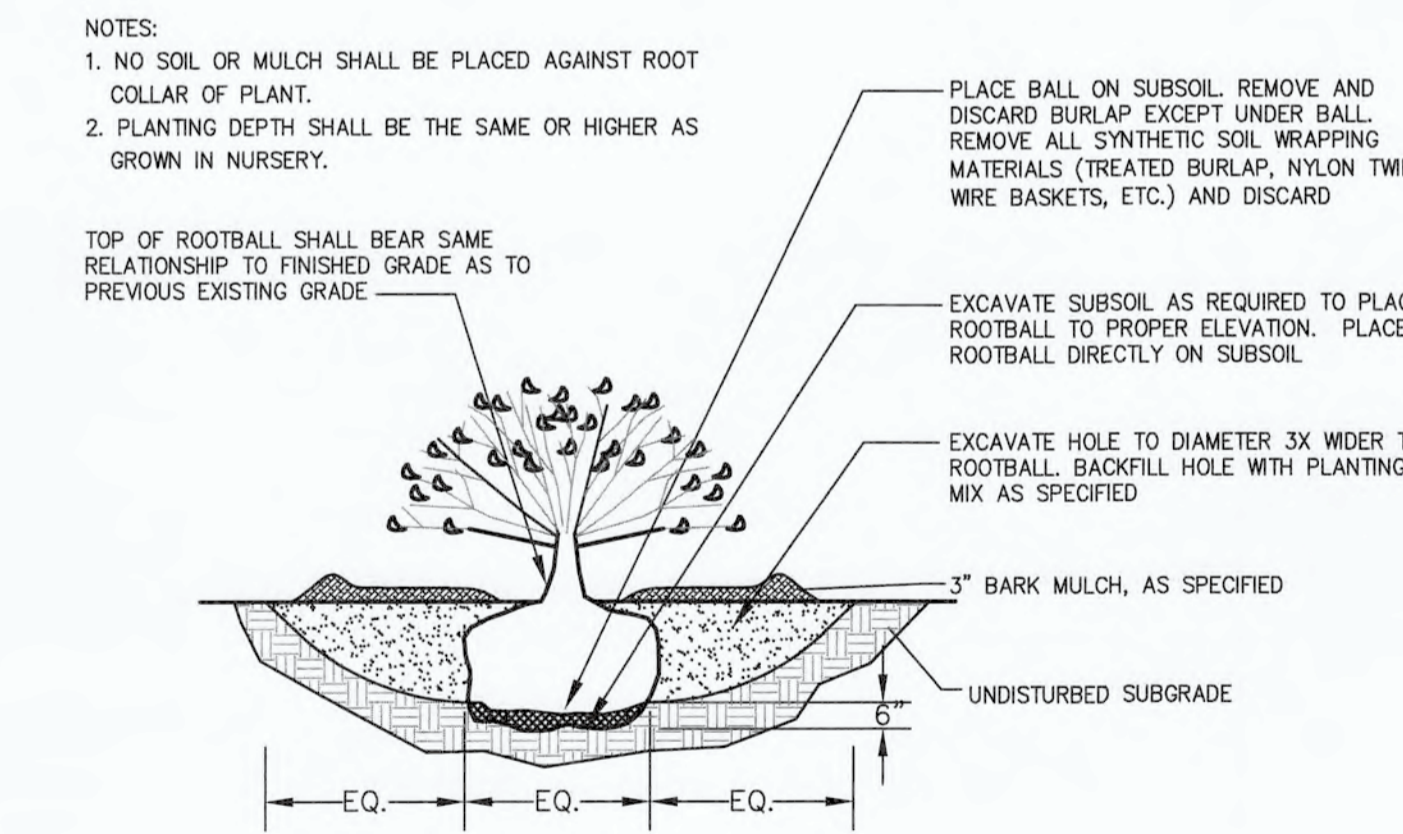
**GENERAL PLANTING NOTES**

- 1) ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION OR THE PLANT MATERIAL WILL BE UNACCEPTABLE. ALL PLANT MATERIAL SHALL BE TRUE TO SPECIES, VARIETY, SIZE AND BE CERTIFIED DISEASE AND INSECT FREE. THE OWNER AND/OR THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO APPROVE ALL PLANT MATERIAL ON SITE PRIOR TO INSTALLATION.
- 2) PROVIDE PLANTING PITS AS INDICATED ON PLANTING DETAILS. BACKFILL PLANTING PITS WITH ONE PART EACH OF TOPSOIL, PEAT MOSS AND PARENT MATERIAL. IF WET SOIL CONDITIONS EXIST THEN PLANTING PITS SHALL BE EXCAVATED AN ADDITIONAL 12" AND FILLED WITH SAND.
- 3) NEWLY INSTALLED PLANT MATERIAL SHALL BE WATERED AT THE TIME OF INSTALLATION. REGULAR WATERING SHALL BE PROVIDED TO ENSURE THE ESTABLISHMENT, GROWTH AND SURVIVAL OF ALL PLANTS.
- 4) ALL PLANT MATERIAL SHALL BE GUARANTEED BY THE CONTRACTOR FOR ONE YEAR AFTER THE DATE OF FINAL ACCEPTANCE. ANY PLANT MATERIAL THAT DIES WITHIN THAT TIME PERIOD SHALL BE REMOVED, INCLUDING THE STUMP, AND REPLACED BY A TREE OF SIMILAR SIZE AND SPECIES AT THE EXPENSE OF THE CONTRACTOR.
- 5) ALL PLANTING BEDS SHALL RECEIVE 2" OF SHREDDED PINE BARK.



**DECIDUOUS TREE PLANTING FOR 2.5" CAL. AND ABOVE**

NOT TO SCALE



**SHRUB PLANTING**

NOT TO SCALE



**LAYOUT LANDSCAPE FOR SITE PLAN**

**94 THAD ELLIS ROAD BREWSTER, MA**

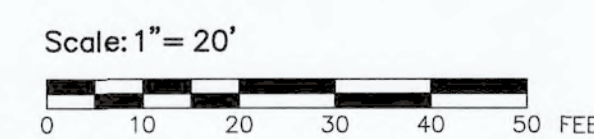
PREPARED FOR

**WENTWORTH MOTORSPORTS**

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*D. Ojala* 10/27/23  
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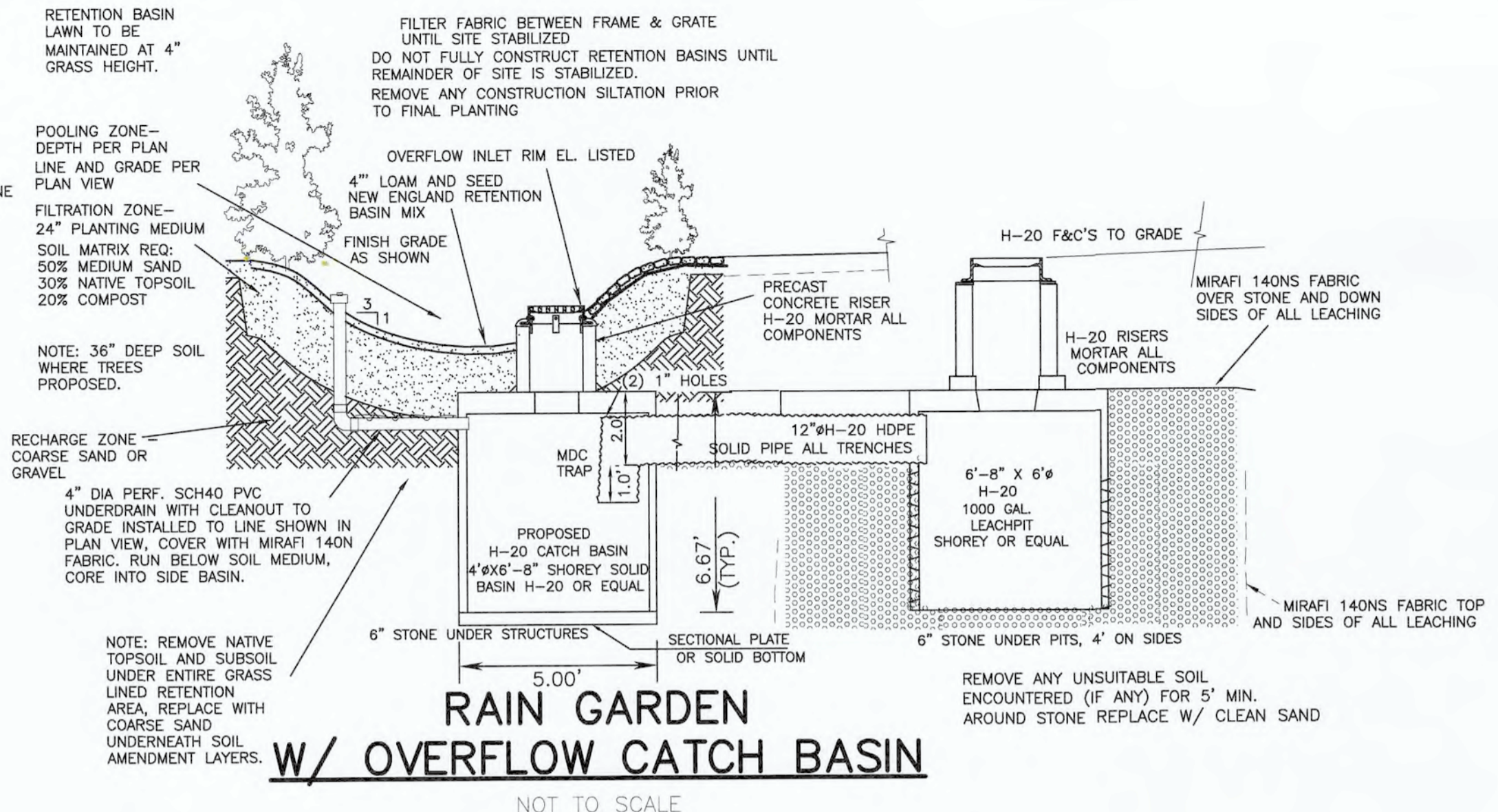
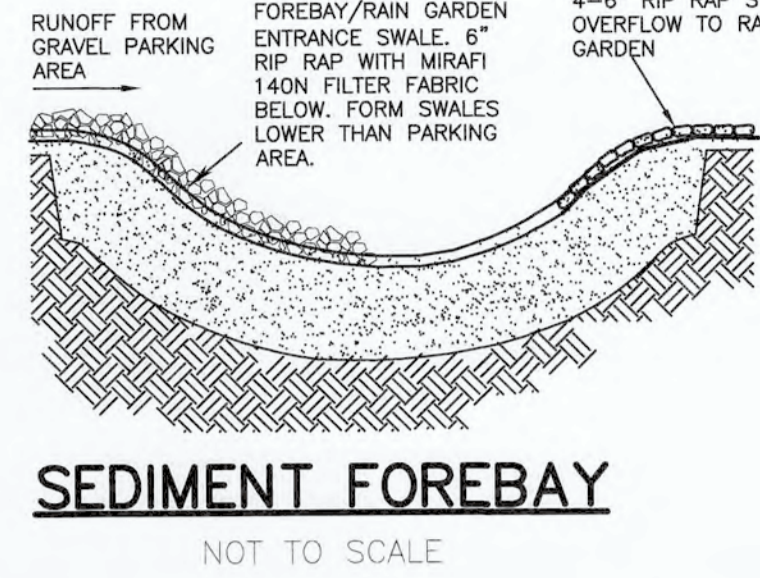
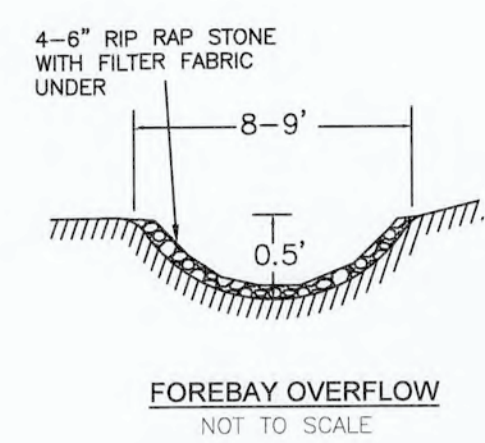




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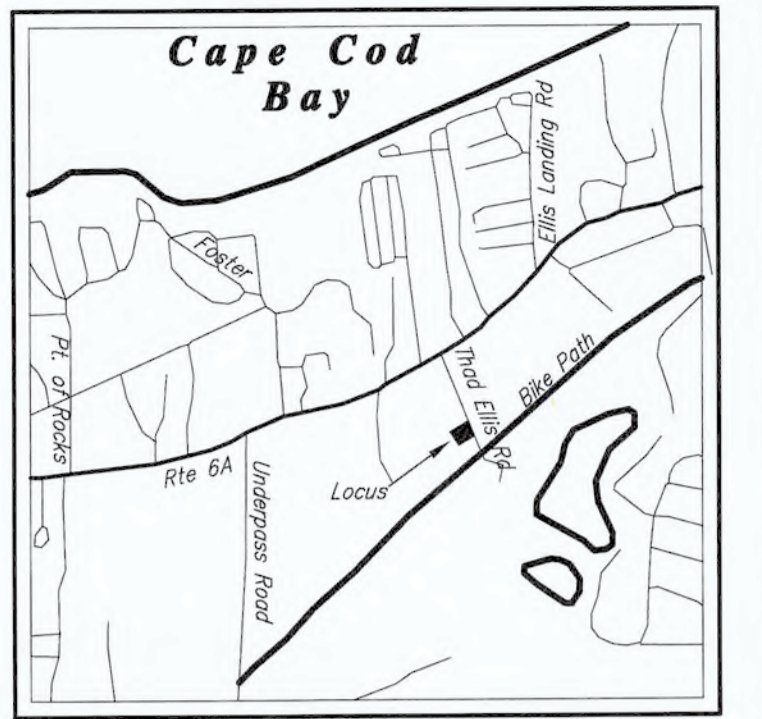
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# DRAINAGE ELEV. SCHEDULE

NAME	RIM	INV.
CB1	64.0	60.5
CB2	62.5	60.5
OGST1	64.0	60.4
LP1	64.1	60.1
LP2	64.4	60.0

# ZONING SUMMARY

ZONING DISTRICT: C-H COMMERCIAL HIGH DENSITY DISTRICT

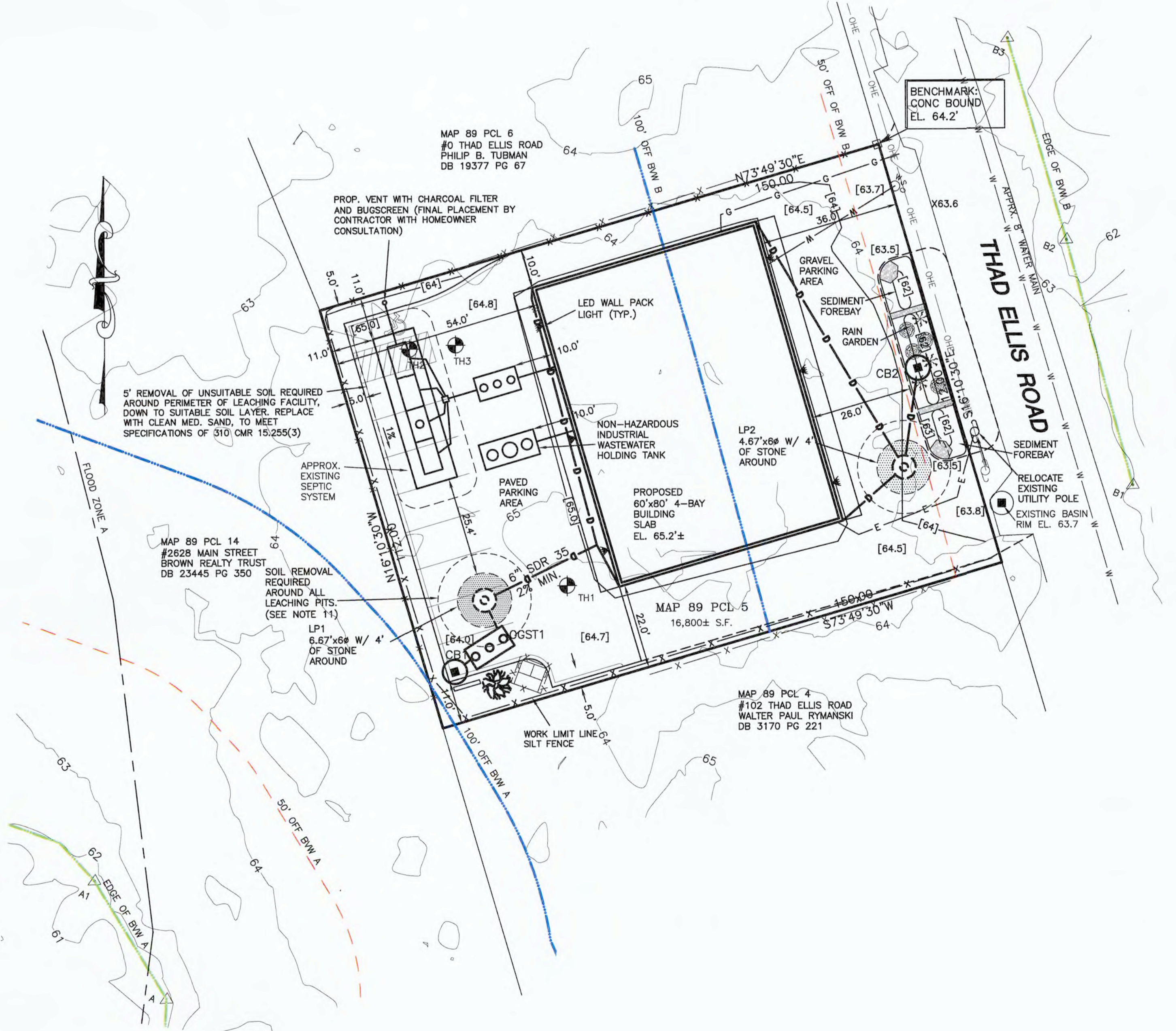
	EXIST.	PROP.
MIN. LOT SIZE	15,000 S.F.	16,800 S.F.
MIN. LOT FRONTAGE	80'	112'
MIN. FRONT SETBACK	30'	45.7'
MIN. SIDE SETBACK	15'	14.0'
MIN. REAR SETBACK	15'	39.6'
MAX. BUILDING COVERAGE	40%	20.1% (3376 S.F.) 28.5% (4800 S.F.)
MAX BUILDING HEIGHT	30'	<30'

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972 STONY BROOK ROAD  
BREWSTER, MA 02631

# REFERENCES

DEED BOOK 35360 PAGE 213  
PLAN BOOK 97 PAGE 155



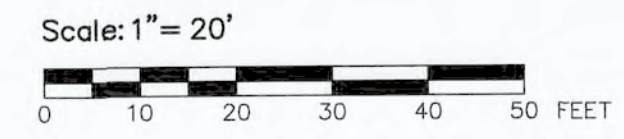
# UTILITIES/GRADING FOR SITE PLAN OF 94 THAD ELLIS ROAD BREWSTER, MA

# WENTWORTH MOTORSPORTS

DATE: JULY 18, 2023  
REV: OCTOBER 27, 2023 (STAFF COMMENTS)



DANIEL A. OJALA, P.E., P.L.S. DATE 10/27/23



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YARMOUTHPORT MA 02675  
21-490 WENTWORTH.DWG



**SYSTEM DESIGN:**

EXISTING 3-BEDROOM DWELLING AND 1 SERVICE STATION BAY  
 EXISTING 480 GPD DESIGN FLOW  
 PROPOSED 3 BAY SERVICE STATION AT 150 GPD/BAY  
 400 S.F. OFFICE @ 75 GPD/1000 S.F. = 30 GPD

TOTAL DESIGN FLOW ESTIMATE = 480 GPD

SEPTIC TANK: 480 GPD (2) = 960 (FIRST COMPARTMENT)  
 480 GPD (1) = 480 (SECOND COMPARTMENT)  
 960 + 480 = 1440 GAL. REQUIRED  
 USE A 2000 GAL. DUAL COMPARTMENT SEPTIC TANK

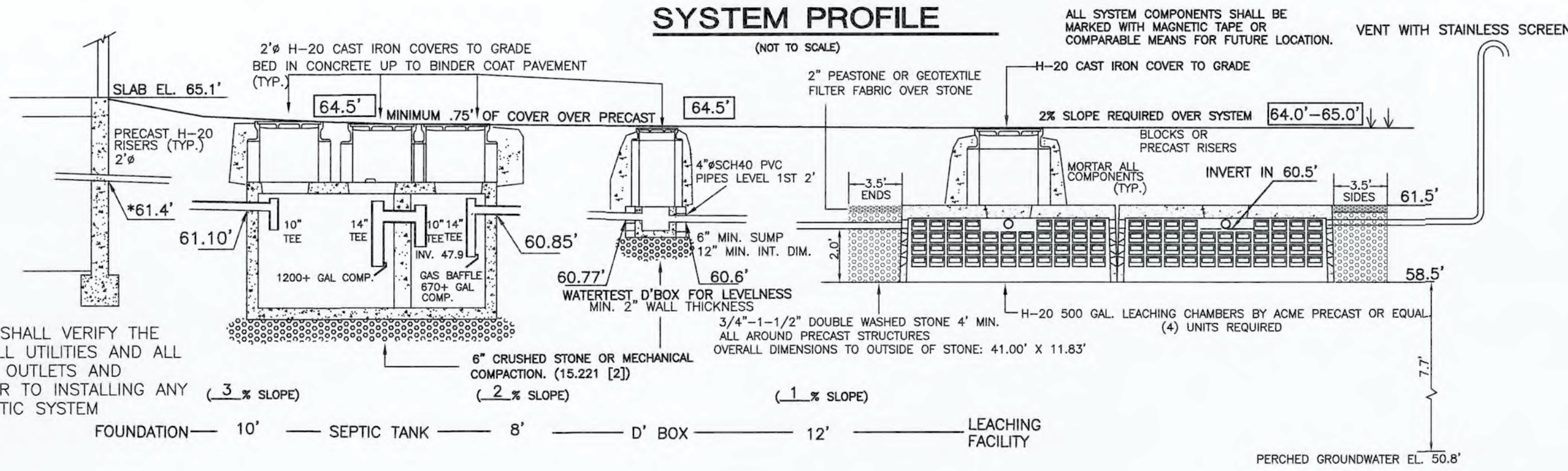
**LEACHING:**

SIDES: 2 (41.0 + 11.8) 2 (.74) = 156 GPD  
 BOTTOM 41.0 x 11.8 (.74) = 359 GPD  
 TOTAL: 696 S.F. 515 GPD

USE (4) 500 GAL. LEACHING CHAMBERS (ACME OR EQUAL)  
 WITH 3.5" STONE ALL AROUND

\*THE INSTALLER SHALL VERIFY THE LOCATIONS OF ALL UTILITIES AND ALL BUILDING SEWER OUTLETS AND ELEVATIONS PRIOR TO INSTALLING ANY PORTION OF SEPTIC SYSTEM

**SYSTEM PROFILE**

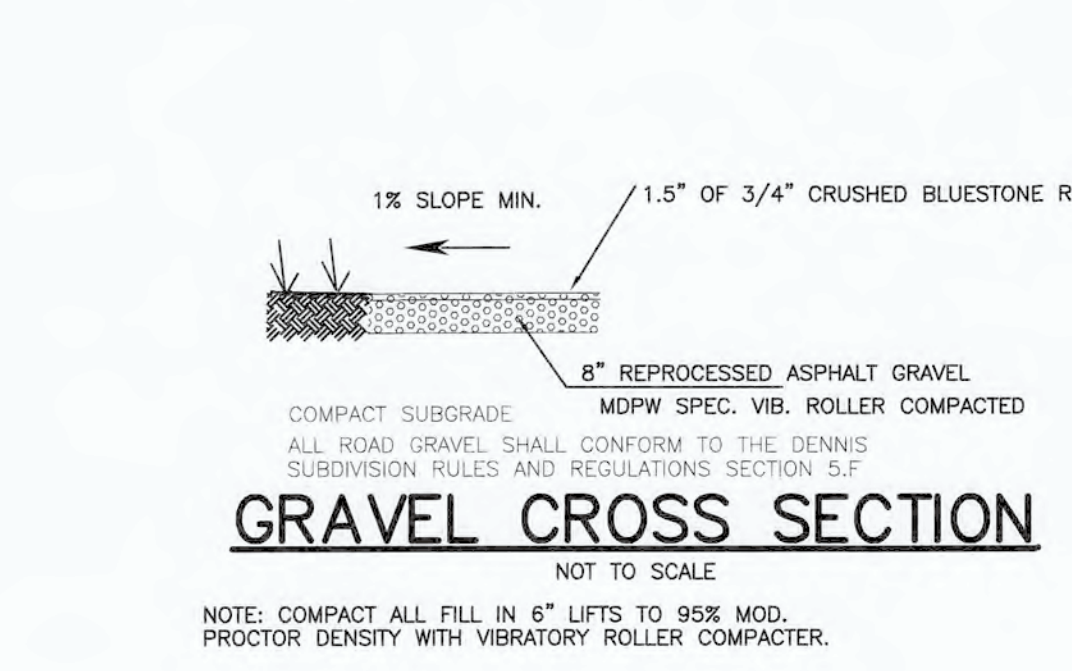
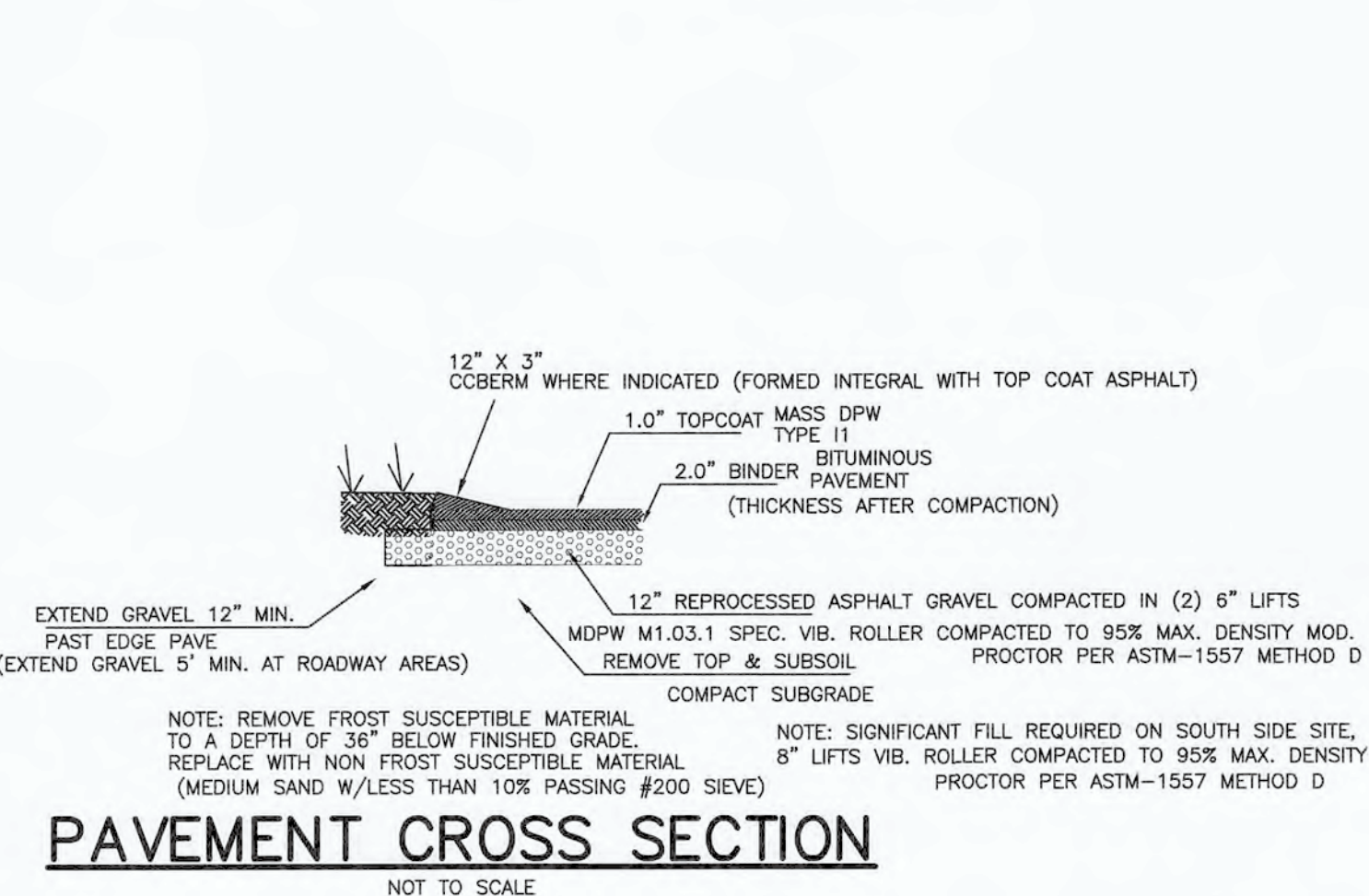
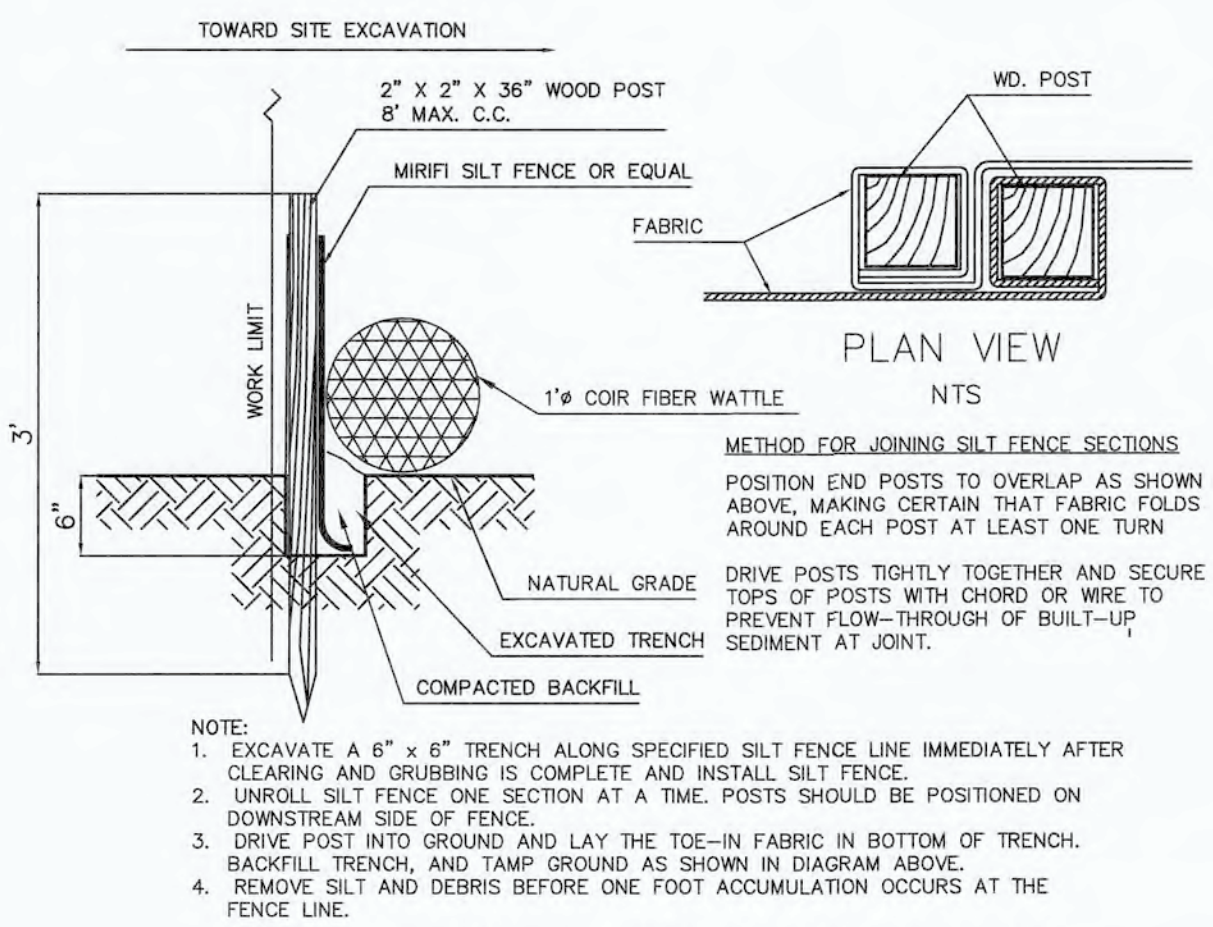
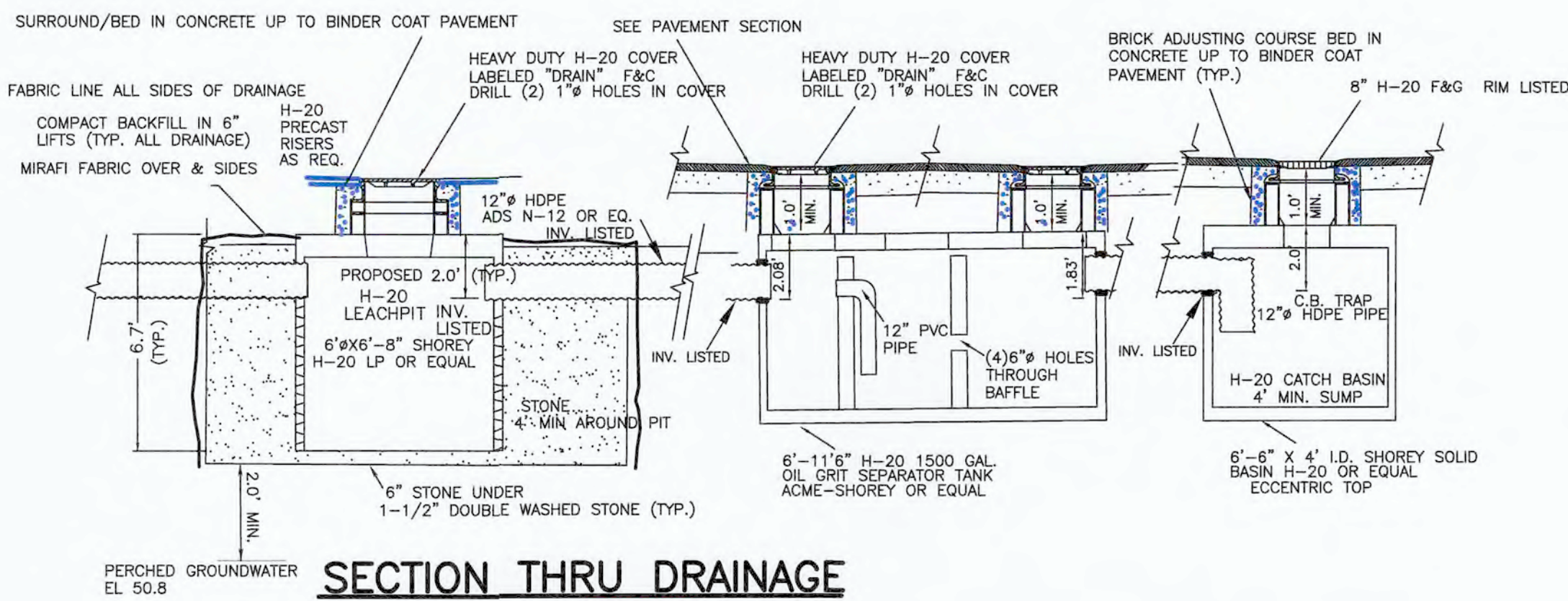
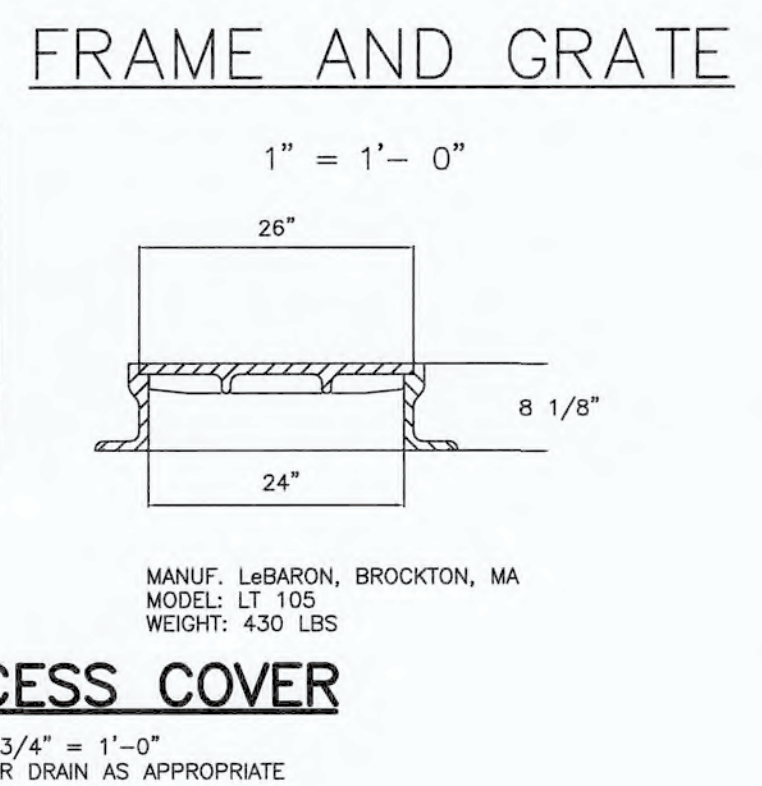
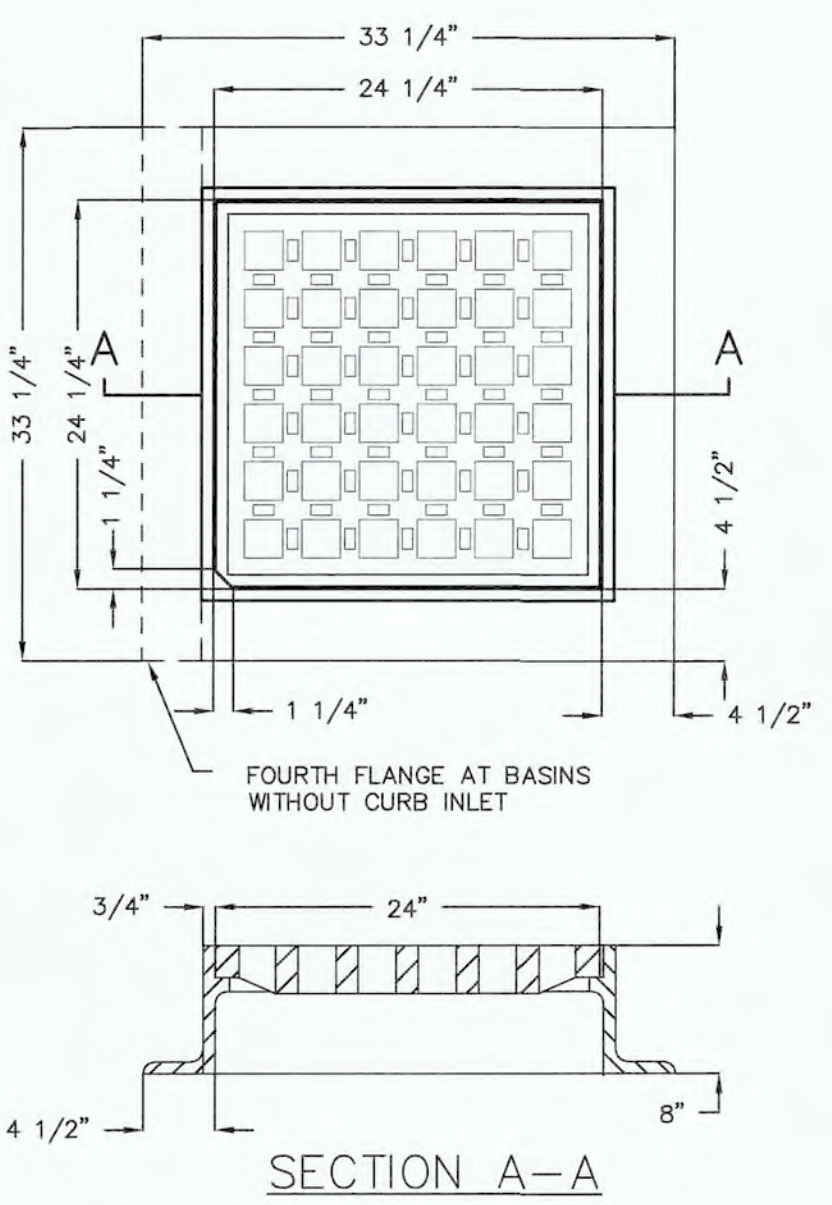
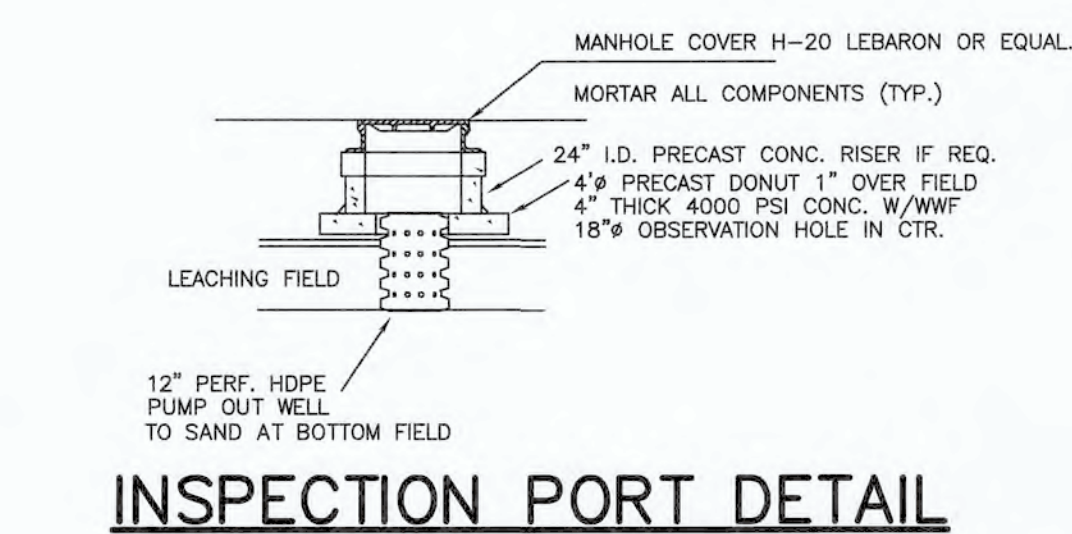
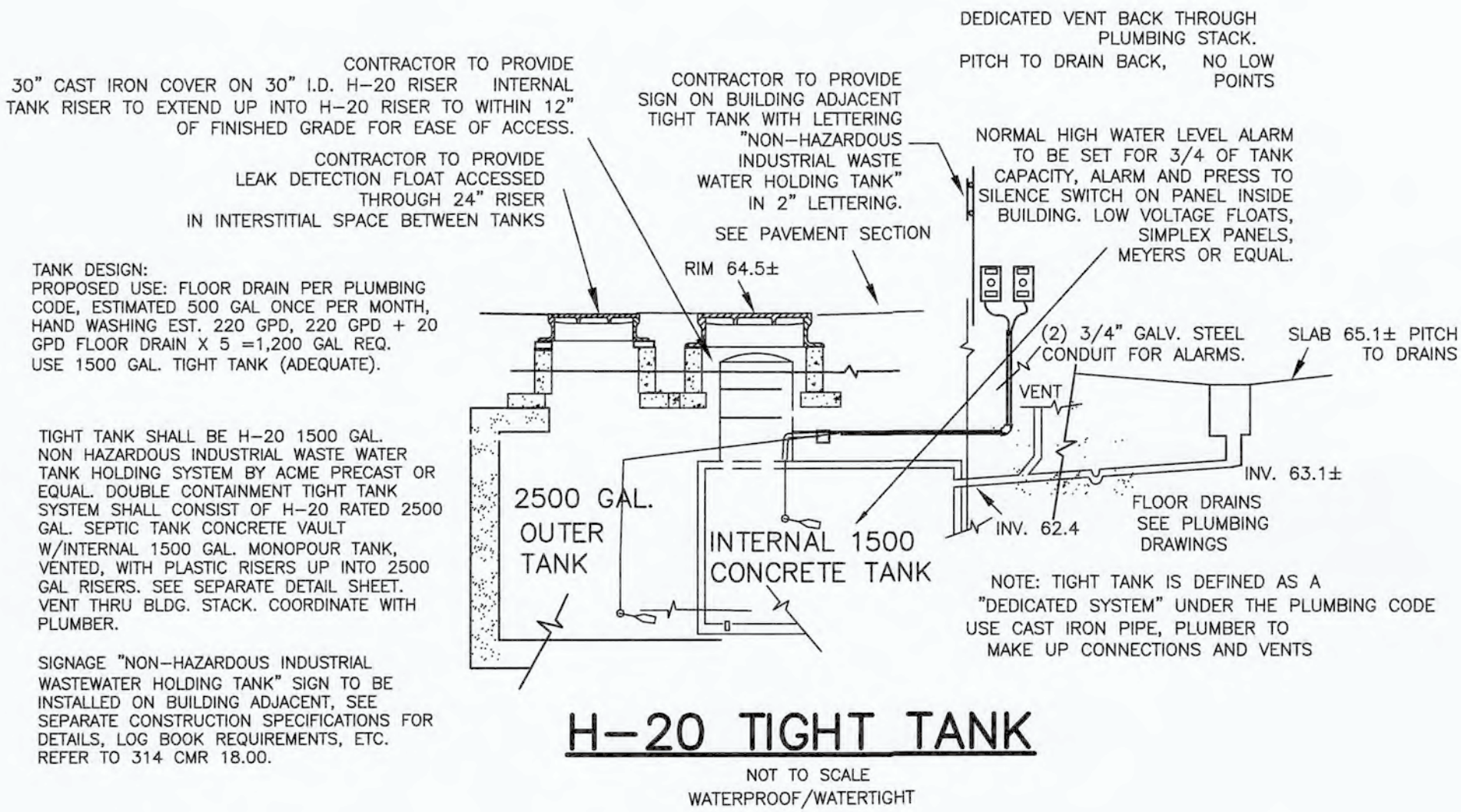


**GENERAL NOTES:** (APPLY TO ALL SHEETS)

1. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THIS PLAN IS APPROXIMATE. PRIOR TO ANY EXCAVATION ON THIS SITE, THE EXCAVATING CONTRACTOR SHALL MAKE THE REQUIRED 72 HOUR NOTIFICATION TO DIG SAFE (1-888-344-7233) AND ANY OTHER UTILITIES WHICH MAY HAVE CABLE, PIPE OR EQUIPMENT IN THE CONSTRUCTION AREA FOR VERIFICATION OF LOCATIONS.
2. ALL CONSTRUCTION MATERIALS, COMPONENTS, AND METHODS EMPLOYED ON THIS PROJECT WORK SHALL CONFORM TO THE TOWN OF BREWSTER SUBDIVISION REGULATIONS AND/OR THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS FOR BRIDGES AND HIGHWAYS AS AMENDED TO PRESENT. ALL SEPTIC WORK AND MATERIALS TO CONFORM TO 310 CMR 15.00 TITLE 5, AND DENNIS HEALTH REGULATIONS.
3. VERTICAL DATUM NAVD8S. MUNICIPAL WATER IS AVAILABLE.
4. DESIGN LOADING FOR ALL PRECAST UNITS TO BE ASHTO-H20 UNLESS NOTED.
5. COORDINATE UTILITY INSTALLATIONS/DISCONNECTS WITH APPROPRIATE VENDORS.
6. SURVEY PLAN IS SUFFICIENTLY ACCURATE FOR PROPOSED WORK. PLAN NOT TO BE UTILIZED FOR LOT LINE STAKING, CONVEYANCING, OR ANY OTHER PURPOSE EXCEPT PERMITTING.
7. ALL SEPTIC PIPING 6" SCH-40 PVC UNLESS NOTED.
8. COMPONENTS NOT TO BE BACKFILLED OR CONCEALED WITHOUT INSPECTION BY BOARD OF HEALTH AND PERMISSION OBTAINED FROM BOARD OF HEALTH.
9. DESIGN ENGINEER TO INSPECT AND CERTIFY CONSTRUCTION OF SEPTIC SYSTEM. SEE INSPECTION NOTES
10. COMPONENTS NOT TO BE BACKFILLED OR CONCEALED WITHOUT INSPECTION BY ENGINEERING AND PERMISSION OBTAINED.
11. NOTE THAT ELECTRICAL CONDUITS ARE NOT ALL SHOWN IN DETAIL, PROVIDE CONDUITS AS REQ.
12. EXISTING SEPTIC COMPONENTS ON THE SITE SHALL BE REMOVED AND REPLACED WITH CLEAN COMPACTED SAND VENDORS.
13. WATER SERVICE APPROXIMATE AS SHOWN. CONTRACTOR TO COORDINATE ALL UTILITY WORK WITH APPROPRIATE VENDORS.
14. TOPOGRAPHY AND DETAIL FROM SURVEYS BY DOWN CAPE ENGINEERING
15. CONTRACTOR TO VERIFY INVERTS, PRECAST SIZES AND ALL SITE CONDITIONS PRIOR TO ANY CONSTRUCTION.
16. CONTRACTOR TO REVIEW SITE AND PLANS AND ANY WORK LIMIT LINE ESTABLISHED. PROTECT ADJUTERS AS REQ.

**GENERAL SCOPE OF WORK:**

(SEE ALSO ALL NOTES AND DETAILS AND ITEMS ON PLANS):  
 THE SITEWORK CONTRACTOR SHALL PROVIDE THE OWNER/GENERAL CONTRACTOR WITH ALL MATERIALS AND LABOR NECESSARY TO COMPLETE THE VARIOUS SITEWORK AND THE SEPTIC SYSTEM UPGRADE SHOWN ON THESE PLANS. CONTRACTOR TO VISIT THE SITE PRIOR TO PLACING BID, AND MAKE SUCH INSPECTIONS AND INQUIRES AS REQUIRED TO ACCURATELY ESTIMATE THE COST OF THE SITEWORK WHICH INCLUDES AMONG OTHER PARTS DRAINAGE, PARKING, AND SEPTIC SYSTEM INSTALLATION. THE CONTRACTOR'S SCOPE OF WORK SHALL INCLUDE ALL NECESSARY PERMITS AND FEES, LIKELY INCLUDING BUT NOT LIMITED TO DISPOSAL WORKS CONSTRUCTION PERMIT, PLUMBING PERMIT, TRENCH PERMIT, ELECTRICAL PERMIT, COORDINATION WITH WATER DEPARTMENT, GAS COMPANY, AND OTHER UTILITIES AS REQUIRED TO COMPLETE THE WORK SHOWN ON THE PLANS. THE CONTRACTOR SHALL PROVIDE FOR PUMPING OF ALL EXISTING TANKS AND COMPONENTS, AND SHALL CRUSH AND REMOVE ALL ABANDONED LEACHING COMPONENTS, ALL PER TITLE 5 REQUIREMENTS. NOTE SIGNIFICANT SOIL REMOVAL AROUND PROPOSED SEPTIC LEACHING AND DRAINAGE PITS IS REQUIRED.  
 THE CONTRACTOR SHALL COORDINATE THEIR WORK WITH THEIR ELECTRIC SUBCONTRACTOR AND UTILITY COMPANIES AS NEEDED. SAFETY OF STRUCTURES AND PUBLIC AND ANY TRAFFIC CONTROL REQUIRED ON THE PROJECT IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE ALL NEW FIRST QUALITY PRODUCTS AND CLEAN DOUBLE WASHED STONE FOR THE PROJECT. THE CONTRACTOR SHALL COMPACT ALL BACKFILL TO 95% OF THE MODIFIED PROCTOR DENSITY OF THE BACKFILL IN ALL PLACES, AND SHALL PROVIDE GRAVEL AND NEW PAVEMENT PER THE PAVEMENT SECTION. THE CONTRACTOR IS RESPONSIBLE FOR GRADING OVER THE SYSTEM COMPONENTS AND PITCHING THE PARKING TO MATCH PROPOSED GRADES WITHOUT FORMING PUDDLES. ANY DEFICIENT WORK SHALL BE REMOVED AND REPLACED AT NO ADDITIONAL COST TO THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ALL SAFETY AND TRAFFIC MANAGEMENT FOR THE PROJECT. IT IS UNDERSTOOD BY ALL PARTIES THAT THE CONTRACTOR SHALL ULTIMATELY BE RESPONSIBLE FOR THE PROMPT COMPLETION OF ALL PHASES OF WORK DESCRIBED ON THESE PLANS, AND FINAL PAYMENT CAN BE WITHHELD UNTIL A CERTIFICATE OF COMPLIANCE IS ISSUED BY THE BREWSTER HEALTH DEPARTMENT AND THE OWNER'S ENGINEER IS SATISFIED ALL WORK HAS BEEN COMPLETED PER THE PLANS AND FINAL CLEANUP IS COMPLETE. ANY WRITTEN CONTRACT BETWEEN THE OWNER AND CONTRACTOR WILL GOVERN OVER LANGUAGE IN THIS SCOPE WHERE NOT CONTRARY TO THE DESIGN INTENT, CODES, AND THE PERMITTING AUTHORITIES JURISDICTION.



**DETAIL SHEET**  
 FOR  
**SITE PLAN**  
 OF  
**94 THAD ELLIS ROAD**  
**BREWSTER, MA**

PREPARED FOR  
**WENTWORTH MOTORSPORTS**

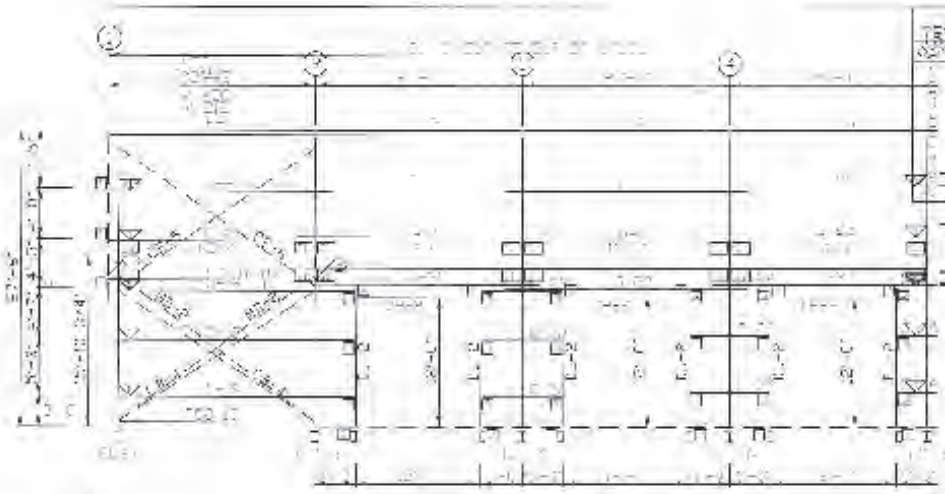
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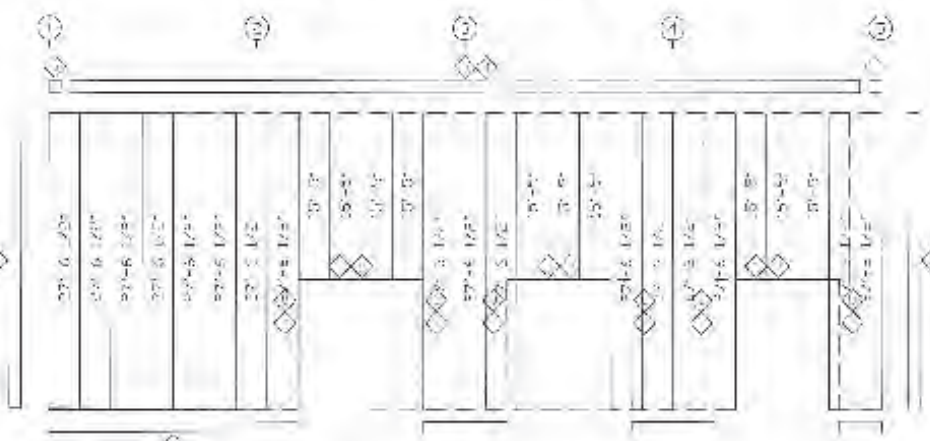
**down cape engineering, inc.**  
 civil engineers  
 land surveyors  
 939 Main Street (Rte 6A)  
 YARMOUTHPORT MA 02675

**SHEET 5 OF 5**





SIDEWALL FRAMING FRAME LINE A



SIDEWALL SHEET PILING & TRIM FRAME LINE A


FRAME LINE A TO B IN STAIR CASE - 1/2011

NO.	DESCRIPTION	DATE
1	FOR APPROVAL	10/10/11
2	FOR APPROVAL	10/10/11
3	FOR APPROVAL	10/10/11
4	FOR APPROVAL	10/10/11
5	FOR APPROVAL	10/10/11

REVISIONS

NO.	DESCRIPTION	DATE
1	FOR APPROVAL	10/10/11
2	FOR APPROVAL	10/10/11
3	FOR APPROVAL	10/10/11
4	FOR APPROVAL	10/10/11
5	FOR APPROVAL	10/10/11

NO.	DESCRIPTION	DATE
1	FOR APPROVAL	10/10/11
2	FOR APPROVAL	10/10/11
3	FOR APPROVAL	10/10/11
4	FOR APPROVAL	10/10/11
5	FOR APPROVAL	10/10/11

PROJECT: [Blank]	DATE: [Blank]	
FOR: [Blank]	DATE: [Blank]	
NO. [Blank]	DATE: [Blank]	
DATE: [Blank]	DATE: [Blank]	
DATE: [Blank]	DATE: [Blank]	













## Brewster Zoning Board of Appeals

2198 Main Street  
Brewster, MA 02631-1898  
(508) 896-3701 x1168  
brewplan@brewster-ma.gov

### DEPARTMENT REVIEWS

#### Application #24-01

**APPLICANT:** MOG Real Estate Holdings, LLC  
**REPRESENTATIVE:** Benjamin E. Zehnder, Esq.  
**MAP/LOT:** Map 89, Lot 8  
**PROPERTY ADDRESS:** 94 Thad Ellis Road

#### Received from:

**Natural Resources Dept. Comments received from Chris Miller**

- No comments at this time.

**Historic District Committee Comments received from Erika Glidden**

- The property listed is not in the Historic District.

**Water Dept. Comments received from Paul Anderson**

- It's likely they will need to request a cut and cap outside of the construction area while they raise the structure.
- The existing service was upgraded in 2001 so it should be in good shape. There is a private line between the main building and the garage.
- They should request a mark-out directly from our office prior to excavating; we are not part of Digsafe.

**Police Dept. Comments received from Lt. Charles Mawn**

- Police Department has no comments on this application.

**Health Dept. Comments received from Sherrie McCullough**

- This property lies outside the Zone II, and the District of Critical Planning Concern (DCPC). The property is located within an Environmentally Sensitive Area (ESA) per our local BoH regulation. The total land area is 16,800 SF +/- and has access to town water.
- The wetland line(s) will need Conservation approval prior to a full Health Department review.
- Due to the depth of suitable material observed during soil testing, a percolation test was not conducted. A sieve analysis of the suitable material must be conducted, or a perc test must be conducted at the time of installation of the new septic system.
- Any proposed hazardous material storage or disposal must meet appropriate requirements.
- Prior to construction, septic plans and a Building Waiver Application will need to be submitted to the Health Department for full department review prior to final approval.

**Building Dept. Comments received from Richard Leibowitz**

- The building department has nothing to add at this time. Once we get a building permit, we will do a thorough review for code compliance.

**Fire Dept. Comments received from Chief Moran**

- Construction shall meet all current regulations contained within 527 CMR 1.00 Massachusetts Comprehensive Fire Safety Code including all referenced NFPA Standards and Massachusetts Building Code requirements.



- In the event a fire suppression system is required the fire department shall determine the type and location of the fire department connection prior to install.
- A fire hydrant shall be located within 300' of the structure.
- The width of the northern driveway is not sufficient for the travel of fire department apparatus. It does not meet MA Fire Code "Chapter 18 Fire Department Access".
- All driveways and parking areas shall be considered fire lanes. Type of signage and location of same shall be determined by the fire department prior to occupancy.
- The landscape area along the south side of the building shall contain a stone base with a width no less than 18" from building.
- A Knox Box key vault shall be placed on the building at a location to be determined by the fire department prior to occupancy.
- Storage of hazardous, flammable, or combustible materials shall meet requirements set forth in the MA Fire Code.
- An emergency responder radio communication system shall be installed per section 916.1 of the Massachusetts State Building Code.

**Conservation Dept.**

**Comments received from William Grafton**

- On the Conservation/wetlands topic, the wetlands delineations have been checked and I did not have any comments.
- The site plan has been revised to include the 100-foot buffer to the flood plain associated with the adjacent Brown property.
- The impervious area within the 100-foot setback is a 1700 square foot increase triggering the need for a Notice of Intent rather than an RDA.