



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 A
March 12, 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), or **Video recording** (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 January 9, 2024 Meeting Minutes
- Continued Applications**
ZBA Case #24-02 Owner/Applicant: Roy and Michelle Proujansky, 156 Rosemary Lane, Map 51, Lot 30, in the RM 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, nonconforming single-family dwelling by constructing a screen porch addition which encroaches into the required setback
- New Applications**
ZBA Case #24-03 Applicant: Joshua Schiff, 3038 Main Street, Map 101, Lot 26, in the RM zoning district. The applicant seeks a Special Permit for a Special Event Venue use under Brewster Zoning Bylaw, 179-51 and use regulations, table 1. The applicant is requesting 36 farm-to-table dinner events to be held at the property for 2024.
ZBA Case #24-04 Applicant: Ocean Edge Resort, LLC, 2907 Main Street, Map 90, Lot 160, in the RM zoning district. The applicant seeks a special permit pursuant to section 179-25B of the Brewster zoning bylaw to change, extend or alter the non-conforming use of the property to allow outdoor dining.
- For your Information
- Matters Not Reasonably Anticipated by the Chair
- Next Meeting: April 9, 2024
- Adjournment

Date Posted:
2/22/2024

Date Revised:

Received by Town Clerk:

BREWSTER TOWN CLERK
 124 FEB 22 10 21AM

TOWN OF BREWSTER ZONING BOARD OF APPEALS
HEARING MINUTES
Town Hall Room B
Tuesday, January 9, 2024, at 7 PM

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

Also present: Attorney Peter Freeman, Christina Carlson (Union Studio Architecture & Community Design), Joe Henderson (Horsley Witten Group), Vida Shklovsky, (POAH), Attorney Benjamin Zehnder, Alex and Kristen Wentworth, 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.

Review and Approval of November 14th hearing 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 November 14th hearing minutes, Jeff seconded the motion, a vote was taken, and the minutes were approved by a majority vote.

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

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**

Members present and voting: Brian Harrison, Jeff Carter, Pat Eggers, David Ayers and Corey Gill
Attorney Freeman informed the Board pursuant to 760 CMR 56.05 (11)(a) and (b) and 760 CMR 56.07(4) regulations when there are changes which are insubstantial a notice is submitted to allow the project to proceed as modified without further Board review. Attorney Freeman provided an overview explaining the changes and need for the changes. He indicated the cost of the project since the permit was approved has increased, which is the driving force for the project change. He informed the Board that design changes have been suggested that will save money. Attorney Freeman referred to the letter included in the packet from the Affordable Housing Trust indicating they reviewed and supported the changes and determined the changes were insubstantial. He then summarized the cover letter highlighting the changes. The buildings have been reduced from 12 to 7, there are 80 approved parking spaces with a reserve area for additional parking if needed and open space has been slightly increased.

Christina Carlson walked through the slides to provide an understanding of the approved vs. the proposed changes. Attorney Freeman stated the changes are necessary, however they are positive changes. He noted the memo written by Jon Idman, Town Planner that was included in the packet. The Board discussed the fact that the requested changes were insubstantial.

Pat made a motion to except the proposed changes to the previously approved Comprehensive Permit Project and determined they are insubstantial, Jeff second the motion, a vote was taken and unanimously approved.

Public Hearing

New Applications:

- **ZBA case #24-01 Owner/Applicant: MOG Real Estate Holdings, LLC (represented by Benjamin E. Zehnder, Esq.), 94 Thad Ellis Road**

Members present and voting: Brian Harrison, Jeff Carter, Pat Eggers, David Ayers, and Corey Gill.

Attorney Benjamin Zehnder addressed the Board providing background information. He confirmed the lot is conforming in the CH zoning district. Currently the lot contains an auto repair building, a residence and two sheds. It is non-conforming from a use standpoint because it has two principal structures on one lot and has a residential dwelling. The applicants are proposing to remove all of the structures and build a single structure to serve their business. The use they are proposing is by right in the CH zoning district.

Attorney Zehnder informed the Board that earlier in the evening they received approval from the Conservation Committee. The applicants are requesting a special permit because the proposed building is non-conforming on the north side of the property. It is 14 feet from the property line where the requirement is 15 feet. They propose to build the structure 4 feet closer due to the feasibility of building the new structure around the current structure to allow their business to continue during the construction. Once the new structure is completed the old structure can be removed from the inside and continue to operate. The request is to alter a preexisting non-conforming structure in order to increase the non-conformity on the north side setback.

Attorney Zehnder referred to the memo from the Building Commissioner suggesting zoning relief. He indicated the use of the property will remain the same and the residential dwelling will be removed. The design is an improvement and not detrimental to the neighborhood. Pat asked a question in reference to the Fire Department comment regarding whether the fire truck had sufficient access to the driveway. Attorney Zehnder stated they have updated the plans to allow for sufficient access based on the comments. Applicant Alex Wentworth informed the Board he reached out to all of the direct abutters and shared the plans of the proposed building. He indicated they were all in support. The Board confirmed they received the letters of support from the abutters. Pat made a motion to open to public input, Corey seconded the motion, a vote was taken and the Board unanimously approved. There being no public input Pat made a motion to close to public input, Jeff seconded the motion a vote was taken and the Board unanimously approved to close to public input. Pat, Jeff, and David expressed their support.

Jeff made a motion to grant the special permit for ZBA case #24-01, 94 Thad Ellis Road as shown in the plans and for the reasons documented in the application, Pat seconded the motion, a vote was taken, and the Board unanimously voted to grant the special permit.

For Your Information:

- None at this time

Matters Not Reasonably Anticipated by the Chair:

- None at this time

The next Board of Appeals hearing is scheduled for February 13th, 2024.

Pat made a motion to adjourn the meeting, David seconded the motion, the vote was taken, and the Board unanimously voted to adjourn. Vote: 5-0-0. The hearing adjourned at 7:26 pm.

#24-02 Owner/Applicant:
Roy and Michelle Proujansky
156 Rosemary Lane



Brewster Zoning Board of Appeals

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

*24 FEB27 11:29AM

BREWSTER TOWN CLERK

TIME EXTENSION/WAIVER/CONTINUANCE FORM

DATE February 12, 2024

PETITION # ZBA#24-02

APPLICANT Roy and Michelle Proujansky

I hereby agree to extend the time limits for hearing decisions on the above petition required under M.G.L. Chapter 40A and Brewster code Chapter 179 by 90 days. I understand and agree that this waives my rights to claim a constructive grant based on the time limits required under sections of M.G.L. Chapter 40 A and the Town of Brewster Code Chapter 179.

APPLICANT/AUTHORIZED AGENT

AGREED BY THE ZONING BOARD OF APPEALS:

BRIAN HARRISON, CHAIR

2/20/2024
DATE



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 DEC 28 11:42 AM
BREWSTER TOWN CLERK

ZBA CASE FILE # 24-02
APPLICATION FOR BREWSTER ZONING BOARD OF APPEALS
SPECIAL PERMIT/ VARIANCE/ ZBA APPEAL APPLICATION
(\$300 Filing Fee)

NAME OF APPLICANT Roy and Michelle Proujansky

REPRESENTATIVE Aleks Mazzeo **PHONE NUMBER** 774-360-3835

MAILING ADDRESS PO Box 1771 Orleans MA 02653

PROPERTY ADDRESS 156 Rosemary Lane, Brewster MA 02631

CURRENT PROPERTY OWNER(S) Roy and Michell Proujansky

REGISTRY OF DEEDS TITLE REFERENCE **BOOK** 201367 **PAGE** _____ **OR**

CERT. OF TITLE # _____ **LAND COURT #** _____

PLAN # _____

TOWN MAP # 51 **LOT #** _____

ZONING DISTRICT RM **YEAR BUILT** 1988

STATEMENT OF PROJECT

Building screened in porch

SIGNATURE OF OWNER OR AGENT FOR OWNER

12.27.2023
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 _____

STREET ADDRESS _____ **YEAR BUILT** _____

MAP # _____ **LOT #** _____

ZONING DISTRICT _____

List only the nonconformities below: Identify all nonconforming setbacks.

LOCATION	EXISTING	REQUIRED	PROPOSED
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- **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 _____ **REQUIRED** _____

LOT SIZE: _____

LOT COVERAGE EXISTING % _____ **PROPOSED %** _____ **ALLOWED %** _____

SIZE OF PARCEL _____ sq. ft. **BUILDABLE UPLAND** _____ sq. ft.

BUILDING COVERAGE/PRIMARY STRUCTURE _____ sq. ft.

BUILDING COVERAGE ALL OTHER STRUCTURES _____ sq. ft.

BUILDING HEIGHT: EXISTING _____ **PROPOSED** _____

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.

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

- 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.

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.



TOWN OF BREWSTER BUILDING DEPARTMENT

2198 MAIN STREET
BREWSTER MA 02631

Phone: 508-896-3701 ext 1125
Email: Building@brewster-ma.gov

RECEIVED

Zoning Determination

JAN - 5 2024

Re; 156 Rosemary Lane identified on Assessors Map 51 Lot 30

BREWSTER PLANNING BOARD
ZONING BOARD OF APPEALS

Babbitt design drawings dated October 5, 2023
Site Plan dated October 29, 2021

Proposed screen porch would be 16.2 feet from lot line with a pre-existing nonconforming condition. The screen porch will need a special permit in accordance with 179-25 "B" to be eligible for a building permit.

Richard Leibowitz CBO
Building Commissioner



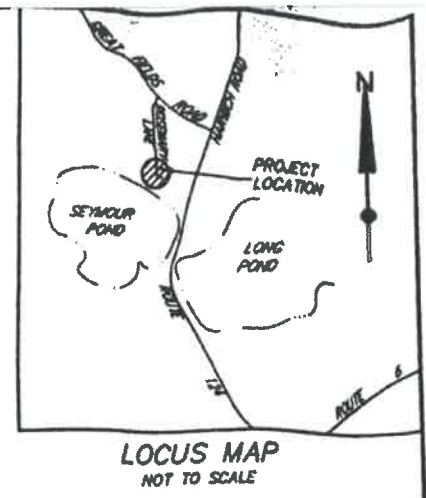
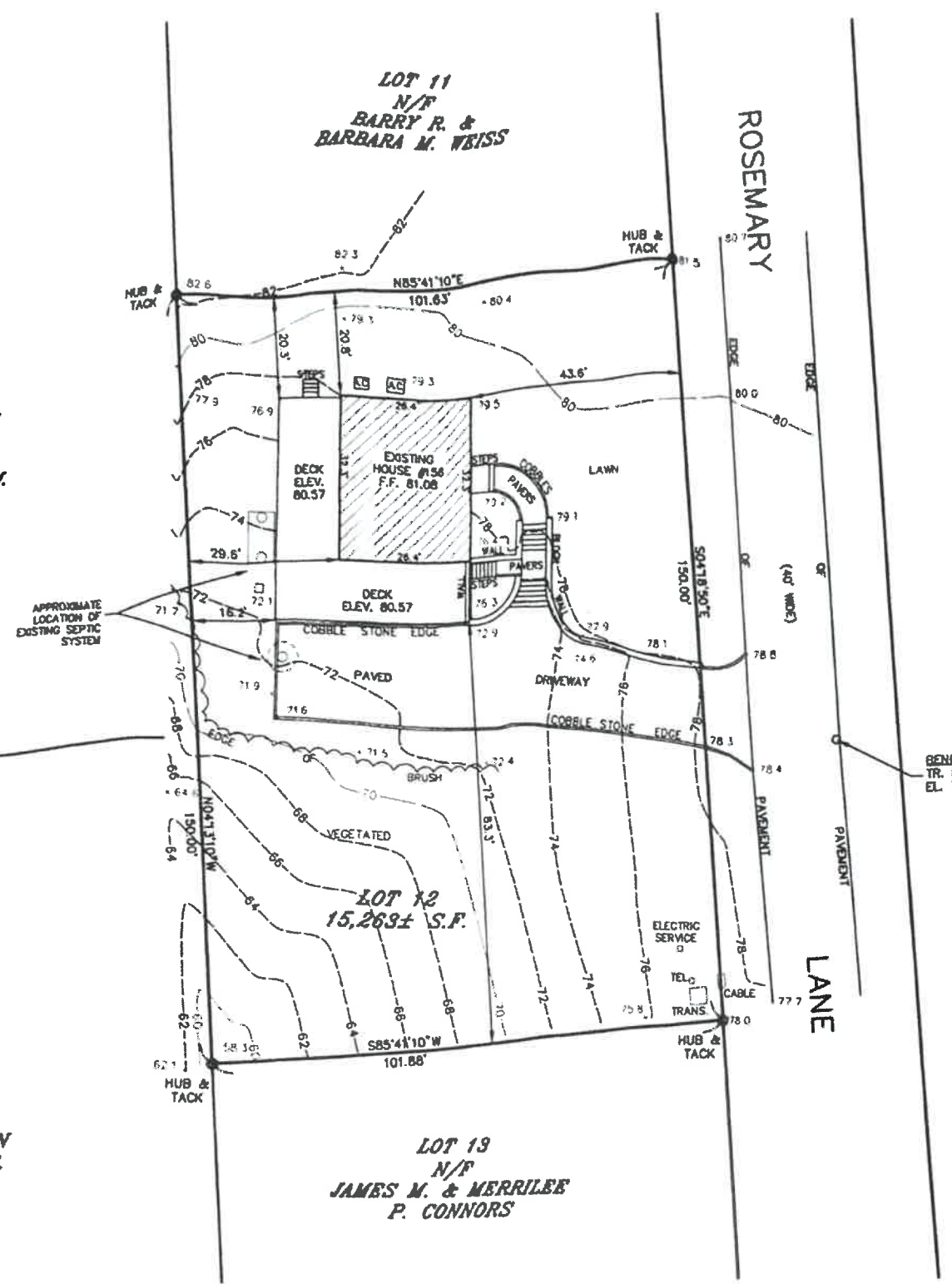
PARCEL 27
N/F
GARY J. & KATHLEEN M. SUMNER

PARCEL 28
N/F
PAUL E. & EILBEN M. MEEHAN, TRS.

LOT 11
N/F
BARRY R. & BARBARA M. WEISS

LOT 13
N/F
JAMES M. & MERRILEE P. CONNORS

LOT 12
15,263± S.F.



GENERAL NOTES:

1. HOUSE NUMBER: 156
2. ASSESSOR'S INFORMATION: MAP 51, PARCEL 30, LOT 12
3. FLOOD ZONE: X (FEMA PANEL 250003 0602 J, DATED JULY 16, 2014)
4. ZONING DISTRICT: R MID DENSITY
5. LOT COVERAGE BY:
 - A. EXISTING STRUCTURES: 1,720 S.F./ 15,263 S.F. = 11.3%
6. TOPOGRAPHIC INFORMATION COMPILED FROM AN ON THE GROUND SURVEY
7. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988.
8. SITE IS WITHIN ZONE II DISTRICT

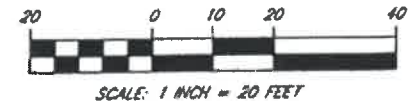
BENCHMARK:
TR. N & C
EL. 78.52

SITE PLAN
FOR
ROY & MICHELLE PROUJANSKY
#156 ROSEMARY LANE
BREWSTER, MA

Scale: 1"=20' Date: OCTOBER 29, 2021



- LEGEND**
- 78 --- EXISTING 2' CONTOUR
 - 80 --- EXISTING 10' CONTOUR
 - * 78.5 EXISTING SPOT ELEVATION





DRAWN BY: L.M., R.J.W.	DATE: 10/29/21
CHECKED BY: GSL	SHEET 1 OF 1
P:\Land Projects 2004\SS21036\dwg\ss21036sp.dwg	

Warwick & Associates Inc.
69 County Road Box 801
North Falmouth, Mass 02556
(508) 563 - 7777

Scanned by TapScanner

LEGEND

-  EXISTING WALL
-  NEW WALL

REVISIONS

NO.	DATE

PROJECT: _____
RESIDENCE
156 ROSEMARY LN
BREWSTER, MA

SHEET TITLE: _____
PROPOSED FIRST
FLOOR PLAN

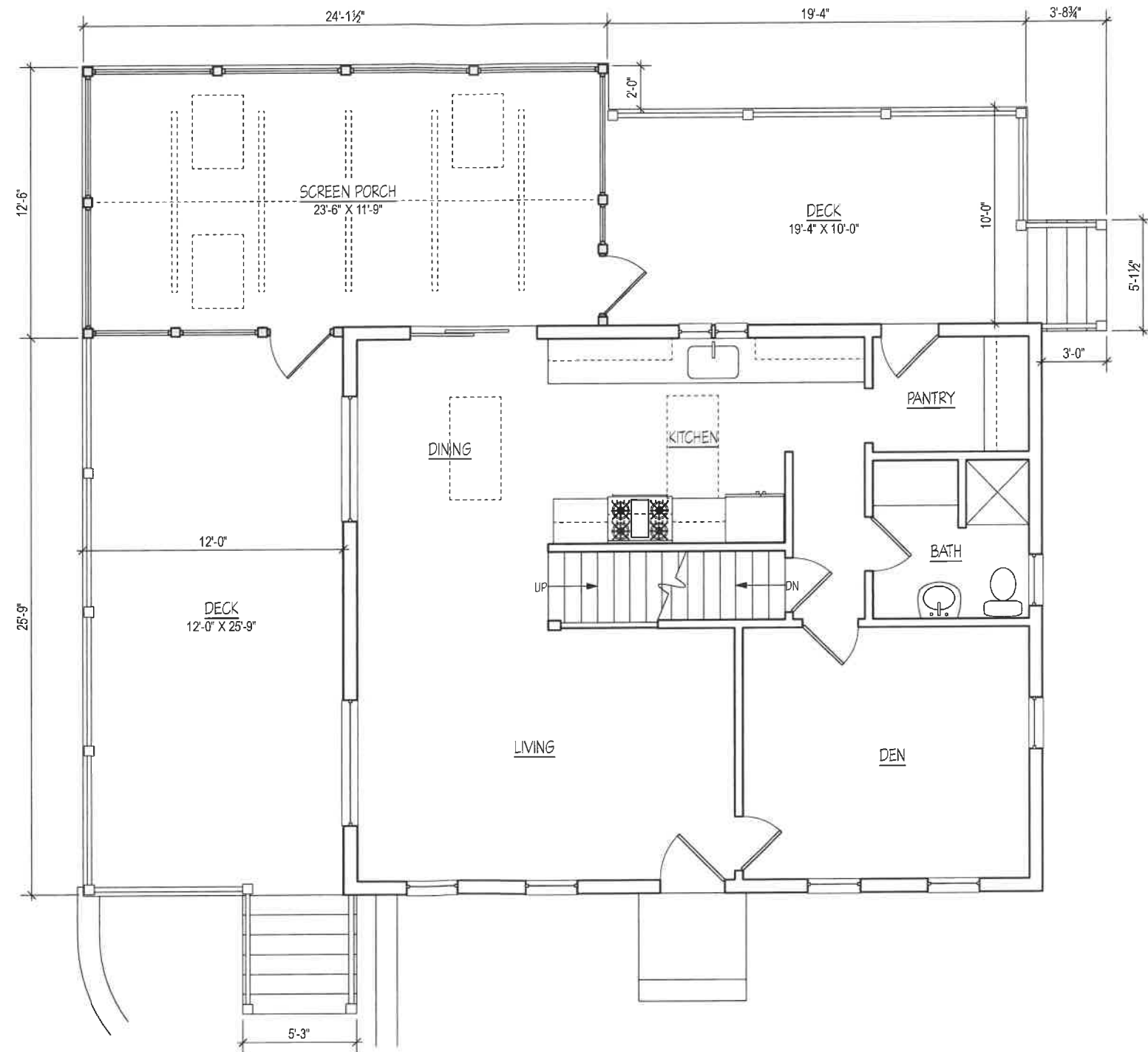
SCALE: 1/4" = 1'-0"

PROJECT #: 223596



DATE: OCTOBER 5, 2023

DRAWING #:

A-1



LEGEND

-  EXISTING WALL
-  NEW WALL



LEFT SIDE ELEVATION



FRONT ELEVATION

REVISIONS

NO.	DATE

PROJECT:

RESIDENCE
156 ROSEMARY LN
BREWSTER, MA

SHEET TITLE:

FRONT & LEFT SIDE
ELEVATIONS

SCALE: 1/4" = 1'-0"

PROJECT #: 223596

DATE: OCTOBER 5, 2023

DRAWING #:

A-2

LEGEND

- EXISTING WALL
- NEW WALL

REVISIONS

NO.	DATE

PROJECT: _____
RESIDENCE
156 ROSEMARY LN
BREWSTER, MA

SHEET TITLE: _____
REAR & RIGHT SIDE
ELEVATIONS

SCALE: 1/4" = 1'-0"

PROJECT #: 223596

DATE: OCTOBER 5, 2023

DRAWING #: **A-3**



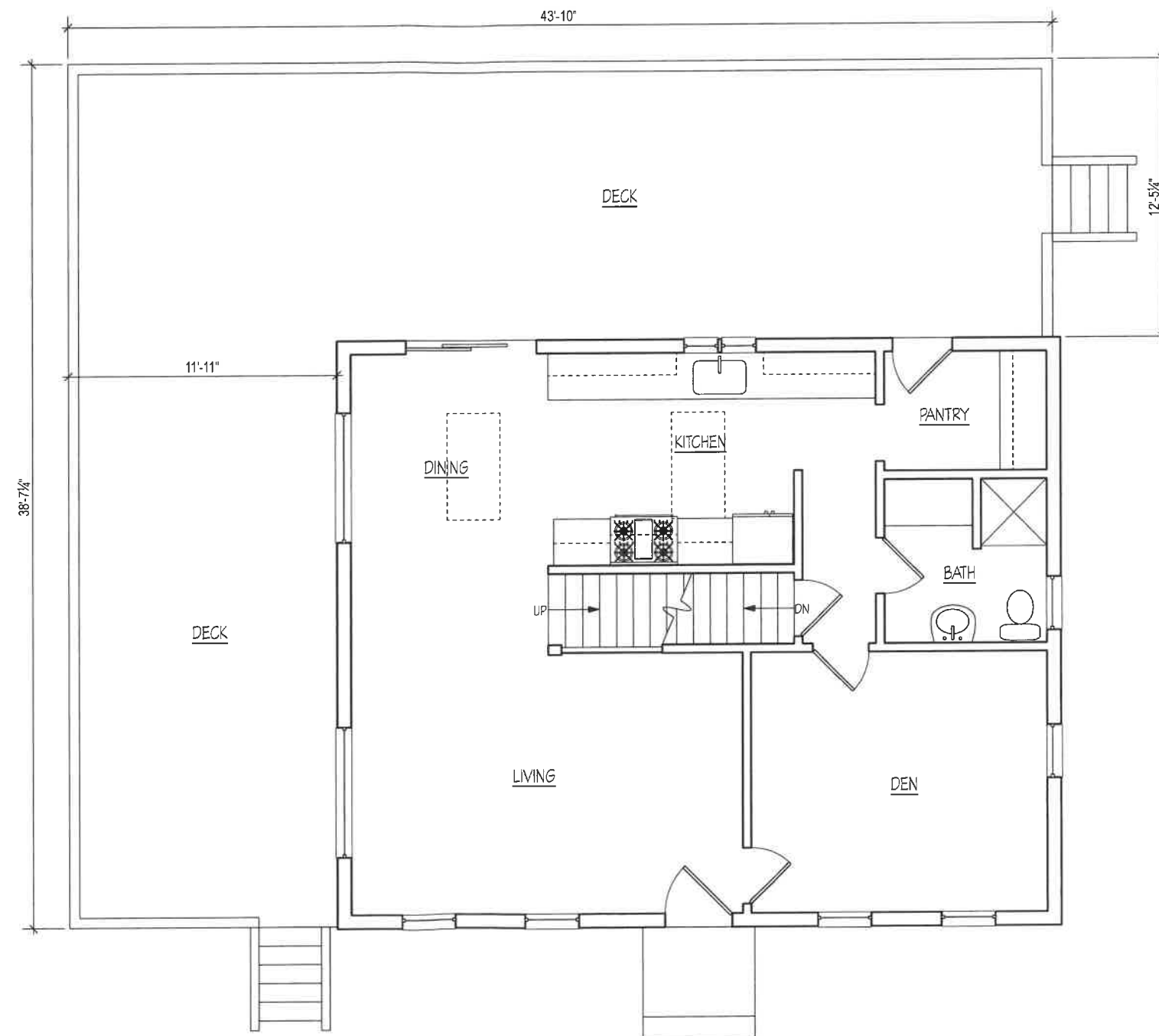
RIGHT SIDE ELEVATION



REAR ELEVATION

LEGEND

-  EXISTING WALL
-  NEW WALL



REVISIONS

NO.	DATE

PROJECT: _____
RESIDENCE
156 ROSEMARY LN
BREWSTER, MA

SHEET TITLE: _____
EXISTING FIRST
FLOOR PLAN

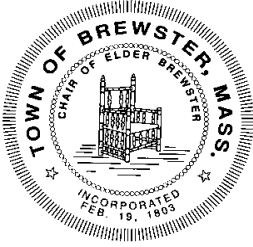
SCALE: 1/4" = 1'-0"

PROJECT #: 223596

DATE: AUGUST 16, 2023

DRAWING #:

A - 4



Brewster Zoning Board of Appeals

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

DEPARTMENT REVIEWS

Application #24-02

APPLICANT: Roy and Michelle Proujansky
REPRESENTATIVE:
MAP/LOT: Map 51, Lot 30
PROPERTY ADDRESS: 156 Rosemary Lane

Received from:

Natural Resources Dept. Comments received from Chris Miller

- Natural Resources Department has no comment on this application.

Historic District Committee Comments received from Erika Glidden

- The property listed is not in the Historic District.

Police Dept. Comments received from Lt. Charles Mawn

- Police Department has no comment on this application.

Health Dept. Comments received from Sherrie McCullough

- The Health Department file indicates an existing 1989 Title 5 compliant septic system designed for a daily flow of 330 gallons per day (gpd), servicing an existing three-bedroom dwelling.
- The existing dwelling is located on a 15,269 SF lot and is serviced by town water.
- The lot lies within the Zone of Contribution (Zone II), the District of Critical Planning Concern (DCPC) and lies within the Herring River Embayment.
- The last Title 5 Septic Inspection Report on file dated August 2, 2013. The Health Department will need a current Title 5 Septic Inspection Report and a Building Waiver Application must be submitted for full review prior to final approval.

Fire Dept. Comments received from Chief Moran

- The Fire Department has no comment on this application.

Assessor Dept. Comments received from Jim Gallagher

- Assessor Department has no comment on this application.

Conservation Dept. Comments received from William Grafton

- For this review, I accessed State and Town GIS websites, referenced Conservation digital and physical files finding none for the subject site and I did a site visit to review the area depicted on the aerial below as Elevation 60. See screen shot below. The vegetation in the depression is primarily upland plant species and does not meet the criteria for an Isolated Vegetated Wetlands based on vegetation and it does not appear to have characteristics of an Isolated Land Subject to Flooding as there are no discernible signs of standing water.
- **Based on this review, there is no Conservation jurisdictional boundary associated with the subject site.**

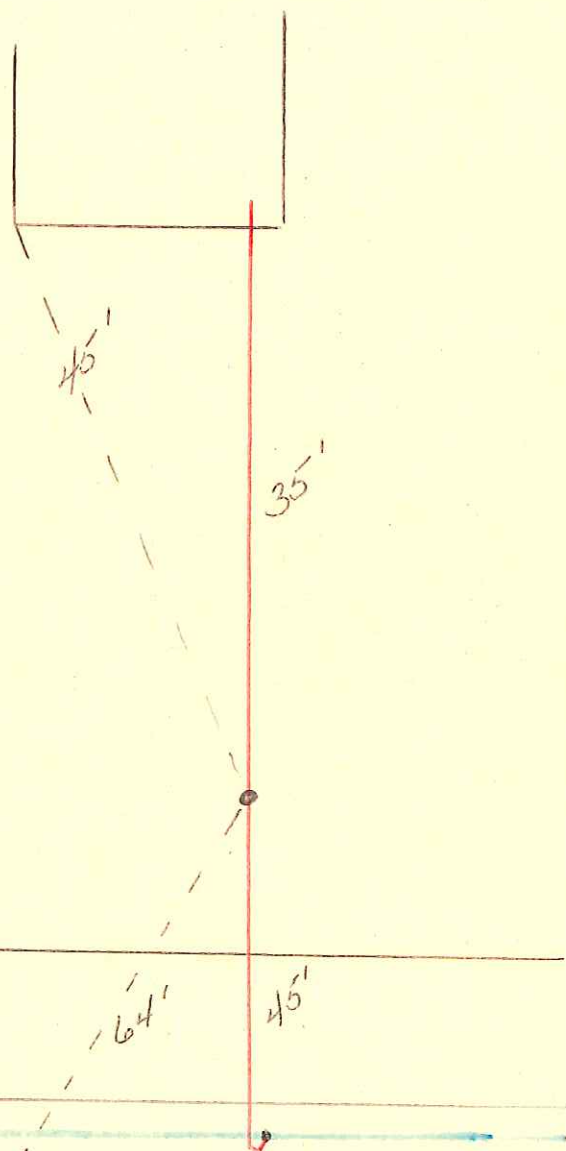
Water Dept.**Comments received from Paul Anderson**

- The service line looks like it comes into the right corner of the house (see attached). They should request a mark out if they are concerned it may be hit while excavating.

8-21-87

5290 Charles McInally

Rosemary Lane Lot 12



8" AC

1/2
lot

Archived: Tuesday, January 30, 2024 1:46:19 PM
From: [Barbara Weiss](#)
Sent: Fri, 26 Jan 2024 17:57:36
To: Ellen Murphy
Subject: Letter of Support ZBA Case 24-02
Sensitivity: Normal

January 26, 2024

To: Brewster Board of Appeals
From: Barry and Barbara Weiss (Abutters)
Re: ZBA Case 24-02 (156 Rosemary Lane)

Please be advised that as abutters to the property at 156 Rosemary Lane (Roy and Michelle Proujansky), we have no concerns or objections to the proposed screen porch addition which "may encroach into the required setback." As is the case with any good neighbors, the Proujanskis shared their intended project with us over the summer, well before requesting permission from the town, in order to make sure we were supportive. Their project does not affect our property in any negative way.

If you have any concerns or questions, please feel free to contact us at any time.

Barry and Barbara Weiss
138 Rosemary Lane


32817 Scenic Hills Drive
Mount Dora, FL 32757 (November - May)
352-729-2064

bmsw2524@gmail.com

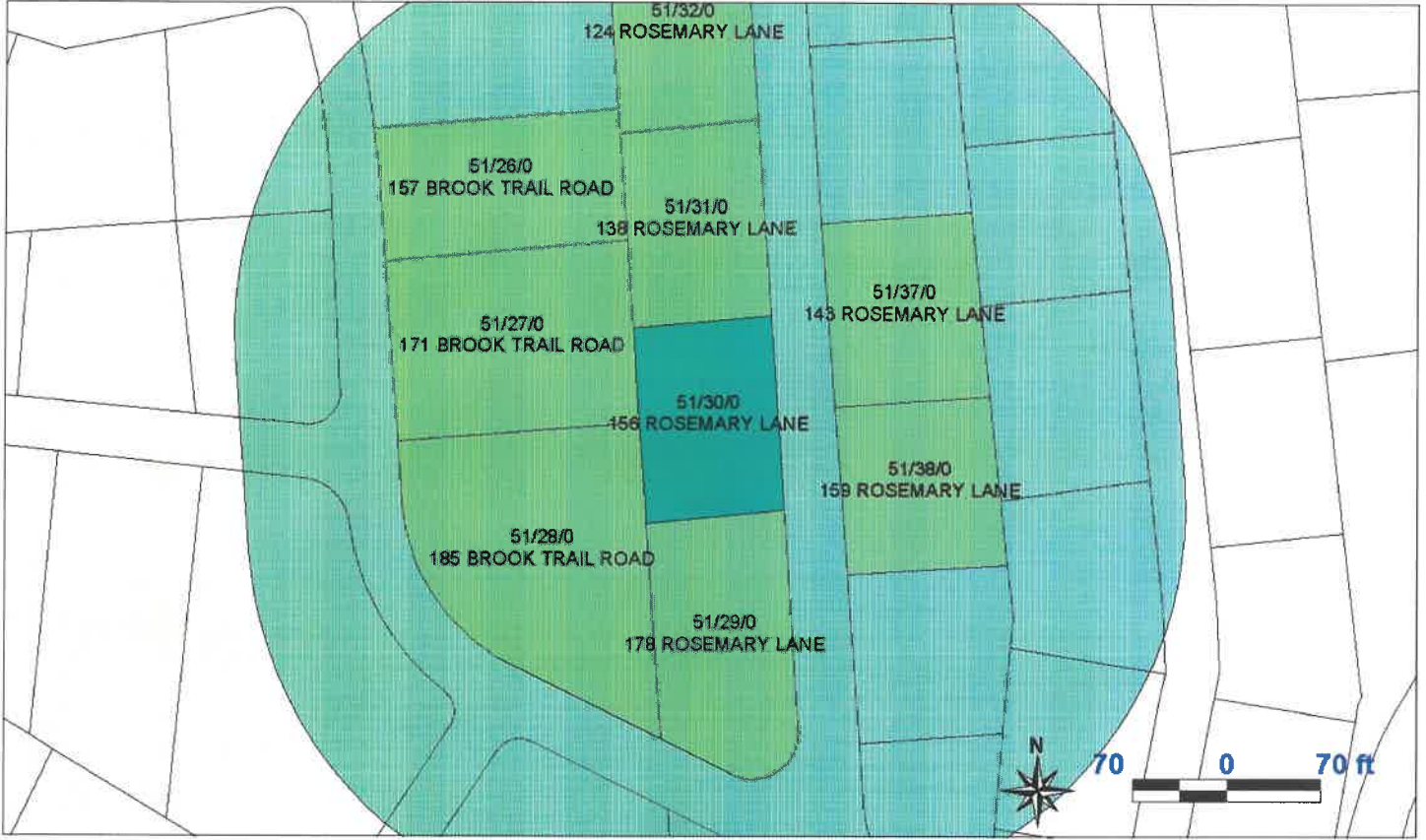


TOWN OF BREWSTER, MA
BOARD OF ASSESSORS
2198 Main Street Brewster, MA 02631

Certified by:


James M. Gallagher, MAA
Deputy Assessor

Abutters List Within 300 feet of Parcel 51/30/0

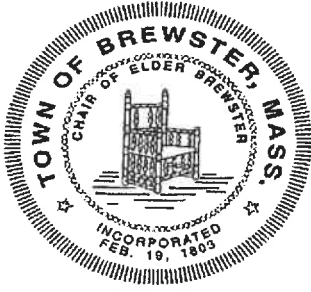


Key Parcel ID Owner

#24-03 Owner/Applicant:

Joshua Schiff

3038 Main Street



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

24 JAN 2018 8:35#

BREWSTER TOWN CLERK

ZBA CASE FILE # 24-03

SPECIAL PERMIT APPLICATION – Special Event Venue Use

VENUE INFORMATION

Applicant/Property Owner: Joshua Schiff (Farm Manager) Phone: 773-744-9693
Street Address: 3038 Main Street, Brewster Map: 101 Lot: 26
Mailing Address: 297 Shore Road, Chatham, MA 02633
Business Name: Chatham Bars Inn Farm (CBI Operations LLC) Email: jschiff@chathambarsinn.com

EVENT INFORMATION

Date(s): See attached for proposed event dates and description
Maximum Number of Guests Anticipated: 40-150
Estimated Number of Vehicles at One Time: 5-40
Proposed Hours: 11:00 a.m. - 10:00 p.m. Open to Public Invitation Only
Tent Use: Yes (if yes, then obtain a permit from the **Building Department**) No

FOOD, ALCOHOL & ENTERTAINMENT

Will there be food offered: Yes No
(If yes, then applicant shall obtain a food service permit from the **Health Department**)
Will there be alcohol drinks* offered? Yes No
(If yes, then applicant shall obtain a separate, one-day liquor license from the **Select Board**)
Will there be entertainment* provided? Yes No
(if yes, a separate entertainment license shall be obtained from the **Select Board**)

*The Liquor and Entertainment licenses may be obtained in one meeting at the Select Board

SUBMIT WITH APPLICATION

- Narrative describing the proposed event(s)
- Scaled site plan indicating property boundaries, existing building locations, driveway, proposed parking, location of event activity and location of portable sanitary facilities (if applicable)

ZONING BOARD OF APPEALS Special Event Venue Procedure

1. Applicant submits a completed application to the Zoning Board Clerk with appropriate supporting documents as indicated on application.
2. Application and supporting documents will be distributed to municipal departments including (but not limited to) Health, Building, Fire, Police, Conservation, Natural Resources and Planning for comments.
3. If applicable, municipal departments shall advise the Zoning Board on affecting rules and regulations concerning the proposed special event.
4. The Zoning Board will hold a hearing to consider the application.
5. Special Event permits shall expire on the last day of the calendar year of issuance.
6. Special Event permits shall run with the original applicant. If there is a change in property ownership or applicant then a new permit shall be required.
7. Special Event permits, when issued, comes with the understanding that the Zoning Board has the option to call a hearing to review a Special Event permit upon:
 - a. Any change of use or nature of use, or
 - b. Any traffic problems that arise, or
 - c. Any other unforeseen concerns that are raised that warrant attention.
 - d. Notification of violations of the terms of the Special Event permit: This hearing would have full rights to amend or revoke the original Special Event permit.
8. The Zoning Board has full authority to condition the Special Event permit.

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.

Completed application packages include twelve (12) copies of the following:

- APPLICATION
- SITE PLAN (to scale)
- ASSESSOR'S MAP SHOWING THE APPLICANT'S LOT
- CHECK IN THE AMOUNT OF THREE HUNDRED (\$300) DOLLARS

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, this petition 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.

Please be advised that it is improper for the Chairman or any member of the Board of Appeals to give legal advice or to discuss the merits of any petition prior to the public hearing.

Any Decision of the BOA 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.

CBI Farm Special Permit Application (2024)

Narrative Description of Proposed Events

**Chatham Bars Inn Farm
3038 Main St., Brewster MA 02631**

This 2024 request is for the same number of events (36) as in prior years. No change in the number or location of the events is proposed.

The currently-scheduled dates of events for 2024 are:

05/22/2024, 06/04/2024, 06/06/2024, 06/22/2024, 06/26/2024, 07/02/2024,
07/09/2024, 07/11/2024, 07/16/2024, 07/18/2024, 07/23/2024, 07/25/2024,
07/30/2024, 08/01/2024, 08/06/2024, 08/08/2024, 08/13/2024, 08/15/2024,
08/21/2024, 08/24/2024, 08/28/2024, 08/30/2024, 09/04/2024, 09/11/2024,
09/18/2024, 10/03/2024, and 10/05/2024.

As in prior seasons, events will only be held in the same event area in the middle of the farm property. All conditions agreed to in prior Board reviews will continued to be honored.

The Chatham Bars Inn will submit all necessary permits on a per-event basis (including catering license and one day liquor license). Entertainment will be limited to acoustic performances only, with applications sought for events that will feature performers. All tenting and tent permitting will be handled by Chase Canopy or Sperry Tent.

Transportation to and from the hotel will be offered to limit traffic concerns, with the option for individuals to park in our on-premises parking lot for those with accessibility concerns. Transportation will be provided by Cape Destinations. Valet assisted self-parking will also be available for larger events.

The menu will be centered on locally grown produce sourced from our own farm and procured from local vendors. The Applicant will continue to foster strong connections with the community and highlight the importance of local agriculture with these events.

Events will be both public and private. The majority of scheduled events will be private and smaller in size. Public events will be available to Brewster residents, hotel guests, and the community at large.

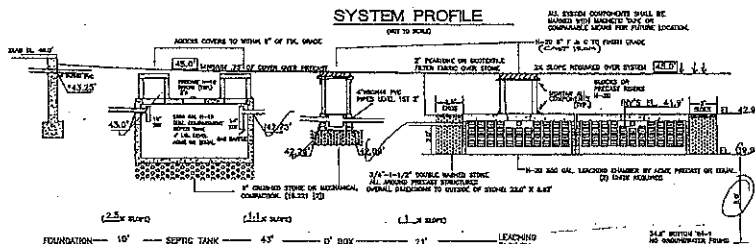
The Applicant remains committed to offering a safe and healthy environment for guests.

LEGEND	
---	EXISTING CONTOUR
X	EXIST. SPOT ELEV.
---	PROPOSED BOTTOM
---	PROPOSED SPOT ELEV.
○	TOP HOLE
---	SLOPE OF PONDING
---	UTILITY PALE
---	PAVE HIGHWAY

SYSTEM DESIGN:

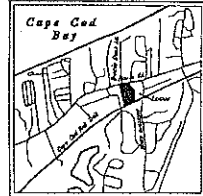
GARBAGE DISPOSER IS NOT ALLOWED
 DESIGN FLOW—430 SF BETAH x 50 GAL/1000 SF
 = 71.6 GPD
 USE MIN. 200 CPD DESIGN FLOW
 USE A DUAL COMPARTMENT 1500 GAL. SEPTIC TANK
 LEACHING
 SIDES: 2 (72" x 8.53') 2 (72" x 81.3')
 BOTTOM: 22" x 8.53 (74) = 143.7' SQ
 TOTAL: 317.5 SF, 238 GPD
 USE (2) 500 GAL. H-20 LEACHING CHAMBERS (AGMC OR EQUAL)
 WITH 2.5' STONE AT ENDS AND 2' AT SIDES

SYSTEM PROFILE



NOTES

1. DRAIN IN JUNE 2000
2. MUNICIPAL WATER IS AVAILABLE
3. MINIMUM PIPE SIZE TO BE 1/2" PER FOOT
4. DESIGN LOADS FOR ALL PROPOSED FOOTING UNITS TO BE AS SHOWN
5. PIPE JOINTS TO BE MADE WATER-TIGHT
6. OBSERVATION DETAILS TO BE IN ACCORDANCE WITH 310.000 (STATE V)
7. TOP FLOOR IS FOR PROPOSED SEPTIC ONLY AND NOT TO BE USED FOR LIFT AND STATION, THE LOCATION OF ANY OTHER PURPOSES MUST BE SHOWN ON THE PLAN FOR PROPOSED WORK
8. PIPE FOR SEPTIC SYSTEM TO BE 40-40" PVC
9. COMPONENTS NOT TO BE BACKFILLED OR DEMOLISHED WITHOUT PERMISSION BY BOARD OF HEALTH AND FORWARDED TO THE BOARD OF HEALTH
10. CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING LOCUS (H-20-314-222) AND VERIFYING THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION OF WORK
11. ANY UNDESIRABLE MATERIAL (DEBRIS) SHALL BE REMOVED FROM THE SITE AND AROUND THE PROPOSED LEACHING FACILITY



LOCUS MAP

SCALE 1"=2000'
 ASSESSORS MAP 101 PARCEL 26
 OLD ASSESSORS MAP 13 PARCEL 34-2
 LOCUS IS WITHIN FLOOD ZONE C AS SHOWN ON COMMUNITY PANEL
 #250000-00000 DATED 6/4/1987

ZONING SUMMARY

TOWNSHIP DISTRICT: R-44 RESIDENTIAL MED-DENSITY
 MIN. LOT SIZE: 60,000 SQ. FT.
 MIN. LOT FRONTAGE: 150'
 MIN. FRONT SETBACK: 40'
 MIN. SIDE SETBACK: 25'
 LOT COVERAGE: 25%
 MAX. BUILDING HEIGHT: 30'

OWNER OF RECORD

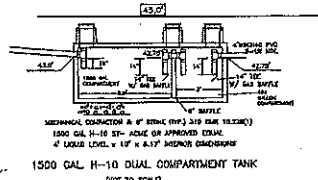
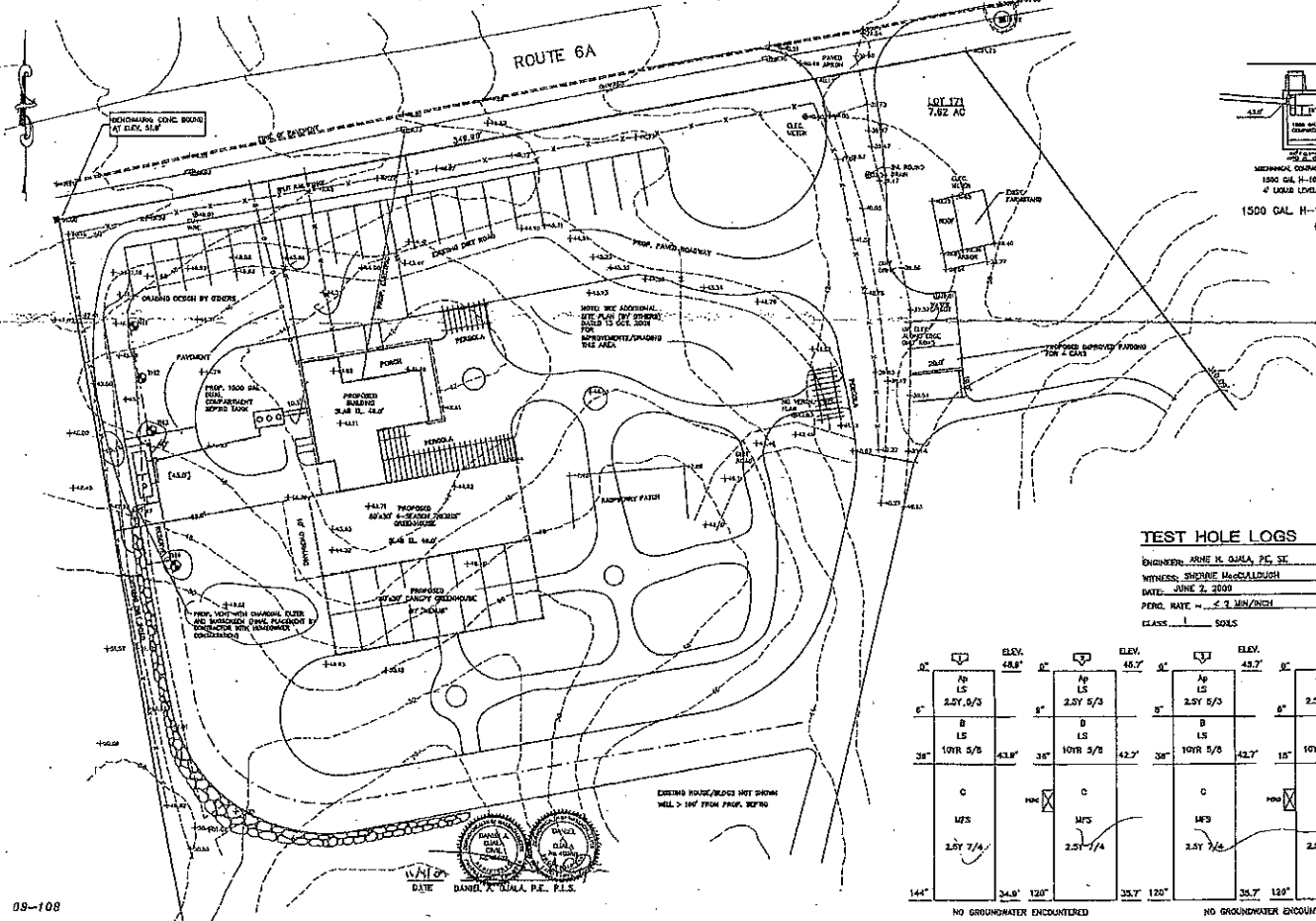
FRANCIS J. GUILIANO
 PO BOX 2330
 BREWSTER, MA 02603

REFERENCES

CITE# 133041
 CPE# 233339

"THE INSTALLER SHALL VERIFY THE LOCATIONS OF ALL UTILITIES AND ALL BUILDING SEWER OUTLETS AND ELONGATIONS PRIOR TO INSTALLING ANY PORTION OF SEPTIC SYSTEM"

APPROVED _____ DATE _____ BOARD OF HEALTH, MA



TEST HOLE LOGS

ENGINEER: ARNE H. QUILA, P.E., SE.
 WITNESS: SHIRAZI MACCALLEIGH
 DATE: JUNE 2, 2009
 PENET. RATE: H-20 MIN/INCH
 CLASS: I SOILS

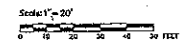
NO.	DEPTH	ELEV.	NO.	DEPTH	ELEV.	NO.	DEPTH	ELEV.
1	7.0	48.8'	2	5.3	48.7'	3	5.3	47.7'
LS	2.5Y 0/3		LS	2.5Y 5/3		LS	2.5Y 5/3	
4	10.8	43.8'	5	10.8	42.7'	6	10.8	42.7'
LS	10YR 5/8		LS	10YR 5/8		LS	10YR 5/8	
7	7.4	44.9'	8	7.4	35.7'	9	7.4	35.0'
MS	2.5Y 7/4		MS	2.5Y 7/4		MS	2.5Y 7/4	

TITLE 5 SITE PLAN

OF
 3038-3044 MAIN STREET
 BREWSTER, MA

PREPARED FOR
FRANCIS GUILIANO

NOVEMBER 4, 2009



Scale 1"=20'
 0 5 10 15 20 FEET
 203-381-2411
 203-381-1550
 down cape engineering, inc.
 civil engineers
 land surveyors
 230 Main Street (Rte 6A)
 YARMOUTHPORT MA 02875



- 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 01/03/2023 at 02:46 PM



3034 Main St

Chatham Bars Inn Farm

Bay Ridge Ln

Bay Ridge Ln

Bay Ridge Ln

Bay Ridge Ln

Bay Ridge Ln

Main St

Old King's Hwy

Cape Cod Rail Trail





Brewster Zoning Board of Appeals

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

DEPARTMENT REVIEWS

Application #24-03

APPLICANT: Joshua Schiff – CBI Farms
REPRESENTATIVE: Andrew Singer, Attorney at Law
MAP/LOT: Map 101, Lot 26
PROPERTY ADDRESS: 3038 Main Street

Received from:

Natural Resources Dept. Comments received from Chris Miller

- Natural Resources Department responded with no comment on this application.

Historic District Committee Comments received from Erika Glidden

- HDC responded with no comment on this application.

Police Dept. Comments received from Chief Eldredge and Lt. Charles Mawn

- This venue has hosted identical events in the past without any issues requiring police intervention.
- All of the typical concerns of the police department (parking, identified areas of alcohol service/consumption, hours of operation, etc.) have been addressed within the applications.
- There are no further comments or concerns by the police department.

Health Dept. Comments received from Sherrie McCullough

- Health Department staff have collaborated with the Chatham Bars Inn Farm Stand Management Team as well as Chatham Bars Inn Culinary Team to discuss plans for the 2024 Farm-To Table Dinner events. Floor plans and site plans have been reviewed and approved. Management will be adding new equipment including a cold box, portable hand sinks, two propane grills with roll top covers and two countertop burners to their operation. To ensure food protection and safety final food plating will take place under a tent this season. A new Standard Operating Procedures Plan has also been submitted and approved.
- Chatham Bars Inn will continue to be required to submit a Caterer's Registration Form for each event scheduled at the Farm. A detailed menu will need to be attached to each Registration Form. They will also need to provide a copy of their Caterer's License as well as copies of their Certified Food Manager's Certification and their Allergen Awareness Certification.
- A site visit will be scheduled once the dinners commence for the season.

Fire Dept. Comments received from Chief Moran

- Parking allowed in designated spaces only. No stopping/parking/standing in fire lanes surrounding main building.
- No parking on interior roads. Access to all event areas shall be maintained at all times.
- Propane storage shall comply with all regulations contained in 527 1.00 MA Comprehensive Fire Safety Code.

Assessor Dept.**Comments received from Jim Gallagher**

- Assessor's Department responded with no comment on this application

Administration**Comments received from Peter Lombardi, Donna Kalinick and Erika Mawn**

- CBI Farms is only allowed 30 One Day Liquor Licenses per calendar year.
- Their larger events (Tomato Fest and Fall Frolic) have caused traffic concerns, parking plan should be requested in advance of these events. Also do these events fall under the 36 dates listed on their request?
- Rain dates should be communicated/approved in advance through the Town Manager's office.
- Last year CBI had two private rehearsal dinners, are these types of events included in the permit request of 36 events?

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

- Water Department responded with no comment on this application.

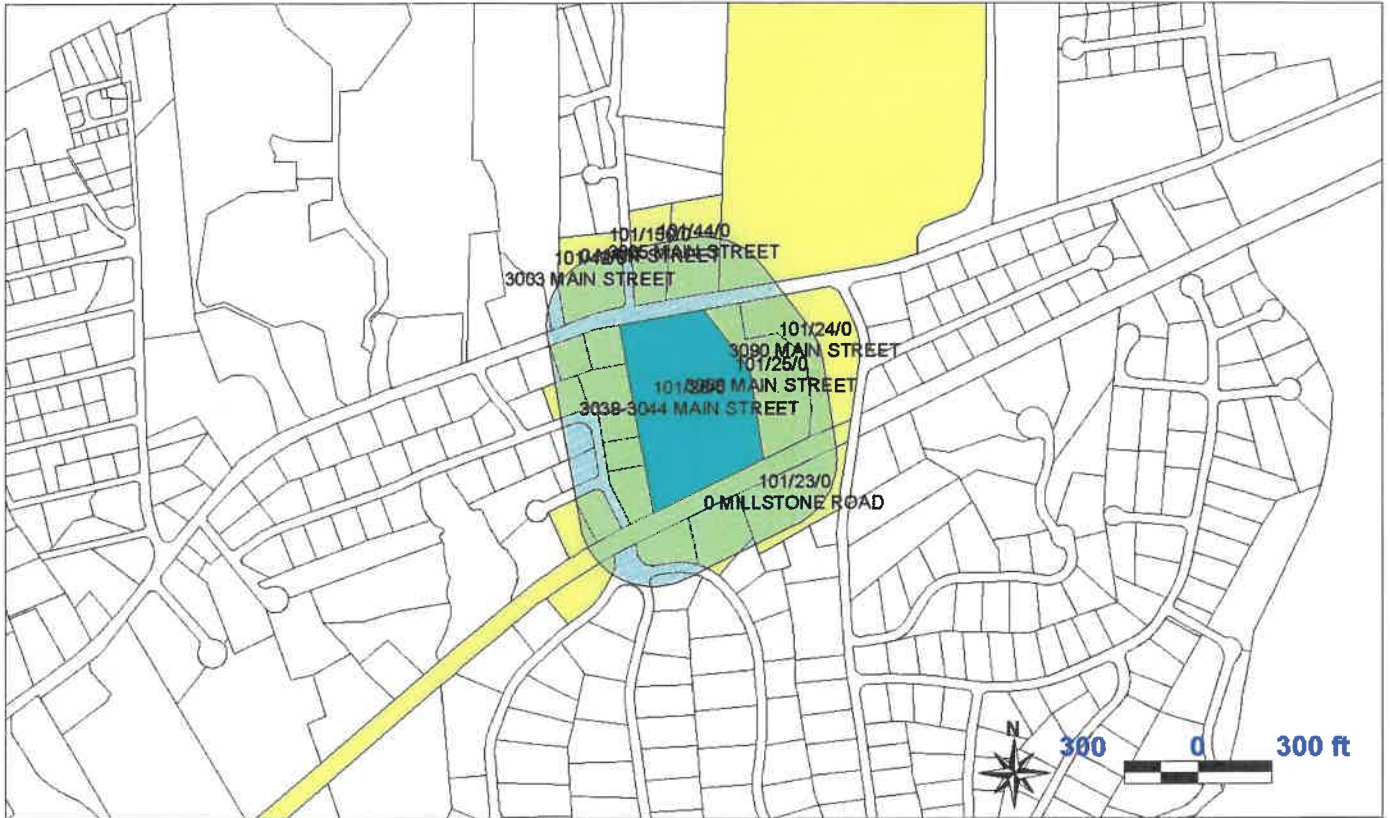
TOWN OF BREWSTER, MA
BOARD OF ASSESSORS
2198 Main Street Brewster, MA 02631

Certified by:



James M. Gallagher, MAA
Deputy Assessor

Abutters List Within 300 feet of Parcel 101/26/0



#24-04 Owner/Applicant:

Ocean Edge Resort, LLC

2907 Main Street



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
24 JAN 20 2:31 PM
BREWSTER TOWN CLERK

ZBA CASE FILE # 24-04
APPLICATION FOR BREWSTER ZONING BOARD OF APPEALS
SPECIAL PERMIT/ ZBA APPEAL APPLICATION

NAME OF APPLICANT Ocean Edge Resort, LLC

REPRESENTATIVE John M. O'Reilly, P.E., P.L.S. **PHONE NUMBER** 508-896-6601

MAILING ADDRESS P.O. Box 1773, Brewster, MA 02631

E-MAIL ADDRESS joreilly@jmoreillyassoc.com

PROPERTY ADDRESS 2907 Main Street

CURRENT PROPERTY OWNER(S) Ocean Edge Resort, LLC (OER) and Baypines Condominium Assoc. (BCA)

REGISTRY OF DEEDS TITLE REFERENCE **BOOK** 32280 (OER) 32280 (BCA) **PAGE** 259 (OER) 256 (BCA) **OR**

CERT. OF TITLE # _____ **LAND COURT #** _____

PLAN # Book 679, Page 81, Lot 6 and Book 649, Page 82, Lot 7

MAP # 90 **LOT #** 160 (OER) and 160-2381 (BCA)

ZONING DISTRICT RM **YEAR BUILT** 1909 **FLOOD PLAIN** AE VE

STATEMENT OF PROJECT

Refer to Project Narrative

SIGNATURE OF OWNER OR AGENT FOR OWNER **DATE** 1-29-2024

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

MGL 40A, Section 6B, Brewster Zoning Bylaw 179-27, Article 8

DATA SHEET NOT APPLICABLE

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

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

STREET ADDRESS _____ YEAR BUILT _____

MAP # _____ LOT # _____

ZONING DISTRICT _____

List only the nonconformities below: Identify all nonconforming setbacks.

LOCATION	EXISTING	REQUIRED	PROPOSED
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

FRONTAGE EXISTING _____ REQUIRED _____

LOT SIZE _____

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

LOT COVERAGE EXISTING % _____ PROPOSED % _____ ALLOWED % _____

SIZE OF PARCEL _____ sq. ft. BUILDABLE UPLAND _____ sq. ft.

BUILDING COVERAGE/PRIMARY STRUCTURE _____ sq. ft.

BUILDING COVERAGE ALL OTHER STRUCTURES _____ sq, ft.

BUILDING HEIGHT: EXISTING _____ PROPOSED _____

SPECIAL PERMITS:



APPLICATION FOR SPECIAL PERMIT AS SET FORTH IN G.L.C. 40A, #9, SECTION 179-51, 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.

SEE ATTACHED NARRATIVE

ADDITIONAL COMMENTS:



APPEAL IN ACCORDANCE WITH G.L.C. 40 A:8, 14

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



VARIANCE: in accordance with MGL 40A§ 10

MGL 40A Section 10. The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that;

1. 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
2. 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
3. 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.

The Board must find that applications for a variance meet all three findings.

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.

Completed application packages include twelve (12) copies of the following:

- 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
- CHECK IN THE AMOUNT OF THREE HUNDRED (\$300) DOLLARS

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 on 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 www.town.brewster.ma.GOV

Please be advised that it is improper for the Chairman or any member of the Board of Appeals to give legal advice or to discuss the merits of any petition prior to the public hearing.

AFTER YOUR HEARING:

Within two weeks a formal decision will be written, signed and time stamped with the Town Clerk. A 20-day appeal period follows. If NO appeals are taken, you will receive your final sealed decision, file with Barnstable Registry of Deeds and proceed with obtaining your Building Permit.

Any Decision of the BOA 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.

Ellen Murphy

From: Victor Staley
Sent: Friday, February 2, 2024 3:51 PM
To: Ellen Murphy
Cc: Jonathon Idman; Erika Glidden; Erika Glidden; Lynn St. Cyr; joreilly@jmoreillyassoc.com
Subject: FW: ZBA Special Permit App - Ocean Edge Front Lawn Seating, 2907 Main Street, Map 90 Lot 160
Attachments: 6871.FRONT LAWN SITE PLAN - 2024 - REDUCED SCALE 11x17.pdf; deed ocean edge inn lp to ocean edge resort lp 11-17-97.PDF; Front Lawn Operational Plan 1-30-24.docx; JMO Application Narrative 01302024.pdf; Stamped Front Lawn Site Plan-Ocean Edge Resort 01302024.pdf; ZBA Application - Ocean Edge Resort Front Lawn Seating 01302024.pdf

Hello Ellen,

This application is properly prepared to be submitted to the Board of Appeals for a Special Permit pursuant to Brewster Zoning Bylaw, Section 25-B, to alter/increase the nonconforming nature of the existing use.

I would also offer the opinion that this application does not trigger the need to obtain either a Staff Review pursuant to Brewster Bylaw Chapter 83 or a Site Plan Review pursuant to Brewster Zoning Bylaw Article XII.

If I can be of further assistance, please do not hesitate to contact me.

Victor

Victor Staley
Alternate Building Commissioner
508-896-3701 ext. 1125

From: Ellen Murphy <emurphy@brewster-ma.gov>
Sent: Tuesday, January 30, 2024 11:06 AM
To: Richard Leibowitz <rleibowitz@brewster-ma.gov>; Victor Staley <vstaley@brewster-ma.gov>
Subject: FW: ZBA Special Permit App - Ocean Edge Front Lawn Seating

Please see attached. Could you also provided me with a referral regarding this application?

Thank you,

Ellen Murphy
Administrative Assistant
Zoning Board of Appeals
508-896-3701 x 1168

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

From: Alyson Wright <awright@jmoreillyassoc.com>
Sent: Tuesday, January 30, 2024 11:02 AM
To: Ellen Murphy <emurphy@brewster-ma.gov>
Cc: Jonathon Idman <jldman@brewster-ma.gov>; John O'Reilly <joreilly@jmoreillyassoc.com>
Subject: ZBA Special Permit App - Ocean Edge Front Lawn Seating

Good Morning! Attached please find a ZBA Special Permit Application for Ocean Edge Resort Front Lawn Seating. I will be delivering the 12 hard copies along with the application fee by 1:00 today. Please let me know if you need anything else. Thank you! See you soon!

Alyson Wright

J.M. O'Reilly & Associates, Inc
1573 Main Street 2nd Floor / P.O. Box 1773
Brewster, MA 02631
508-896-6601
508-896-6602 fax
<http://www.jmoreillyassoc.com>

Please visit us on **Facebook!** <https://www.facebook.com/pages/JM-OReilly-Associates-Inc/197366633630535>

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

PROFESSIONAL ENGINEERING, LAND SURVEYING & ENVIRONMENTAL SERVICES

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

Application Narrative:

January 30, 2024

Applicant: Ocean Edge Resort, LLC

Re: Request for seating on the Front Lawn of the Ocean Edge Resort
2907 Main Street, Brewster, MA

Applicant seeks a Special Permit pursuant to Section 179-25 B. of the Brewster Zoning Bylaw and M.G.L. C. 40A sec. 6, to change, extend or alter the non-conforming use of the Property located at 2907 Main Street, currently utilized as the Ocean Edge Resort, to include outdoor dining on the front lawn of the Resort Property in accordance with the Site Plan and the Front Lawn Operational Plan filed herewith.

The proposal includes eleven sails with a total of 66 seats to be placed on the front lawn substantially as shown on the site plan from Memorial Day Weekend until Columbus Day Weekend. Three temporary (portable structures) would also be placed on the front lawn consisting of shed A – kitchen, and shed B concession stand, portable pizza oven(s). Food and beverage would be served from 4:00 pm – 9:00 pm daily.

During the past three years of the COVID pandemic the Resort, as a result of the Governor's Emergency Orders, has been licensed by the Town for 114 seats on the front lawn with identical temporary structures and operational limitations. While the COVID Emergency Declaration has expired the public need and demand for outdoor dining continues. The reduced outdoor dining proposed represents the Applicant's attempt to meet this continuing public need and demand.

Applicant suggests the proposal meets the statutory and bylaw standard as it will not be substantially more detrimental to the neighborhood than the existing non-conforming Resort use as follows:

- 1) The wastewater flow associated with the outdoor dining use is within the capacity of the existing wastewater facility (a 3.4 % increase in flow from pre-pandemic levels).
- 2) The applicant valet parking arrangement (utilized at 114 seats) for the last 3 years has provided sufficient parking.
- 3) The front lawn outdoor dining is consistent with the Resort use and represents a minor increase in Resort activities at the Property.
- 4) A continued public need and demand for outdoor dining will be provided.
- 5) Given the preparation of the Front-Lawn Operational Plan and the fact that the activities proposed are located in the internal portion of the Resort property, there will not be impacts to the neighborhood beyond the customary impacts of the existing Resort.

J.M. O'Reilly & associates along with Attorney Micheal Ford look forward to meeting with the Board to review the Resorts request.



FRONT LAWN OPERATIONAL PLAN

An outline for planning, monitoring, managing, and review of daily operations for the Front Lawn dining option at Ocean Edge Resort & Golf Club

Dates and Hours of Operation

Our proposed plan for operations is based on daily business. However, this may result in only operating on weekends in the Spring and/or Fall.

1. Dates – Memorial Day Weekend through Columbus Day Weekend, inclusive
2. Daily hours of Operation – 4:00pm – 9:00pm with lawn cleared by 10:00pm of all guests. Team members may still be finalizing clean-up duties post 10:00pm

Alcohol Sales

All laws and rules that are encompassed by our Resort Liquor License will be adhered to at the Front Lawn.

1. All Alcoholic beverages are “Canned” – Beer, Wine, “Ready to Drink” Cocktails. There is no “Bar” for mixing cocktails, everything is pre-portioned and labeled with alcohol content.
2. “BYOB” is strictly prohibited. Signs will be in place around the Front Lawn indicating this.
3. Signage for restricting alcoholic beverages beyond a certain point will also be in place.

Food Preparation

All food preparation will be conducted within the rules outlined in the latest Food Code and enforced by inspections from the Brewster Health Department.

1. One shed is dedicated to the preparation and service of Food. Proper refrigeration, work surfaces, and sanitation practices are included.
2. A hand sink exists in the shed for proper hand-washing practices.
3. Food is cooked in 2 enclosed Pizza Ovens, just outside the shed.
4. Proper Hot Holding equipment exists in the shed.

*All subject to review by the Board of Health and passed inspections from the Health Department

F&B Service/Trash

The Front Lawn is a “take-out” based operation, meaning there is no “table service” and everything is served in disposable containers. Some guests choose to take their food back to their rooms, however, there are those that will sit at one of the 66 seats.

1. Daily staff consists of:
 - a. Dedicated Manager to oversee day-to-day operations.
 - b. Servers/Order Takers in the shed to accommodate guest orders and requests.
 - c. Outside Support to assist guests with picking up their food and other guest assistance.
 - d. Cooks to prepare and cook food for this venue.

2. Trash cans are placed conveniently around the lawn near each “pod” to promote guests disposing of their own trash.
3. Service team periodically patrols during service to empty receptacles and assist with trash monitoring.
4. All trash is disposed into existing compactor behind the Carriage House.
5. Reservations are not accepted; it is a first come – first serve operation.

Front Lawn Games/Activities

Ocean Edge provides outdoor “lawn” games for Children of all ages to enjoy as part of the dining experience at the Front Lawn.

1. Games include, but not limited to: Corn Hole, Stacking Buckets, Croquet, Hula Hoops, Giant Jenga
2. Games are monitored by activities team member.

Parking

Valet parking is provided on weekends and any other days where need is determined during the period the Front Lawn will be open.

NOT DEED NOT
AN AN
OFFICIAL OFFICIAL
COPY COPY

GRANTOR: Ocean Edge Inn Limited Partnership
150 Mount Vernon Street, Boston, MA 02125

GRANTEE: Ocean Edge Resort Limited Partnership
150 Mount Vernon Street, Boston, MA 02125

DATE: November 12, 1997

For consideration paid, and in full consideration of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, the Grantor hereby grants, assigns and conveys to the Grantee, with Quitclaim Covenants, all of its right, title and interest in and to the land, with the buildings, improvements, development rights, real and personal property thereon, and the real property rights and easements appurtenant thereto or associated therewith including easements held by Grantor in gross, located in Brewster, Barnstable County, Massachusetts and described as follows:

Lots 4 and 5 shown on a plan entitled "Subdivision Plan" dated April 29, 1981, prepared by H.W. Moore Associates, Inc. and recorded with Barnstable Registry of Deeds in Plan Book 372, Page 72, consisting in the aggregate of 10.65 acres, more or less, as shown on said Subdivision Plan (the "Property").

For Grantor's title, see deed of Corcoran, Mullins, Jennison, Inc. dated July 31, 1985 and recorded with Barnstable Registry of Deeds in Book 4647, Page 308.

The Property is granted, assigned and conveyed subject to that certain Mortgage and Security Agreement from Grantor to The First National Bank of Boston securing payment of a promissory note in the original principal amount of \$6,000,000 dated as of September 29, 1993 and recorded with Barnstable Registry of Deeds in Book 8809, Page 001, as amended.

This deed constitutes a contribution of assets of the Grantor to the Grantee in exchange for a partnership interest in the Grantee. Deed stamps are affixed hereto for the value of the partnership interest received less the mortgage indebtedness assumed.

See Deed 11066-162 Bay Lane Brewster for Deed Stamps

Executed as a sealed instrument this 12 day of November, 1997.

A N
O F F I C I A L
C O P Y

OCEAN EDGE INN LIMITED PARTNERSHIP
C O P Y

By: Ocean Edge Inn, Inc.
General Partner

N O T
A N
O F F I C I A L
C O P Y

A N
O F F I C I A L
By: Dharshi J. Dupee
Dharshi J. Dupee, Vice President

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

November 12, 1997

Then personally appeared the above-named Dharshi J. Dupee, Vice President of Ocean Edge Inn, Inc., General Partner of Ocean Edge Inn Limited Partnership and acknowledged the foregoing to be the free act and deed of said limited partnership, before me,

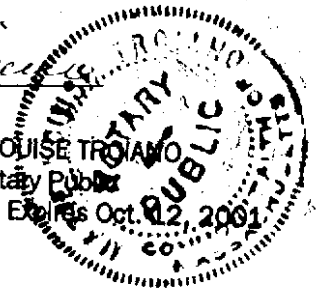
Marie Louise Troiano

Notary Public

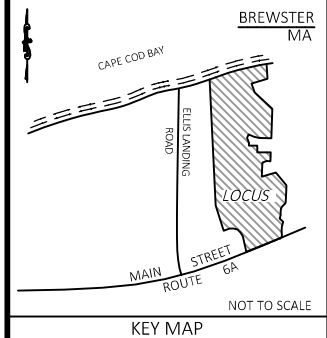
My commission expires:

MARIE LOUISE TROIANO
Notary Public

My Commission Expires Oct. 12, 2001

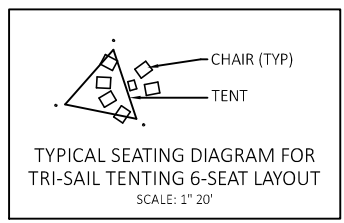
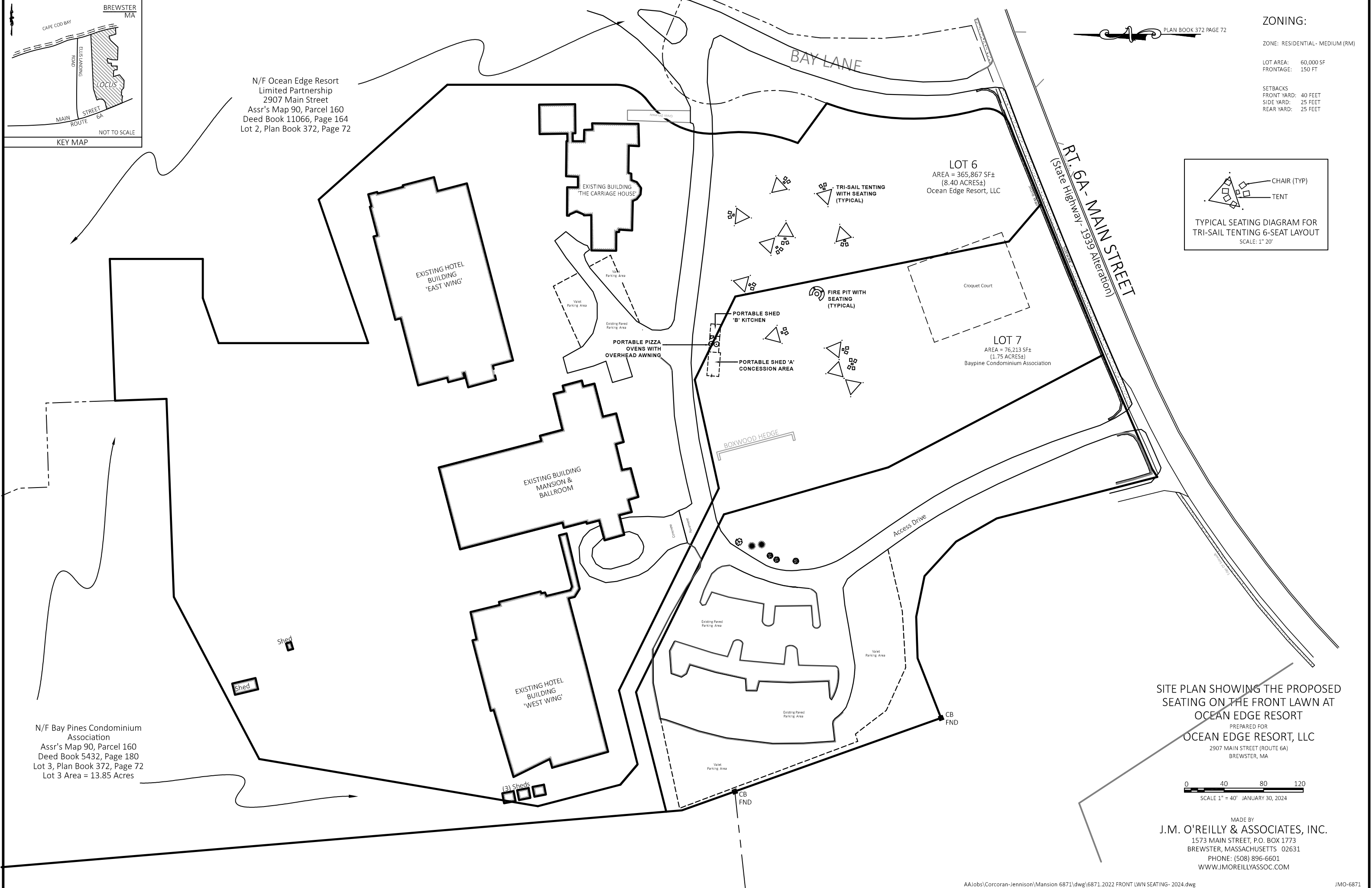


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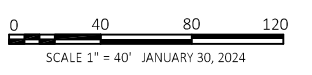
N/F Ocean Edge Resort
 Limited Partnership
 2907 Main Street
 Assr's Map 90, Parcel 160
 Deed Book 11066, Page 164
 Lot 2, Plan Book 372, Page 72

N/F Bay Pines Condominium
 Association
 Assr's Map 90, Parcel 160
 Deed Book 5432, Page 180
 Lot 3, Plan Book 372, Page 72
 Lot 3 Area = 13.85 Acres

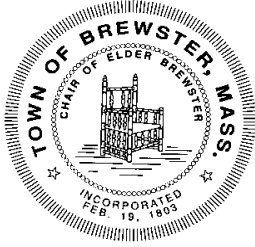


ZONING:
 ZONE: RESIDENTIAL - MEDIUM (RM)
 LOT AREA: 60,000 SF
 FRONTAGE: 150 FT
 SETBACKS:
 FRONT YARD: 40 FEET
 SIDE YARD: 25 FEET
 REAR YARD: 25 FEET

SITE PLAN SHOWING THE PROPOSED SEATING ON THE FRONT LAWN AT OCEAN EDGE RESORT
 PREPARED FOR
OCEAN EDGE RESORT, LLC
 2907 MAIN STREET (ROUTE 6A)
 BREWSTER, MA



MADE BY
J.M. O'REILLY & ASSOCIATES, INC.
 1573 MAIN STREET, P.O. BOX 1773
 BREWSTER, MASSACHUSETTS 02631
 PHONE: (508) 896-6601
 WWW.JMOREILLYASSOC.COM



Brewster Zoning Board of Appeals

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

DEPARTMENT REVIEWS

Application #24-04

APPLICANT: Ocean Edge Resort, LLC
REPRESENTATIVE: John M. O'Reilly, PE, P.L.S.
MAP/LOT: Map 90, Lot 160
PROPERTY ADDRESS: 2907 Main Street

Received from:

Natural Resources Dept. Comments received from Chris Miller

- Natural Resources Department has no comment on this application.

Historic District Committee Comments received from Erika Glidden

- The applicant is aware they need to apply for the HDC Certificate of Appropriateness.

Police Dept. Comments received from Chief Eldredge and Lt. Charles Mawn

- This venue has hosted identical events in the past without any issues requiring police intervention.
- All of the typical concerns of the police department (parking, identified areas of alcohol service/consumption, hours of operation, etc.) have been addressed within the applications.
- There are no further comments or concerns by the police department.

Health Dept. Comments received from Sherrie McCullough

- The Food Service Activities are an extension of the currently licensed full food service indoor restaurants (Bayzo's Pub & Ocean Edge Banquet Ballroom Kitchen) which are operated annually. The seasonal Front Lawn Activities is a take-out food service only.
- All finished food preparation, production, and storage on the Front Lawn occurs within two sheds (Kitchen Shed and Beverage/Order Shed) that have been retrofitted to meet the minimum standards of the MA Food Code. Additionally, there are two outdoor pizza ovens located adjacent to the sheds. All food preparation and cooking, excluding made-to-order pizzas, are completed in Bayzo's or Banquet Kitchens prior to transportation to the Front Lawn. The Pizza Ovens are used to reheat hot menu items and cook pizzas to order.
- An overhead awning with adjustable sides has been installed over the pizza ovens and between the sheds to provide adequate protection for transportation of uncovered food between the sheds and the pizza ovens. In addition to the awning, tables will be used to demarcate employee only restricted areas around the pizza ovens and provide a designated pick-up area for food orders.
- Any proposed changes to the current Front Lawn Activities business operation, including changes to the menu, will require review and approval by the Board of Health.
- A pre-opening inspection is conducted by Health Department staff prior to opening for each new season.
- The current and proposed Front Lawn Food Service Activities, operating as a seasonal take-out food service use for 66 seats total, does not impact the existing septic system capacity per the design engineer.
- To date this operation has run quite successfully with no health issues or concerns.

Fire Dept. Comments received from Chief Moran

- No parking/standing/stopping on roadway (fire lane) adjacent to front lawn/cooking/serving area.
- FD shall conduct inspection prior to opening date.
- Propane storage shall comply with all regulations contained in 527 1.00 MA Comprehensive Fire Safety Code.

Administration Comments received from Peter Lombardi, Donna Kalinick and Erika Mawn

- The current Entertainment License allows for music on the front lawn in a tent with sides down until 10pm. There is no approval for entertainment on the front lawn otherwise.
- If they want to serve alcohol on the front lawn then they would need to complete an alteration of premises through the Select Board for their Liquor license, as the front lawn is not designated on their license. See the latest on the Advisory from the ABCC which was last issued March 30, 2023, at this time there has not been another extension:
 - An amendment to this Act extends permitting licensees for on-premises consumption to continue with (1) expanded patio service and (2) extends the ability to sell alcoholic beverages for takeaway and delivery:
 - Patios/Outdoor Expansions: licensees that have been approved for expanded patio/outdoor service may continue their outdoor operations until April 1, 2024.
 - Takeaway/delivery of alcohol: establishments licensed for on-premises consumption of alcohol may continue takeaway and delivery sales of alcohol until April 1, 2024. All alcohol sold for takeaway/delivery must be sold with food and at the same price as alcohol for on-premises consumption.

Assessors Dept. Comments received from James Gallagher


- The proposed project spans two parcels on our assessors' map. The Ocean Edge Resort LLC parcel (Lot 6 on Plan Bk 679 Pg 81) is Assessor Parcel # 90-160-0. The Baypines Condominium Association parcel (Lot 7 on Plan Bk 679, Pg 81) is now part of Assessor Parcel # 90-160-3 (as a result of prior ANR plans and Amendment to Master Deed).

Water Dept. Comments received from Paul Anderson

- The Water Department has no comment on this application

TOWN OF BREWSTER, MA
BOARD OF ASSESSORS
2198 Main Street Brewster, MA 02631

Certified by:


James M. Gallagher, MAA
Deputy Assessor

Abutters List Within 300 feet of Parcels 90/ 90/160/0

