

As it pertains to the Shearer Cottage Application

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 2 attachments

Chair-recommendations-re-ANR-7-Prospect-Ave.pdf; ATT00001.txt;

Hi Alex,

The Planning Board has been asked for additional clarification to its previous joint letter with the town zoning board of appeals (ZBA). In that letter we outlined the criteria to be applied to the Shearer Cottage application.

Specifically, the aspect of vital access which will be applied to the Shearer Cottage application has been questioned.

As a means of insight, please review my recommendations for the 7 Prospect Ave - ANR Application (attached) which was adopted in full by the Planning Board and implemented by the applicant.

Note, further expansion or development in areas of town with inadequate access for such growth is a major concern of the Planning Board and priority to address in all applications brought before our board.

Ewell Hopkins
Chairperson - Oak Bluffs Planning Board

(Please include this correspondence in your application file)

<https://www.oakbluffsma.gov/DocumentCenter/View/4791/Chair-recommendations-re-ANR-7-Prospect-Ave>



TOWN OF OAK BLUFFS, MA PLANNING BOARD

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July 21, 2020

Chairperson's Recommendations for the Board's Consideration RE: ANR Application / 7 Prospect Ave.

The following three standards that must be met in order for the creation of lots 1 & 2, shown on the Plan of Land in Oak Bluffs MA prepared for Sean F. Malone & Kathleen A. Malone dated April 10, 2020 to be entitled to an endorsement by the Planning Board that "approval under the Subdivision Control Law is not required."

1. The lots shown on such plan must front on one of the three types of ways specified in Chapter 41, Section 81L, MGL;
2. The lots shown on such plan must meet the minimum frontage requirements as specified in Chapter 41, Section 81L, MGL; and,
3. A Planning Board's determination that the vital access to such lots as contemplated by Chapter 41, Section 81M, MGL, otherwise exists. The Planning Board's focus is on the adequacy of the way on which the proposed lots fronts and the adequacy of the access from the way to the buildable portion of the lots.

It is the position of the Planning Board that vital access is not met under current conditions. To meet vital access standards, the completion of Prospect Ave to the outer end of parcel 7 - 219 as shown in above mentioned plan and the completion of Panola Ave from Linton Ave to Prospect Ave must be performed in accordance to the following standards.

- 1) Meet all applicable standards, laws, rules and regulations and in particular 527 CMR 1.00, Chapter 18 of the Massachusetts Comprehensive Fire Safety Code;
- 2) The Fire Chief certifies compliance with all applicable laws, rules and regulations subject to his jurisdiction.
- 3) Prior to work taking place on said lots, final plans for road upgrades and reconstruction, certified by a registered professional engineer as meeting or exceeding the standards and criteria of Chapter 18 527 CMR 1.00, Massachusetts Comprehensive Fire Safety Code], are provided to the Planning Board.
- 4) Prior to acceptance of ANR application a final as-constructed plan is submitted to the Planning Board, certified by a registered professional engineer, certifying that all construction has been completed in conformity with all applicable standards, laws, rules and regulations, and in conformity with the pre-construction plan submitted to the planning board.
- 5) The conditions contained herein may be modified by the Planning Board upon satisfactory evidence and assurance that Prospect Ave and Panola Ave will be improved as set forth herein.

Ewell Hopkins, Chairperson
Oak Bluffs Planning Board