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July 5, 2019

Oak Bluffs Planning Board
Town Hall
Oak Bluffs, MA 02557

By Hand

Re: **Marc R. Rivers –
Site Review Application for 6 Inca Road and 110 and 112 County Road**

Dear Planning Board Members:

I am writing on behalf of Marc R. Rivers concerning his application for Site Plan Review under Oak Bluffs Zoning Bylaw Section 10.4. You requested this application at your meeting on June 27 and the same has been also requested by the Oak Bluffs Building Official by letter of June 24, 2019.

Mr. Rivers purchased the above three vacant parcels on March 25, 2019. They are Lots A, B, and C shown on the 1989 Form A Plan for John and Mary Niemiec recorded with Dukes County Registry of Deeds as Oak Bluffs Case File No. 236, a copy of which is enclosed. The parcels are also shown on Oak Bluffs Assessors Map 12, Parcels 127.21 (6 Inca Road), 127.20 (110 County Road) and 127.1 (112 County Road).

Each of the lots are buildable and lie in the R-1 Zoning District. 6 Inca Road consists of 13,004 sq. ft., 110 County Road consists of 11,930 sq. ft. and 112 County Road consists of 12,636 sq. ft.

Prior to his purchase on March 25, Mr. Rivers obtained septic permits from the Oak Bluffs Board of Health for the construction of a four-bedroom residence on each of the three lots. After the closing, Mr. Rivers began clearing on the parcels. He consulted with the Oak Bluffs Building Official's office several times and was referred to the Oak Bluffs Zoning Board of Appeals for the construction of the home he wanted to build at 6 Inca Road. This application was withdrawn at the hearing held May 16.

Mr. Rivers amended his building permit application for 6 Inca Road and it has been filed with the Department of Building and Zoning. This home is intended for his sister-in-law and one of his four sons to reside in upon completion. He then is prepared to build a home on 112 County Road next for another one of his sons.

Mr. Rivers was unaware of the provisions of Oak Bluffs Zoning Bylaw Section 5.4.5 and at no time prior to a letter from the Department of Building and Zoning of June 10, 2019 was he

informed of this provision. It is clear that, if he had applied for and received building permits for each of these lots, he would be free to clear them for the construction of the residences and their associated septic systems and landscaping under Sections 5.4.5 and 10.4.

If Mr. Rivers had been so informed, he would have held off on site work until the issuance of the building permits. However, he has cleared each lot of vegetation and presently has loam piled on 110 County Road for use once homes are constructed and need to be landscaped.

I am enclosing five copies of his application for Site Plan Review under Section 10.4. Also enclosed with the application are five prints of the three site plans filed as part of the septic system applications, showing the proposed location of the homes and septic systems on each parcel with topographic detail and the locations of proposed utilities. Finally, there is also enclosed a combined site plan showing all three parcels together. As you can see from the site plans, significant portions of each parcel, if not all, would require clearing for necessary site work and construction.

As suggested, Mr. Rivers is requesting a Waiver of Technical Compliance under Section 10.4.6 as his project "involves relatively simple development," i.e. the ordinary and incidental site work associated with the construction of a new home. He also requests a waiver of requirement so of submitting site plans for review by the other town boards referenced in Section 10.4.

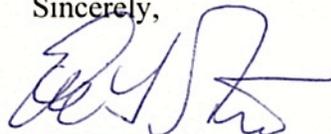
With regard to Section 5.4.5 Erosion Control, as noted by a neighbor at your meeting on June 27, although the parcels have been cleared of vegetation, there has been no runoff during recent heavy rains. However, Mr. Rivers plans to seed the parcels in order to ensure no future runoff to the abutting streets.

With regard to Section 10.4.5.3, Mr. Rivers plans to have one residence on each parcel. He believes this construction will comply with all parking and off-street loading requirements, if any. There is no need for any additional provisions concerning ownership or maintenance of the parcels or the homes. There will be no "common or public land" involved.

Mr. Rivers requests that you issue Site Plan Review approval for the noted construction on his three parcels.

Please schedule your review at your next meeting on July 11. Please let me know if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric L. Peters', written over a white background.

Eric L. Peters

Enclosures

cc: Marc R. Rivers

Plan of Land in
Oak Bluffs, Mass.

Surveyed for
JOHN E. NIEMIEC and MARY ANN NIEMIEC

December 30, 1988 scale 1 in. = 30ft.

Vineyard Land Surveying
Box 154B Beach Rd.
Vineyard Haven, MA 02568

Being a subdivision of Assessors Map 12 Parcel 127.01

Deed Reference Book 386 Page 459
Plan Reference Oak Bluffs Case File No. 93

Zoning District R-1
minimum lot size = 10,000 sq. ft.
minimum frontage along a street = 80ft.
structure setbacks - front, side & rear = 20ft.

12-128 etc. indicates Assessors Map and Parcel Number

Revised March 17, 1989. C.B.'s set added

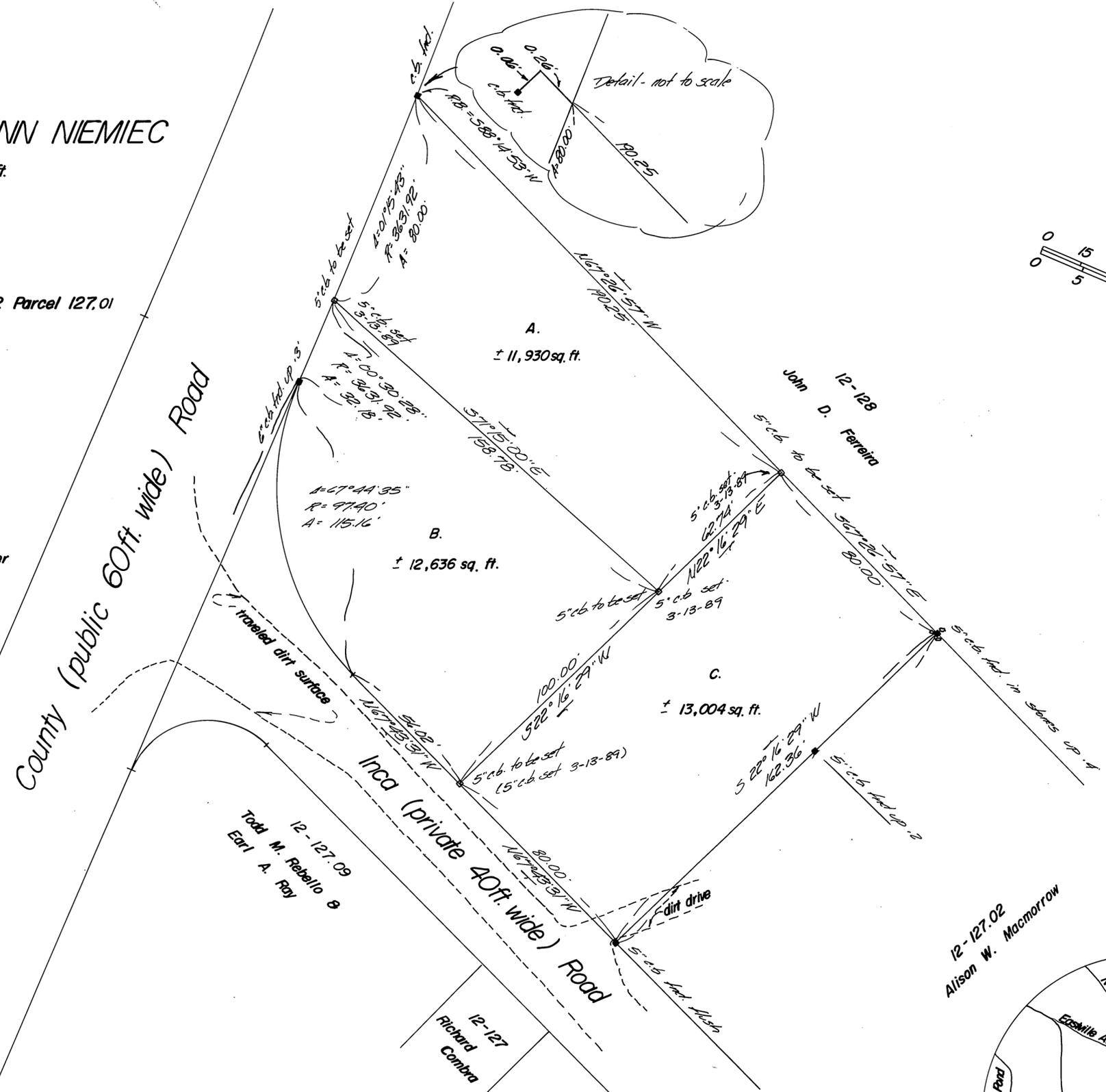
TOWN OF OAK BLUFFS PLANNING BOARD
Approval under the Subdivision
Control Law is not required

date Feb 13, 1989

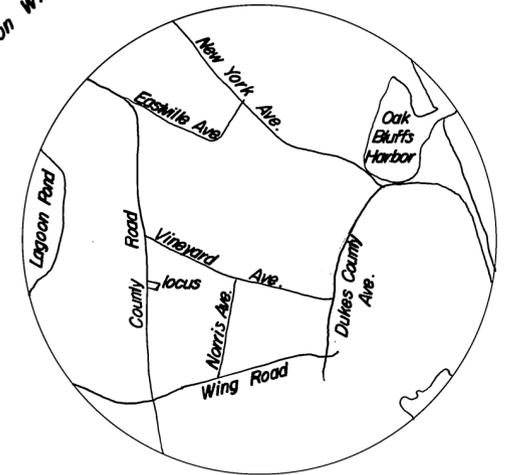
[Signatures]

g.m. ✓

RECEIVED-ENTERED
3:40 P.M.
COUNTY OF DUKES COUNTY,
REGISTRY OF DEEDS
BEVERLY W. KING, REGISTERED
3-30-89



12-127.02
Alison W. Macmorrow



Location Map Scale 1:25000

This survey and plan were prepared in accordance with the
Procedural and Technical Standards for the Practice of
Land Surveying in the Commonwealth of Massachusetts.

This plan has been prepared in conformity with the rules
and regulations of the Registers of Deeds of the
Commonwealth of Massachusetts.

Glenn F. Provost
Professional Land Surveyor
FEB. 13, 1989
Date

