

STONE & REID

ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION *

SOUTH YARMOUTH PROFESSIONAL BUILDING 1292

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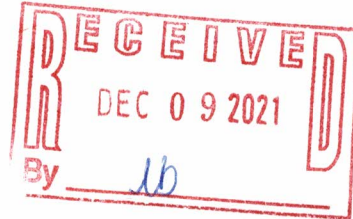
DAVID S. REID, ESQ.
DSReid@verizon.net

MICHAEL F. STONE, ESQ.
MFStoneEsq@comcast.net

December 7, 2021

Harwich Planning Board
732 Main Street
Harwich MA 02645

RE: Ronald & Jill Buck
PB21-25



Dear Chairman Berry,

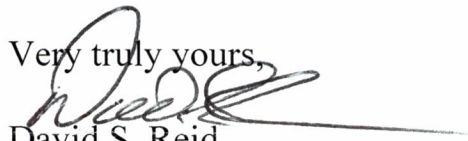
The application of Mr. and Mrs. Buck is scheduled for hearing before the Planning Board on December 14, 2021, seeking a special permit for alternate access to their property at 30 Lower County Road. They seek permission to install their driveway off of Fairbanks Drive, a private way to the north of their lot. I write to you on behalf of the other owners on Fairbanks Drive, in opposition to this application.

I fully appreciate that the matter before you is a very limited request for approval of the alternate access, pursuant to Bylaw section 325-18 P. However, we feel compelled to bring to your attention that the applicant does not have the legal right to use Fairbanks Drive for this access. The reason for this is because the bulk of their present lot was not part of the original subdivision that approved the Drive. Fairbanks was only approved as access to the lots then fronting on the road, and only those properties have rights of way in it. While the present lot owned by the Bucks includes a portion of the original Parcel 6, which did front on the road, the rest of their lot did not and accordingly may not use the private way for its access. It is categorically forbidden for one lot that has right in an adjoining way to extend those right to a land not adjoining the way. I attach copies of the subdivision plan of this property, showing the separation of the present lot from the road. I presume this was done deliberately to separate the Fairbanks property (and road) from the

* Each attorney in this office is an independent practitioner
who is not responsible for the practice or liabilities of the other.

then Murphy property. The recent ANR plan, creating the present lot, is also attached. The subsequent combination of a portion of Parcel 6 with a portion of the former Murphy property does not alter or extend the original rights in the road, in which my clients now have ownership interests.

We are not asking the Board to adjudicate these rights, which of course is beyond the Board's preview. We wish to alert you to the issue, as we have already alerted the Bucks to this issue. We do believe, however, that it is appropriate for the Board to not grant such a special permit unless and until an applicant can demonstrate to you that they have the ability to do what they are asking you to permit.

Very truly yours,

David S. Reid

Encl (2)

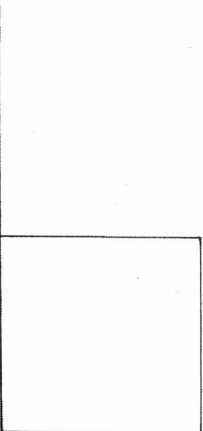
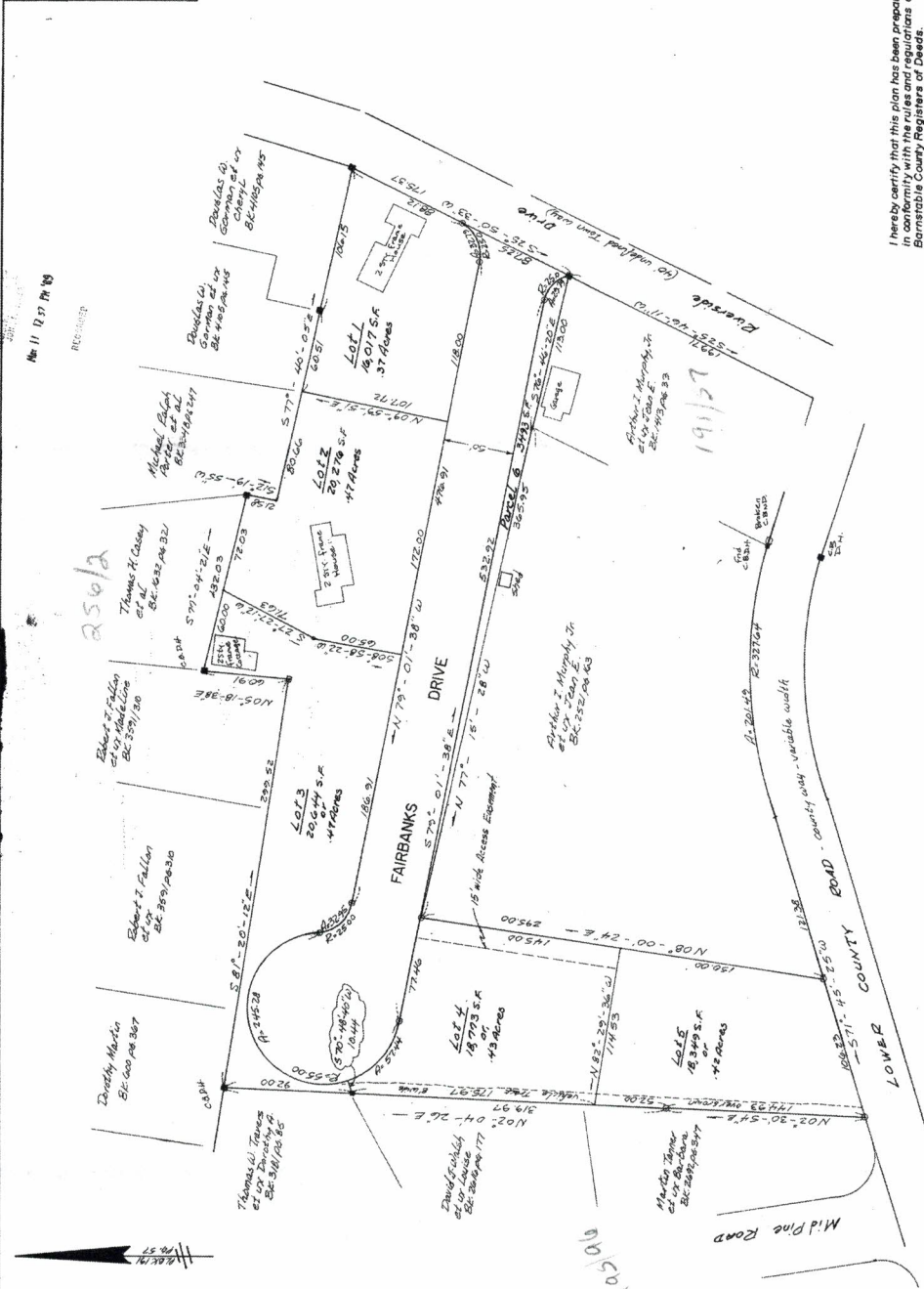
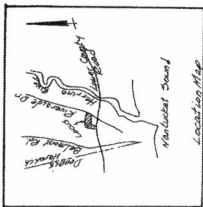
Cc: Ronald & Jill Buck

Mark Dennen, 6 Fairbanks Drive

David & Betsy Lincoln, 3 Fairbanks Drive

Ed Capwell & Branda Rahmann, 64 Riverside Drive

David & Barbara Herral, 5 Fairbanks Drive



NOTE: LOTS 2,3,4,5,6 WITHIN THE SUBDIVISION AND LOT 1 SHALL HAVE ACCESS FROM FAIRBANKS DRIVE. WHEN DRIVE IS OPENED INTO LOWER COUNTY ROAD WILL BE PERMITTED.

NOTE: PARCEL 6 IS NOT TO BE CONSIDERED AS A BUILDABLE LOT.

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS REQUIRED.
DATE APPROVED: March 21, 1989
DATE SIGNED: May 9, 1989
PRELIMINARY SUBMITTED - SEPT. 28, 1988
PRELIMINARY APPROVAL - NOV. 16, 1988
DEED REFERENCE: BK 6413 PG. 01

PLAN REFERENCES:
PB 235 PG. 06
PB 19 PG. 07
PB 294 PG. 44
PB 246 PG. 148
PB 256 PG. 02

SUBDIVISION
PLAN OF LAND IN HARWICH, MASS.
PLAN FOR: JOAN FAIRBANKS DAVIS & PATRICIA FAIRBANKS SHERIDAN
PLAN BY: MORAN ENGINEERING INC.
941 Main Street, S. Harwich, Mass 02661
January 11, 1989
Scale: 1" = 40'



I hereby certify that this plan has been prepared in conformity with the rules and regulations of the Barnstable County Register of Deeds.
James O. Wilford
Professional Land Surveyor

I certify that the notice of approval of this plan by the Harwich Planning Board has been received during the statutory 20 days period following HARWICH TOWN CLERK: [Signature]
DATE: May 11, 1989

Zoning Class - RH-1, 15000 S.F.
Assessors Map 3, Parcel 61.2

459-77

692-42

OWNER/PETITIONER:
56 RIVERSIDE DRIVE
ASSOCIATES, LLC
KENT D. MURPHY, MANAGER
56 RIVERSIDE DRIVE
WEST HARWICH, MA 02671

RONALD BUCK
24 MAYFLOWER ROAD
WINCHESTER, MA 01890

LOCUS ADDRESS:
0 FAIRBANKS DRIVE, 30 AND
40 LOWER COUNTY ROAD
WEST HARWICH

DEED REFERENCES--
BK. 24630 PG. 197
BK. 32692 PG. 287

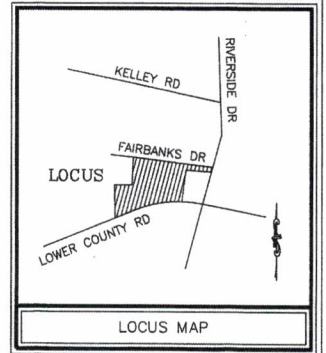
PLAN REFERENCES--
PLBK. 191 PG. 057 F1
PLBK. 459 PG. 077
PLBK. 295 PG. 096
PLBK. 322 PG. 032

AREA--
95,106 SQ.FT.±
2.18 ACRES±

ASSESSORS MAP: 3

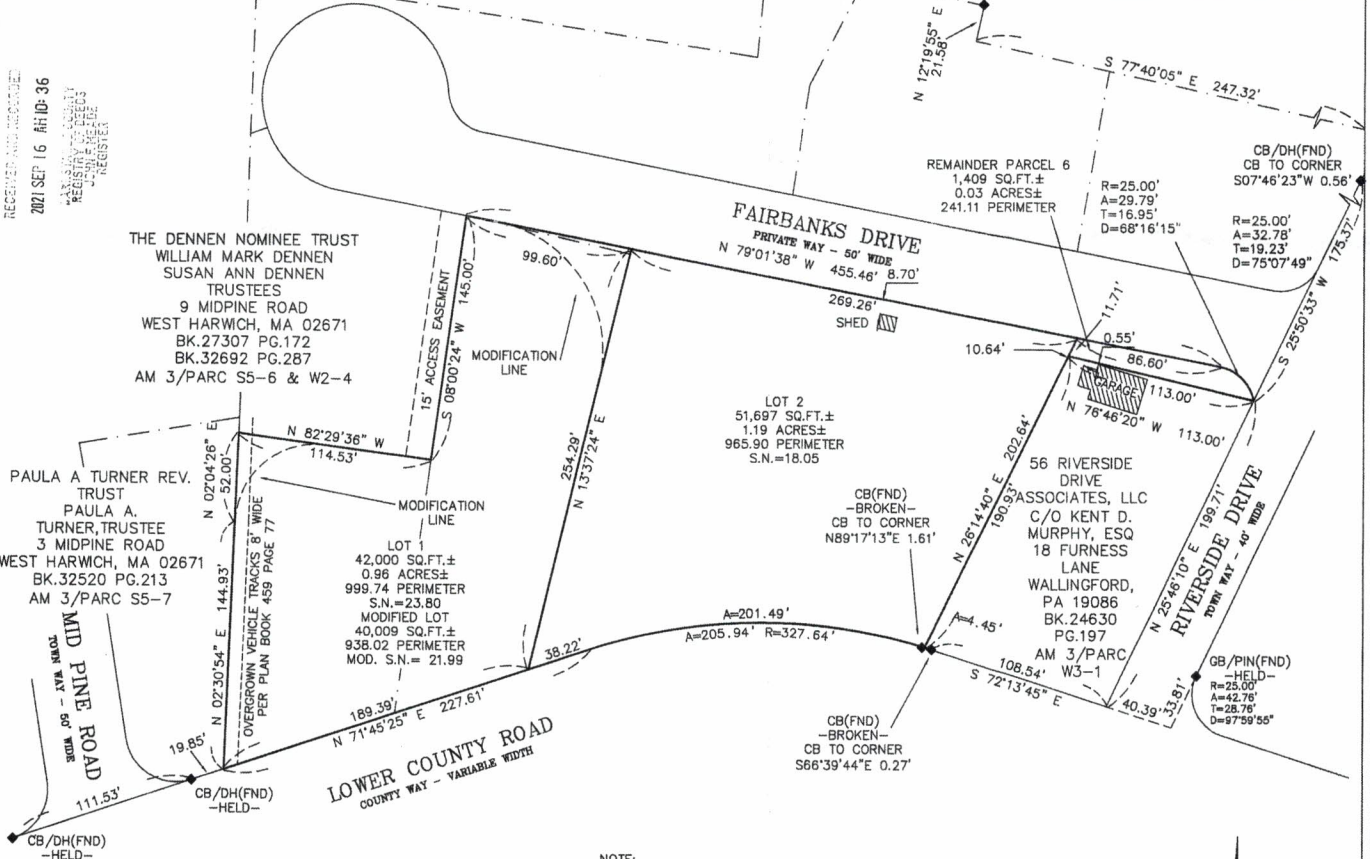
PARCELS: W2-5, W2-6 & W3

ZONING CLASSIFICATION: RH-1
REQUIRED:
AREA-40,000 SQ.FT.
FRONTAGE-150'
SETBACKS:
FRONT-25'
SIDE-20'
REAR-20'



FOR REGISTRY USE ONLY

RECEIVED AND RECORDED:
2021 SEP 16 AM 10:36
HARWICH COUNTY
REGISTER OF DEEDS
REGISTERED



THE DENNEN NOMINEE TRUST
WILLIAM MARK DENNEN
SUSAN ANN DENNEN
TRUSTEES
9 MIDPINE ROAD
WEST HARWICH, MA 02671
BK.27307 PG.172
BK.32692 PG.287
AM 3/PARC S5-6 & W2-4

PAULA A TURNER REV.
TRUST
PAULA A.
TURNER, TRUSTEE
3 MIDPINE ROAD
WEST HARWICH, MA 02671
BK.32520 PG.213
AM 3/PARC S5-7

LOT 1
42,000 SQ.FT.±
0.96 ACRES±
999.74 PERIMETER
S.N.=23.80
MODIFIED LOT
40,009 SQ.FT.±
938.02 PERIMETER
MOD. S.N.= 21.99

LOT 2
51,697 SQ.FT.±
1.19 ACRES±
965.90 PERIMETER
S.N.=18.05

REMAINDER PARCEL 6
1,409 SQ.FT.±
0.03 ACRES±
241.11 PERIMETER

CB/DH(FND)
CB TO CORNER
S03°51'50" W 0.64'

CB/DH(FND)
CB TO CORNER
S07°46'23" W 0.56'

CB(FND)
-BROKEN-
CB TO CORNER
N89°17'13" E 1.61'

CB(FND)
-BROKEN-
CB TO CORNER
S66°39'44" E 0.27'

GB/PIN(FND)
-HELD-
R=25.00'
A=42.78'
T=28.76'
D=97°59'55"

I CERTIFY THAT THIS PLAN CONFORMS TO THE 1976
RULES AND REGULATIONS OF THE REGISTERS OF
DEEDS.

09/14/21 *Paul E. Acton*
DATE PROFESSIONAL LAND SURVEYOR

APPROVAL NOT REQUIRED
UNDER THE SUBDIVISION CONTROL LAW

APPLICATION DATE 8/26/21

ENDORSED DATE 9/14/21

Joseph P. M. Parlant
J. Dimm
Mary A. Dredge
Cory S. Chodnick



NOTE:
LOT 1 CONSISTS OF LOT 5 AND 154 SQ.FT.± OF PARCEL 6 AS SHOWN ON
THE PLAN RECORDED IN PLAN BOOK 459 PAGE 77.

LOT 2 IS THE REMAINDER OF PARCEL W3(40 LOWER COUNTY ROAD) AND
1,930 SQ.FT.± OF PARCEL 6.

THE REMAINDER OF PARCEL 6 (1,409 SQ.FT.±) REMAINS UNBUILDABLE.

ZONING COMPLIANCE: RH-1

AREA-	REQUIRED	PROVIDED
LOT 1	40,000 SQ.FT.	42,000 SQ.FT.±
LOT 2	40,000 SQ.FT.	51,697 SQ.FT.±

FRONTAGE-	LOT 1	LOT 2
150'	189.39'	239.71'
150'		

PLAN OF LAND IN WEST HARWICH,
MASSACHUSETTS
AS PREPARED FOR
56 RIVERSIDE DRIVE ASSOCIATES, LLC,
KENT D. MURPHY, MANAGER
AND
RONALD BUCK

AUGUST 5, 2021
REV. SEPT. 14, 2021



SCALE: 1"=50'

PAUL E. SWEETSER
PROFESSIONAL LAND SURVEYOR
P.O. BOX 1146
DENNISPORT, MA
02639

HARWICH PLANNING BOARD
NO DETERMINATION OF COMPLIANCE WITH ZONING
REQUIREMENTS HAS BEEN MADE OR IS INTENDED.

2827-00