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March 7, 2022

Town of Oak Bluffs  
Planning Board  
Via Email Transmission Only

**RE: Shearer Cottage Expansion Application**

Dear Board Members,

The Oak Bluffs Panning Board seeks to review the Shearer Cottage Expansion application using Massachusetts General Laws Chapter 41, Section 81M, commonly know as the “subdivision control law”. The law and associated regulations found in Chapter 18 of 527 Code of Massachusetts Regulations were enacted for the purpose of regulating the laying out and construction of the new ways or streets created by new subdivisions. The law and regulations are not applicable to the Shearer application as no new ways or streets are proposed, and the locus subdivision, the Highlands, has been in existence since 1870.

The Shearer Cottage sits on two pre-existing lots created in 1870 by a plan known as the Highlands. See Dukes County Registry of Deeds Plan Book 6, Page 36. That plan also created the roads in the Highlands. Among those roads are the roads which abut the Shearer Cottage: Church Avenue, Morgan Avenue, Glenwood Avenue, and Highland Avenue. The Shearer application does not seek to lay out or construct any new roads. Therefore, Massachusetts General Laws Chapter 41, Section 81M and Chapter 18 of 527 Code of Massachusetts Regulations are not applicable to the review of the application before the Oak Bluffs Planning Board.

Despite the inapplicability of the law to this application, it is worth pointing out that the applicant has generously offered and is prepared to maintain abutting portions of Morgan Avenue, Church Avenue, and Glenwood Avenue for ease of access for both emergency vehicles and guests of the Shearer Cottage. These offers were formalized during the Martha’s Vineyard Commission application process and are attached hereto.

Thank you for your time and attention to this matter.

Truly yours,

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