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Martha's Vineyard Commission

DRI 3 Uncas Avenue Demolition & 40B Proposal MVC Staff Report – 2023-8-21

1. DESCRIPTION

- 1.1 **Owner:** Flowerwood, LLC
- 1.2 **Applicant:** Flowerwood, LLC
- 1.3 **Applicant's Agent:** Robert Sawyer
- 1.4 **Applicant's Agent:** Attorney Jay Talerman of Mead, Talerman, & Costa, LLC
- 1.5 **Project Location:** 3 Uncas Avenue, Oak Bluffs
- 1.6 **Proposal:** Demolition of a 19th Century, MACRIS-listed dwelling and an adjacent, 20th Century cottage, to make way for a 4,176 sqft apartment building and drive through ATM. Also, the creation of a storage unit for rent and nine parking spaces.
- 1.7 **Zoning:** Residential
- 1.8 **Local Permits:** Copeland Plan Review Committee, Cottage City Historic District Commission, Oak Bluffs Building Department, Oak Bluffs Fire Department, Oak Bluffs Wastewater Department & Oak Bluffs Zoning Board of Appeals
- 1.9 **State Permits:** Massachusetts Historic Commission (MACRIS-listing) & MassHousing (40B Application)
- 1.10 **Surrounding Land Uses:** To the South, the Project Site abuts a Bowling Alley owned in part by Applicant's Agent, Robert Sawyer (see DRI 645, 645 M, 645 M2 645 M3, 645 M4, 645 M6, & 645 M7). To the West, the Project Site fronts Hiawatha Avenue. To the North, the Project Site fronts Circuit Avenue. To the East, the Project Site fronts Uncas Avenue.
- 1.11 **MACRIS Summary:** Called the Stephen Flanders House in the Massachusetts Cultural Resource Information System (MACRIS), the 1874 dwelling is described as Victorian Eclectic. MACRIS points to a "covered balcony with decorative posts and brackets," a "covered porch" with "decorative posts and brackets," "dormers," and "decorative vergeboards with pendant," as among the architectural features of the dwelling. The dwelling was relocated from 152 Circuit Avenue in 1889, according to MACRIS. "This house is of the expansive Campground cottage construction," the MACRIS listing states. "It is significant as a part of the Oak Bluffs Land and Wharf Company development which began soon after the growth and popularity of the Wesleyan Grove Campground. The development became a secular alternative to the Campground and flourished as one of the most popular and well known East Coast summer resorts."
- 1.12 **Project History:** The Project Site was purchased by the Larkin B Reeves Family Trust in October of 2015. Additionally, Larkin Reeves, the individual, along with Applicant's Agent Robert Sawyer, was one of appears on the MV Bowl, LLC 2015 annual report. MV Bowl, LLC is the holding company for the bowling alley and eatery abutting the Project Site. According to Reeves, the dwelling on the Project Site was furnished and rented in the summer of 2016 to "students". Also in 2016, according to a 2016 Vineyard Gazette article, Applicant's Agent Sawyer made an attempt to change the Project Site zoning from residential to commercial with a short-notice warrant article. The article apparently failed and no zoning change appears to have occurred. In December of 2018 the Larkin

B Reeves Family Trust sold the Project Site to Flowerwood, LLC. Larkin Reeves, the individual, appears in 2017, 2018, 2019, & 2020 annual reports as a manager of Flowerwood, LLC. The Applicant, Flowerwood, LLC took initial steps in 2019 to get permission from the Town of Oak Bluffs for the demolition of the dwelling on the Project Site. After Flowerwood, LLC purchased 3 Uncas Avenue, the Vineyard’s Tactical Team trained in the dwelling on the project site, according to a representative of the Tactical Team and according to a member of the Cottage City Historic District. It’s unclear to what extent, if any, that training caused. The training was abridged due to In 2019 or the during the last days of 2018, interior and exterior asbestos-bearing material was removed from the dwelling on the Project Site. The asbestos-bearing exterior siding was apparently part of the asbestos remediation. Once the siding was removed, the dwelling appears not to have been resided, tarped, or otherwise shielded from the elements. Also in 2019, the Oak Bluffs Select Board expressed reservations to a proposed 40B development at the Project Site, according to minutes. In March of 2019, the Copeland Plan Review Committee, according to meeting minutes, voted unanimously to deny demolition of the dwelling at the Project Site. The Cottage City Historic District Commission was apparently unable to take a vote on the demolition because the application appears to have been withdrawn before vote could be taken. In February of 2020, the Applicant appears to have received a Project Eligibility letter from MassHousing. The letter is addressed to Harborwood, another project associated with Applicant’s Agent, Robert Sawyer, but its content addresses Flowerwood, LLC’s 3 Uncas Avenue project. The letter appears to be a step towards a comprehensive permit. In July of 2022, Vineyard Haven Professional Engineer signed a brief report that deemed the dwelling at the Project Site “not suitable for human habitation” and recommended demolition. In August of 2022, the Oak Bluffs Building Department, deemed the dwelling at the Project Site “not in danger of imminent failure of collapse”. The Oak Bluffs Building Department ordered the dwelling at the Project Site boarded up “to prevent unlawful entry”. In September of 2022, the Copeland Plan Review Committee voted 4-0 to deny another request to demolish the dwelling at the Project Site. In April of 2023, MassHousing issued a reinstatement letter for the project at 3 Uncas Avenue.

- 1.13 Litigation:** In the Autumn of 2022 the Applicant sued the Town of Oak Bluffs in Land Court. The case was transferred to the Dukes County Superior Court in March of 2023. Two out of three counts in the complaint survived. Count I alleged the Copeland Plan Review Committee failed to issue a written decision within 30 days per Town bylaw. Count II alleged particular rights of appeal and review. On August 17, the Applicant and the Town filed a Stipulation of Dismissal that dismissed Count I with prejudice, dismissed count II without prejudice, and waived the right to appeal.
- 1.14 Project Summary:** To demolish a MACRIS-listed 19th Century dwelling and accompanying 20th Century cottage and to erect an eight-unit, nine-parking-space apartment building with a drive through ATM and rental incorporated into the development.

2. ADMINISTRATIVE SUMMARY

- 2.1 DRI Referral:** Oak Bluffs Zoning Board of Appeals
- 2.2 DRI Trigger:** 4.1 Multiple Residential Units: Any Development, including an expansion or Change of Use of an existing Development, which proposes to create or allow or make available: a. 5 or more Dwelling Units including guest houses — **Mandatory Referral Requiring Commission Concurrence**
- 2.3 DRI Trigger:** 8.1-A Demolition or Relocation of Historic Structures Any Demolition or relocation of a structure that either: *a. has been identified as having historic significance by a local historic*

commission or architectural commission, by a general plan of the Town, by the Massachusetts Historical Commission, or is listed with the National or Massachusetts Registers of Historic Places – **Mandatory Referral and Commission Review**

2.4 Additional Possible Triggers: 3.1 Commercial, Storage, Office, Industrial and/or Mixed-Use Development : Any Development of a commercial, storage, industrial, and/or office use, including any use of any of the foregoing mixed with a residential use, provided that one or more of the following thresholds are met: **f. a Change of Use (either partial or complete), or any Change in Intensity of Use, such that the new use on its own would trigger any threshold in this DRI Checklist – Mandatory Referral Requiring Commission Concurrence** **j. high traffic-generating business, such as a drive-in bank, convenience market, fast food or take-out restaurant, coffee or donut shop, or service station. –Mandatory Referral Requiring Commission Concurrence**

2.5 LUPC: Slated for August 21, 2023

2.6 Full Commission: Slated for September 7, 2023

3. PLANNING CONCERNS

3.1 Wastewater: The Project Site’s dwelling and cottage have a total of five bedrooms, according to the Town’s property card. The Project Site is apparently service by a cesspool at present. It’s unclear if the Project can and will be allotted sewer flow by the Town.

3.2 Traffic and transportation: As a potential high traffic generator, the proposed drive through ATM requires some degree of study to determine what impact, if any, it will have if built. It’s possible this can be accomplished by Commission staff.

3.3 Character and identity: The Eclectic Victorian dwelling at the Project Site sits on a corner lot that fronts three streets and is therefore in a prominent location. In its present condition, the building, with its siding taken off, has a derelict appearance. Photos taken by the Oak Bluffs Assessor’s Office show the building has a much better appearance in 2015. Given its prominent location, can the dwelling be considered a minor landmark? How important to the character and identity of the neighborhood, the Town of Oak Bluffs and the Vineyard would the possible restoration of the dwelling be? The Applicant has offered conflicting information as to whether or not, if the building was razed, that the proposed replacement structure would be architecturally reflective of the neighborhood or the original dwelling. As part of its application to MassHousing, the Applicant suggested the proposed replacement structure would be informed by “Carpenter Gothic” architecture “that employs fanciful scrollwork”. However, in an email to the Commission, the Applicant’s Agent said the proposed replacement structure would not have architectural features reflective of the of the original house or surrounding neighborhood, per se, but will have architectural features “totally consistent with all the surrounding properties which are all commercial.” Contrary to the assertion of the Applicant’s Agent, there are many residences in the neighborhood. Moreover, the adjacent Martha’s Vineyard Bank, which is a modern building, features Victorian decorative features on its exterior.

3.4 Housing: The Project could provide much needed Vineyard Housing.

3.5 Impact on Abutters: Per meeting minutes, and 2019 letters to the Oak Bluffs Planning Board some neighbors previously expressed objections to the 40B development.

3.6 Special Planning Concern: There is evidence that suggests an evaluation of whether or not demolition by neglect would be appropriate. Also, a review of the dwelling by a third-party consultant appears necessary.

