

July 25, 2023

Lou Rogers, Chair  
Zoning Board of Appeals  
56 School Street  
Oak Bluffs, MA 02557  
Email: [zbaadmin@oakbluffisma.gov](mailto:zbaadmin@oakbluffisma.gov)

Dear Chairman Rogers:

The homeowners of Hiawatha Avenue strongly urge the Zoning Board of Appeals to deny the request by Robert Sawyer and Flowerwood LLC for a comprehensive permit to demolish the property at 3 Uncas Avenue for the purpose of erecting an 8-unit condo building, an 8-car parking lot, a bank and parking for bank customers.

The applicant's current request is an attempt to get a second bite at the apple because the Copeland Plan District Review Board denied a virtually identical request in 2022. Furthermore, it is premised on a 40B application that included factually inaccurate and somewhat misleading information. The proposed project would exacerbate existing problems previously created by its developer. Moreover, it would create new problems for this historic area.

The developer's proposal is essentially the same as the one previously submitted to the Copeland Plan District Review Board in September 2022 and was denied despite obtaining 40B status from the state. The Copeland board found that the problems with the building were the result of "an elective demolition" and that the project did not "meet the requirements of Copeland."

The developer appealed the Copeland board's September 2022 denial by instituting a lawsuit. Nevertheless, without waiting for a decision from the court, the developer applied again to the state for reinstatement of 40B status (which expired pending a court determination). A Dukes County Superior Court judge upheld the board's denial of the project on May 1, 2023. 40B status was reinstated on April 28, 2023.

It appears that the developer merely resubmitted the same prior 40B application that was the subject of the Copeland board's denial. Moreover, this second submission submitted by the developer for 40B status was factually inaccurate. Also, it is unclear why the approval letter from MassHousing was addressed to Robert Sawyer and Harborwood LLC when the action before the board today is a request by Robert Sawyer and Flowerwood LLC. (Without delving into the composition of either of these LLCs, Mr. Sawyer and Sam Dunn were both [officers of Harborwood LLC](#) until September 2021. And as the public is aware, Sam Dunn has come under recent criticism from the Martha's Vineyard Commission.)

It is particularly concerning that the developer did not bother to update the information in its second submission for 40B status. For example, there are now fewer commercial establishments than were cited in the original application.

Moreover, this second submission curiously omits any significant mention of abutters on Hiawatha Avenue and the proposal's impact on the neighborhood. The only commercial entities are the developer's Barn, a hardware/appliance store, an antique store, and the existing Martha's Vineyard Savings Bank.

The developer also gave the misimpression the neighborhood was always considered a commercial district when, instead, it has long been viewed as a mixed-use neighborhood. This seems to have been strategic. In fact, only a small minority of properties on Uncas and Hiawatha are zoned commercial. The vast majority of this area has been used and enjoyed as residential for approximately 100 years. Indeed 3 Uncas (the property under consideration) is zoned residential and was always a residence until the developers bought and neglected the property, thereby creating "an elected demolition." Additionally, Sawyer and Dunn tore down a multi-unit apartment building to make way for a recreational facility – the Barn. Hiawatha Avenue is a cohesive, long-standing residential neighborhood where children play and people walk and bike to work. Hiawatha Park attracts pet walkers and those out for a leisurely stroll.

Moreover, this proposal is unsuited for this area. The developers seem to have glossed over the fact that 3 Uncas is situated on a geographically tight triangle, encompassing Circuit Avenue extension, Uncas Avenue and Hiawatha Avenue, and that intersects Hiawatha Park. Existing problems include traffic on Hiawatha which already cannot adequately accommodate two-way traffic; an active and busy existing bank at one corner; Circuit Avenue shoppers who park on Hiawatha; trucks, large campers, and commercial vehicles that park there; parking by guests of Circuit Avenue extension guest houses; turning vehicles; delivery vehicles; Barn employee parking; and vehicular and foot traffic to the Barn. There have been several vehicular accidents at this location and just recently the Hiawatha Avenue street sign located at that triangle was knocked down. It should also be noted that public safety officials and the public use Hiawatha Avenue as a detour when Circuit Avenue extension and Uncas Avenue are congested or blocked. Compounded by speeding, conditions on Hiawatha Avenue are unsafe for pedestrians, residents, children, and pets.

Four years ago, the Oak Bluffs Board of Selectmen opposed the developer's original 40B application. They wrote to MassHousing:

"While the town may be prepared to entertain additional housing density from the current zoning to promote the creation of affordable housing, the inclusion of a commercial drive-in at that busy location with completely inadequate queuing geometry would be a vast mistake that would worsen congestion, create a public safety traffic hazard, and be completely inconsistent with the historic village character of the area. ... The site is simply not appropriate for any drive-up use and would not work with the character and configuration of either the site or the neighborhood."

The developer's recycled would exacerbate existing problems and create new problems. An additional bank would increase traffic; an 8-car parking lot would overburden Hiawatha Avenue; the proposed parking lot won't accommodate two-car households or workers who bring their work vehicles home. Furthermore, creation of an 8-unit condominium would create problems with their visitor parking, commercial deliveries, food deliveries, trash pickup, and sanitation (sewer or septic). We note that each proposed studio unit would be approximately 400 square feet, according to initial plans. It is unclear whether some of these condominium units are truly affordable. It is also unknown whether all the units will be perpetually owner-occupied (or in the event that an owner encounters financial distress, whether there will be short-term rentals and frequent, unsupervised turnovers).

Lastly, we on Hiawatha Avenue have experienced the difficulty holding this developer to the parameters of terms and conditions set by local boards. We have had to make entreaties to various local boards continually over the last several years to enforce the terms of the permits the developer obtained to build the Barn. On several occasions, he has disregarded the conditions under which the permits had been granted. Most recently, the Barn advertised a 7:30 a.m. Sunday brunch, despite an absence of approval from any town board to change their hours as set by the MVC. This is just the latest example. Hiawatha Avenue residents have brought before various town entities the attempts by the Barn to exceed conditions placed on it. These matters range from outdoor dining, the addition of a takeout window, trash pickup on Hiawatha Avenue, and the recent presence of a discarded stuffed chair that they have allowed to remain on Hiawatha Avenue for the last few weeks, thereby creating an eyesore.

We noted that Robert Sawyer was associated with Sam Dunn, who in a recent hearing concerning the Stone Bank condo project, declared to the Martha's Vineyard Commission, "I have the freedom and the ability to make changes to things that I think need to be made [to a project.]" He added, "It's just the way I do it – I've always done it."

For all the above reasons, we respectfully request that the Zoning Board of Appeals deny the developer's application for a comprehensive permit to build an 8-unit condominium building with 8 parking spaces and a bank at 3 Uncas Avenue.

Sincerely,

The Hiawatha Avenue Neighborhood Association

Peggy Barmore  
Byron and Kathleen Barnett  
Donna Wilkerson Brilliant  
Kathleen Koehler  
Diane Clarke Streett