

Town of Oak Bluffs  
Copeland Plan District Review Board  
P.O. Box 1327 Oak Bluffs, Massachusetts 02557

September 1, 2023

Martha's Vineyard Commission  
33 New York Avenue  
Oak Bluffs, MA 02557  
ATTN: Richard Saltzberg  
VIA: E-mail

RE: 3 Uncas Avenue, Historic Demolition and 40B Proposal

Dear Mr. Saltzberg,

This letter is in response to your invitation for input from the Copeland Plan District Review Board ("the Copeland Board") regarding the application before the Martha's Vineyard Commission by Flowerwood, LLC to demolish an historic residence located in the Oak Bluffs Copeland District to be replaced with 40B workforce housing and a drive through bank.

Our comments on the project are only as it pertains to the character and integrity of the Copeland District which is a District of Critical Planning Concern created by (and may be considered an arm of) the Martha's Vineyard Commission. Flowerwood, LLC submitted two applications to the Copeland Board concerning 3 Uncas Avenue. The first application in 2019 was for the demolition of the existing residential structure and the construction of what was described as workforce housing with a drive through bank. The application for demolition and construction was denied unanimously on March 18, 2019 as the Board determined, among other things, that the deterioration of the structure was voluntary and intentional, the structure was significant to the Copeland District and listed on the State Historic Register. (A copy of the decision is attached).

Flowerwood, LLC submitted another application in 2022 for the demolition of the existing structure with no proposed plans for re-construction. The Board denied the request for demolition again unanimously on September 19, 2022 for the reasons stated in its decision. (A copy of the decision is attached).

The Board feels strongly about preserving the integrity and character of properties and views located in the Copeland District as it is not only a District of Critical Planning Concern and protected under the powers of the Martha's Vineyard Commission, but also is significant in defining the character and history of the Town of Oak Bluffs as well as being one of the first planned residential communities in the United States and designed by Morris Copeland.

The Copeland Plan District Review Board unanimously denied the demolition under its criteria. The denial for demolition is on record and remains in effect. We ask that the Martha's Vineyard Commission honor the decision of the Copeland Board.

Thank you for your consideration and attention.

Sincerely,



Copeland District Review Board  
Gail Barmakian, Chairperson

Attachments: 2

**OAK BLUFFS COPELAND REVIEW BOARD MEETING MINUTES**  
**P.O. BOX 1327, OAK BLUFFS, MA 02557 – 1327**  
**508 693 – 3554 x 123**

**Meeting of Monday March 18, 2019, 4:30pm**  
**Oak Bluffs Town Hall, Lower Level Meeting Room**

Members Present: Gail Barmarkian, Shelley Christiansen, Injy Lew, Ewell Hopkins, Amy Billings

Chairman opened the public hearing at 4:26

**New Business**

**5 Saco Ave, Map 9 Parcel 54**

Williams Project

Presented by owner, Frank Williams.

Proposal is for Cosmetic Rehabilitation of 1800 SF Arts and Crafts style home, built in 1930. Lots of deferred maintenance. Removal and replacement of all roofing, siding and trim. Replacement of roof deck and rear landing. Lattice at roof deck to be replaced with heavier gauge and painted white. Removal of landing and exterior driveway entry. Repair fence and keep natural. Replace existing outdoor shower and landing. Removal of existing shed not to be replaced. All new Anderson A Series windows. One window will change from a double hung to an awning style window. No expansion of the footprint.

Commission asked for clarification on driveway. Owners confirmed they are removing concrete apron and pavement and replacing with pea stone and cobblestone apron.

Amy made a motion to approve as presented. Shelley-2<sup>nd</sup>. Approved 5-0.

**71 Ocean Avenue, Map 10 Parcel 160**

Bell/Barnes Project

Presented by Chuck Sullivan on behalf of owners Alan Bell and Lisa Barnes.

Proposed renovation of a 7 bedroom two family dwelling, to a 7 bedroom one family dwelling. Demolition of back portion of building and existing front porch. New rear addition with similar footprint, and new front porch. Demolition and replacement of portion of roof. Demo of two existing shed dormers, replaced with new gable dormers. All new windows and doors. New siding.

Recreate first floor balusters and railings to match second story. Rebuild chimney, to be inbound (per CCHDC). Exposed at roofline. Gable dormers at sides. Current windows are 6 over 6. New windows be 2 over 1.

Commissioners comment on the “bulkiness” of the new rear addition in comparison with the old rear portion.

New rear portion is 1 foot wider on each side. Second floor is set in on either side and should not disrupt views. Parking/bike parking/trash enclosure will be consolidated. Shed being moved to a new location on the lot. New garden to be added. Wood picket fence at be about 4 feet. (landscaping and fencing to come back for review at a later date)

Shelley made a motion to approve the application as presented. Amy-2<sup>nd</sup>. Approved 5-0.

**4:54PM**

**3 Uncas Ave, Map 11 Parcel 156**

RE: Flowerwood LLC Project

Presented by Michael Sawyer.

Proposal is for the demolition of an existing single family dwelling located in the Copeland District.

Applicant approved Amy Billings, a direct abutter, to sit and represent the parks department. She agreed she was able to be impartial and is representing the Park Department.

Chairman read the Copeland By-Laws to the applicant and how it relates to elective demolition:

“Demolition shall be allowed only when the existing building or structure is determined to have no relationship to the district or when its retention would result in significant economic hardship and when all the requirements below have been satisfied”

Chairman asked the applicant if they had a reason as to why the home has no relationship to the district. Applicant suggested that the house was unsafe and uninhabitable and they are unable to make it habitable. It is an eyesore and falling down. Sawyer indicated that the CCHDC suggested they have a structural engineer look at the home to determine this. Chairman reminded the applicant that the house has not been condemned by the Board of Health or the Building Official, and therefore, this is a voluntary demolition. If you buy an older building and not keep it up in order to demolish it, would also be considered an elective demolition.

He asked about the process if the application is denied. Is there a time delay with the Copeland Board in order to reapply? Chairman confirmed that a new application would be accepted if they chose to revisit.

Applicant provided photos and explained that the asbestos was remediated on the exterior of the building.

Commissioners explained that the house has relationship to the district, and that people lived in it last summer.

Applicant explained that there is no other approval for their plan yet, but that it includes 8 workforce housing units and a drive-through bank. Would like to use some of the filigree on the existing building and repurpose it.

Open for public comment.

Penny Barmore-representing owners at 10 Hiawatha Ave. Questions how this will impact them as a direct abutter.

Ewell asked about the applicant's appeal process and what rights they had for re-review. Does a denial have a timeframe for re-application? There is no timeframe for re-application. Chairman advised that if they are denied demolition, they need to review the by-laws come up with another plan.

Shelley commented that absent condemnation or a structural engineer letter stating that the building is beyond redemption she is not comfortable or in support of demolition.

Chairman commented that their independent structural engineer is not an “appropriate official”. The “appropriate official” for health and safety reasons would be either the building official or the Board of Health Agent.

Gail made a motion to deny the demolition of the existing single family dwelling at 3 Uncas Ave for the reason that it is an elective demotion and the structure is determined to have a relationship to the district. Amy-2<sup>nd</sup>. Unanimous 5-0.

Shelley made a motion to adjourn. Gail-2<sup>nd</sup>. Approved 5-0.



**OAK BLUFFS COPELAND REVIEW BOARD MEETING MINUTES  
P.O. BOX 1327, OAK BLUFFS, MA 02557 – 1327  
508 693 – 3554 x 123**

**Meeting of Monday September 19, 2022, 5:00pm  
Oak Bluffs Town Hall, Lower Level Meeting Room**

Members Present: Gail Barmakian, Shelley Christiansen, Ewell Hopkins, Amy Billings, Barbara Baskins

Chairman opened the public hearing at 5:06PM

**3 Uncas Ave Map 11 Parcel 156**

Robert Sawyer, owner was present via Zoom,  
Demolition of main house and shed

**History**

Request for demolition previously denied March 18, 2019

The structure has a relationship with the District

Elective Demolition

No condemnation determination

**Submissions**

Application

Letter from John Lolley, PE dated July 11, 2022

Letter from Tom Perry, Building Official dated August 2, 2022

Letter in opposition to the project from Diane Streett dated September 19, 2022

Letter in opposition to the project from Peggy Barmore dated September 19, 2022

Photos of property

(There were no plans for the proposed new development on site)

Minutes of March 18, 2019

Gail stated that this project was denied in 2019 and didn't know he could apply again for the same request unless there was something materially different. She stated that he could make the presentation but didn't know if he could go forward with a similar application without anything materially different. Robert Sawyer stated that he is here purely and simply to obtain permission to demolish this building. He added that he was told to get a structural engineer and the Building Inspector to look at the building. He presented a report and a letter from the Building Official who viewed the property. He stated that the Structural Engineer's opinion was that the building should be demolished, and it is not fit for human habitation. He added that the Building Official inspected it also and a statement from him ordering the building to be boarded up within 24hrs because it was dangerous and they didn't want anyone to go in there. He said the bottom line is that it needs to be demolished. He added that it is surrounded by commercial property and that it hasn't had any improvements in 30-40 years, there are no occupants and that he owns the property and it cost them to hold onto this property because they have no income from it. Gail stated that he knew that it was historical property and you are here because you are in the Copeland district and in the Historical District and you have bought something that's on the State

Historical Register. She noted that he has owned the building for many years and have done nothing to it and made no improvements. She added that there was a generational family living in that home. She stated that at the last hearing they called this voluntary and that you voluntarily let this house go into disrepair and the reason the Building Inspector had this boarded up was to prevent unlawful entry into the building. That was the big issue.

Gail stated that he has come back with the same argument and has done nothing to the house. He is a real estate agent and he knew what he was buying. Gail presented a copy of the minutes from March 18,2019 to the Board.

Shelley acknowledged that unlike the last meeting he brought a report from both an engineer and the building inspector as the Board had requested or suggested might help his application, adding that she appreciated it. She noted a discrepancy that she felt was meaningful between the engineer and the subsequent determination of the Building Inspector. The engineer indicated that the structure is not suitable for human habitation and therefore should be demolished. The building inspector goes further and saying that it is not in danger of imminent failure or collapse so although they are related they are very different conclusions.

Barbara agrees with Shelley. She noted that the engineer's report never said the building could not be repaired and that is important. The Building Official clearly believes that it could be repaired.

Robert responded that there hadn't been year-round family living in there for dozens of years. Gail corrected him noting that she had said "generational" family there and that she had not said year round. Robert continued saying it was 5-6 years ago the last time they occupied the property. The Building Official says that under state code he can only order demolition if the building is in eminent danger of collapsing by itself, which apparently is not the case. Robert added that it is not financially feasible to repair this building. He added that when the Board suggests that he can spend money here that's his money. He added that the Board would not spend their money here as it is throwing good money after bad. Shelley stated that they are not the financial feasibility committee, they are the Historic committee.

Gail stated that when he purchased the property there were people living in it. He then took out the asbestos and made the building the way it is now. She added that he voluntarily made the building the way it is. He is as sophisticated buyer.

Shelley asking for demolition is not complying with the requests of Copeland other than having an engineer's report which does not comply with Copeland regulations. Also, the Building Inspector does not condemn the building and says that you can fix it.

Gail stated that for whatever reason you bought the property you knew was protected, you let it go. The applicant is asking for a demolition that does not comply with the requests of Copeland other than having an Engineer's report that does not comply. Additionally the Building Inspector does not condemn the building. Barbara stated that she was in agreement with Gail. The Board previously voted no demolition for this building and he made zero effort to improve the building. The Board said you can't demolish it so your option was to fix it. There was no submitted proof of financial hardship to fix and no accurate costs to correct. She added that there has been absolutely no effort to take into consideration the condition of the building and it is a very historical building. She noted that she doesn't see anything different today. She sees a building that needs repair and can be repaired.

Gail stated that she has letters from abutters and asked for public comment.

Dianne Streett, 14 Hiawatha stated that she would like her letter read into the record. She added that in the courtroom there is a saying that you can't kill your parents and then ask for mercy

from the court because you are an orphan noting that is the situation here. You can't destroy deliberately, intentionally commit a bad act and destroy something and then ask for a benefit from it. She asked the Board to take that into consideration. She said the argument had been raised that it is expensive to rehabilitate the building and the issue is that they bought it knowing what the condition was of the building adding that they can maintain the Barn & Bistro so it is unclear why they cannot maintain the building and the shed. She thanked the Board for their consideration. Gail read her letter into the record.

Byron Barnett, 12 Hiawatha Av commented on points made by Mr. Sawyer. Throwing good money after bad when he spent money to purchase the property and then removing the siding and turned it into an eyesore. He stated that he knew people living there shortly before that. He thinks it is terrible that Mr. Sawyer has let that happen in the neighborhood. Byron disagrees that the property is surrounded by commercial property. On the contrary the Barn is surrounded by residential property. He added that this property was not an eyesore before Mr. Sawyer bought it. He added that the property was not an eyesore before Mr. Sawyer's group bought it. He thought that it's deliberately done and he requested that the application be denied.

*KC* ~~Barbara~~ *R* ~~Kohler~~, 6 Hiawatha Av noted concern about a pattern not just specific to this particular house but on the Island of acquiring homes and leaving them to deliberate neglect and then empower people to demolish them. She added that what is most chilling is setting a precedent with other projects on the island not just in her neighborhood, her concern is for the whole Island.

Gail stated that the comment regarding a commercial neighborhood is irrelevant and what is relevant is that it is in Copeland and has to comply with the demolition requirements for Copeland and that's what the Board's findings will be.

Amy Billings stated that she wanted to make it clear that she is speaking personally and therefore recusing herself from this part of the hearing. She added that everything is accurate that the neighbors are saying. She wants to make sure that everyone looks at the timeline and looking at how it got into the shape it is in. It is accurate that it was livable, it needed a lot of work but there are a lot of houses around Oak Bluffs, especially in Cottage City Historic District and Copeland that have been renovated. A lot of the newly renovated homes are about the same age as this house and some even older.

Gail asked Mr. Sawyer if he had anything else to say. He replied that there was nothing to say and he has listened to all of your decisions.

Gail asked for a motion.

Barbara made a motion to deny the application based on the fact that it does not meet the requirements of Copeland and it is an elective demolition. Ewell seconded. The motion passed 4-0 (Amy recused herself)

*Gail Barmakian 10/18/22*  
Gail Barmakian

Oak Bluffs, MA  
Town Clerk's Office

*Oct 18 2022*

Rec'd for Record  
AT H M M

*345*

### Other Business

Ewell asked about updating the Copeland web page to provide more direction for future applicants or the Board's expectations. Updates will include the Board member list as well.

Amy made a motion to adjourn the meeting, Ewell seconded. The meeting adjourned at 6:56PM.