

September 7, 2023

Dear Members of the Martha's Vineyard Commission,

Re: DRI744 3 Uncas Avenue Demolition and 40B Proposal

The issue of 3 Uncas Avenue is currently before you after its developers recently obtained 40B MassHousing approval. The developers wish to demolish the existing residence (which was occupied as recently as 2016) so that they can erect eight residential units, nine parking spaces, a financial institution, and a commercial storage facility. This property has a long and convoluted history which is documented in the August 21, 2023, MVC Staff Report.

It is sincerely hoped that the MVC will carefully and thoroughly consider whether the current 40B status granted by MassHousing was procedurally and substantively proper or whether it was based on inaccurate and misleading information. As you are aware, the 40B application was approved but expired on February 5, 2022. The developers then bypassed requesting an extension and instead, in 2023, filed a request for reinstatement (as was their right) thereby giving the impression that there were no changes during the interim.

However, it appears the request for reinstatement differs significantly from the original 40B application to MassHousing. As such, it calls into question the legitimacy of the demolition proposal and the current 40B approval status that underlies MVC involvement.

Specifically, the 2023 plan reveals deviations from the original 2019 application. They include:

1. Identity of the applicant – MassHousing's repeated correspondence with Harborwood LLC v. MassHousing's "content addresses Flowerwood LLC." (See MVC Staff Report dated August 21, 2023).
2. Type of housing – condominiums v. the developer's acknowledgement at a recent LUPC hybrid meeting that the residential units would not be condominiums but instead would be rental units.
3. Ownership – individual condominium owners v. unspecified landlord/rental agency.

4. Accountability – condominium association v. landlord/rental agency.
5. Number of structures – Two structures - a residential building plus bank v. Three structures – a commercial storage unit, a residential building, plus a bank (per statement of developer at a recent meeting).
6. Nature of the financial institution – bank with a teller and reserved parking space v. drive through ATM.
7. Existence of neighboring commercial establishment – functioning drug store v. drug store no longer exists.

It should also be noted that Robert Sawyer (the developer to whom MassHousing addresses correspondence as the “Applicant” in 2020 and 2023) was not candid with MassHousing concerning litigation. In a Certificate of Explanation that he signed on March 20, 2023, he specifically denied that there was pending litigation against the applicant. In view of the fact that the developers instituted litigation in September 2022 and the matter was not settled until August 17, 2023 (per MVC Staff Report dated August 21, 2023), this appears to be a material misrepresentation.

Furthermore, the application gave the misimpression that this was a commercial neighborhood. Contrary to the developers’ portrayal of the neighborhood as commercial, the neighborhood is filled with residences and Hiawatha Avenue, in particular, is completely residential and there are several children.

It is concerning that the 40B approved plans seem to be changing again as meetings are held and that those changes deviate from that which was submitted to MassHousing.

As you are aware, the residents of Hiawatha Avenue continue to stress that an eight-unit apartment building, commercial storage building, nine parking spaces, and an ATM are unsuitable for this neighborhood. Indeed, the Oak Bluffs Select Board wrote in a letter to the state in 2019 that, “ 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.”

Additionally, the Barn, Bowl and Bistro (which is financially connected to the 3 Uncas Demolition and 40B Proposal) has created and continues to create hardships for the neighborhood, including increased traffic, increased parking issues, excessive noise, after hours noise, trash removal issues, litter, and loitering. Furthermore, it is unclear whether the developers informed MassHousing of the neighborhood’s strenuous objections to this proposed project.

Very truly yours,

Diane Streett

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Cc: Colin M. McNiece, General Counsel  
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