



**TOWN OF OAK BLUFFS, MA
PLANNING BOARD**

P.O. Box 1327
Oak Bluffs, MA 02557
Ph. 508-693-3554 X117 Fax 508-693-5375

October 15, 2019

MassHousing: Massachusetts Housing Finance Agency
ATTN: Michael Busby
One Beacon Street
Boston, MA 02108

Dear MassHousing Representatives,

The Oak Bluffs Planning Board (OBPB) has voted to oppose the **3 Uncas Ave. / Site Approval Application**. I write you this letter after reviewing **760 CMR 56.00** governing comprehensive permits – specifically key provisions concerning the opportunity for local boards to comment on pending proposals in front of MassHousing for site eligibility. The OBPB opposes the application as presented based on criteria and standards addressed in 56.04(4)(c):

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supported reasoning, to be set forth in reasonable detail)

The OBPB's comments pertain to section **56.04(4) – Findings in Determination**, which lists various subject matter areas in which comment is solicited, such as: site appropriateness; conceptual design appropriateness; financial feasibility; applicant's legal form (*Flowerwood is an LLC, but conceivably could make itself a "limited dividend organization"*); and site control, among others.

Site and Conceptual Design Appropriateness

The commercial component of the application compromises factors of building massing, topography, environmental resources, and integration into existing development patterns. This area is the gateway from the south to our commercial downtown and the impact of the proposed project would be significant. Currently the property provides an important buffer from residential life and a historic town park.

Historic Impact

The property in question is on the historical register. Applicant appeared in front of the Cottage City Historic District Commission on March 13, 2019 (*see enclosed meeting minutes*) where application was denied. The CCHDC felt that applicant had let it fall into further disrepair in addition to allowing police SWAT teams to use it for exercises.

Efforts Taken to Address Affordable Housing in Oak Bluffs

The OBPB has successfully completed the town's Housing Production Plan (HPP) and Master Plan since first opposing re-zoning the lot in question. We believe the 40B process should not be used to undermine well thought-out planning at the municipal level.

The Town of Oak Bluffs has taken significant strides towards addressing affordable housing. Among other activities, a Housing Feasibility Study was recently completed for a 32-acre town-owned parcel that aims to add 60+ units of housing.

I am happy to meet with representatives of MassHousing to discuss the work of the OBPB and why this application undermines the intent of Housing Advocacy.

The OBPB has held several public forums pertaining to this property over the last three years. I have included feedback from the most recent session along with two relevant sets of meeting minutes. If you wish to review anything more, that information will be made available to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ewell Hopkins". The signature is fluid and cursive, with a large initial "E" and "H".

Ewell Hopkins, Chairperson
Oak Bluffs Planning Board

CC:

Robert Whritenour, *Town Administrator*

Adam Turner, *Martha's Vineyard Commission Executive Director*

Gregory Watson, *MassHousing*

Dean E. Harrison, *Applicant's Consultant*

Aug. 21, 2019

The Honorable Ewell Hopkins, Chair, Oak Bluffs Planning Board
The Honorable Andrea Rogers, Chair, Zoning Board of Appeals

Dear Chairpersons Hopkins and Rogers:

I am writing to express my concerns with and strong opposition to a request by the developers of 3 Uncas Avenue, Oak Bluffs, to bypass local zoning for a proposed mixed-use residential/commercial project on the site. Not only would this be an inauspicious way for Cape Cod Five Cents Bank – or any business – to enter our community, it has far-reaching implications for businesses and residents in the Copeland District and threatens to exacerbate ongoing issues abutters living on Hiawatha Avenue and surrounding streets have with the Barn Bistro and Bowl at 13 Uncas Ave.—another of developer Robert Sawyer’s projects.

Some five years since the Barn’s opening, Mr. Sawyer has yet to comply with the conditions set forth in the original proposal to mitigate the impact of that business on Hiawatha Avenue. The Oak Bluffs Board of Selectmen recently reminded representatives of the Barn of that failure at its June 25, 2019, meeting. The establishment had been cited for apparently not adhering to long-established town regulations and practices around construction during the vital summer months.

Earlier in the year, the Barn also bypassed local boards to remove asbestos from 3 Uncas Avenue. The result is a stripped-down exterior on the building and failure by the owners to do basic maintenance on the property, including mowing, weed wacking, shrub trimming, and removing accumulating trash. (See photos attached.) These are not the hallmarks of a developer who respects his neighbors or local control—or who will abide by any reduction in or loosening of local oversight. If anything, our collective experience has been that this developer requires more stringent, and rigorous local oversight.

The Planning Board must not forget that shortly after purchasing 3 Uncas, Mr. Stewart sought to eliminate the two affordable housing units at his 13 Uncas Avenue building in favor of a game room, arguing that the apartments would be incorporated into the then-recently purchased 3 Uncas Avenue property. That request was rejected by the town. It raises the question in my mind whether the two affordable units proposed for the new project represent another attempt at relocation of those two existing units currently in the Barn, adding nothing to the number of available affordable housing options in Oak Bluffs, or is this another bait-and-switch tactic by the developer.

Additionally, the proposal will effectively ruin our neighborhood and irreversibly alter the character of this beautiful area of town. Hiawatha Avenue is 99.9 percent residential usage. It is the quintessential Vineyard neighborhood with a diverse mix of owners and renters both year-

round and seasonal. We have families with young or school-age children and senior citizens; professionals and employees of local businesses. The street is also land locked with the Hiawatha Park to the west and the Barn to the east.

The stress the locating of a proposed drive-thru bank on Hiawatha Avenue combined with the ongoing issue of the Barn having trash pickup, as well as deliveries, on Hiawatha Avenue demand more and rigorous oversight. The project would also put increased demands on the town to address infrastructure changes, improvements to Hiawatha Avenue to handle increased traffic and greater demand for parking. Nine spaces would be woefully inadequate. It assumes those renters would only have one vehicle, no visitors or service calls. It also ignores that many workers have work vehicles – pickup trucks – that many already park on Hiawatha Avenue and the reality that Barn patrons, despite there being a parking lot, opt to park on Hiawatha Avenue.

The additional housing also raises the issue of where would trash pickup be for those units and would they front Hiawatha Avenue or Uncas as is the case with the Barn. (We've seen how the Barn treats its neighbors.) Hiawatha Avenue is also not wide enough to accommodate two-way traffic associated with the current demands being placed on it let alone the additional burden of bank traffic. (And, didn't the town eliminate left turns off Uncas onto Circuit following construction of the Barn? So, where would those exiting cars go after leaving the bank? Right onto Circuit and into busy downtown?)

I could go on, but many of my concerns are the same as what we abutters continue to work to alleviate with the Barn: traffic, speeding, insufficient parking, staff and workers parking on Hiawatha Avenue, ongoing construction, loitering by Barn patrons and employees; trash in Hiawatha Park, and public safety – including pedestrian traffic.

My neighbors and I don't know the criteria that must be met for developers to bypass local government bodies, but we do know that it is only by working through local government and through local oversight that we, over many years, have had any redress of some of our concerns. Removing local oversight from the proposal before this body now would effectively eliminate our voice in decisions that could irreversibly and adversely impact our community and our homes. I would think it would also send a chill through local boards island wide for developers to circumvent local control for their own expediency.

Respectfully submitted,

Peggy Barmore
10B Hiawatha Ave., Oak Bluffs

August 21, 2019

Dear Chairpersons Hopkins and Rogers:

I am writing this letter in opposition to the proposal submitted by the developers of 3 Uncas Avenue to bypass local zoning restrictions in order to construct some type of banking facility and eight apartment units. Although it may appear as though 3 Uncas Avenue is surrounded by commercial property, closer and more accurate scrutiny reveals that the configuration of the site directly impacts the residences on Hiawatha Avenue. As a homeowner, property owner on Hiawatha Avenue, taxpayer, and person who has loved Oak Bluffs for approximately 50 years, I strongly urge your body to reject this proposal.

The reasons are numerous:

The developer of this project also developed the Barn Bistro and Bowl ("the bowling alley") after adverse predictions by local residents. He promised local government that it would be a good neighbor. Despite such assurances, and over the past five years, the bowling alley continues to flaunt regulations and break its promises.

Here are a few examples of why local oversight is needed and should not be circumvented:

- non-compliance with construction hours
- occasional non-compliance with bowling hours
- ineffective operational noise abatement
- ineffective patron noise abatement
- problems with trash pickup
- inadequate parking causing increased vehicular and foot traffic
- customer overflow causing parking problems on Hiawatha.

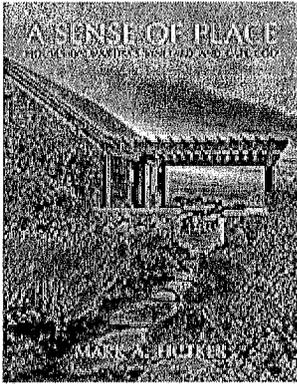
Beyond that, the proposal raises serious traffic concerns. Access to banking and perhaps access to new apartment parking appears to be on Hiawatha Avenue. Due to the bowling alley, this one block has already become a danger to children and the elderly who live on Hiawatha. The street is too narrow for two-way traffic nevertheless cars speed through our block. Additionally, workmen, patrons of the bowling alley, and others park in all of the available on-street parking spaces. When the increased foot traffic, carry-out traffic, after hours visitors to Hiawatha Park, and litter are added to this, residents' quality of life has already been diminished since this developer decided to target this block.

While progress and improvements are always welcome, it is clear that this proposal should not be approved because it will cause additional sprawl, congestion, and degradation which the developer already seems unable or unwilling to contain.

This proposal to develop a mixed use residential/commercial project at a dangerous residential intersection is generally inappropriate for this site, would be at the expense of the integrity of the neighborhood and Oak Bluffs, and sets a dangerous precedent in so many ways.

Thank you,

Diane Streett
14 Hiawatha Avenue



"A Sense of Place: Houses on Martha's Vineyard and Cape Cod" is available now.

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From: Philip Regan

Sent: Thursday, August 22, 2019 8:56 AM

To: ewellhopkins@icloud.com

Cc: Barbara Baskin <bbaskin2@comcast.net>; Shelley Moore Christiansen (shellmc2@msn.com) <shellmc2@msn.com>; 'Matt Cramer (E-mail)' <mcramer@hutkerarchitects.com>; Denby Olcott <denbyolcott@gmail.com>

Subject: CCHDC at Uncas

Ewell

I will attempt to be at tonight's meeting but can't guarantee I can make it due to work related matters.

Last late summer (I believe it may have been September 27), I received a call that their was a tactical response team exercise underway at the house on the corner of Circuit and Uncas avenues. I drove to the site and subsequently spoke with the Edgartown Police chief, who was observing the exercise, and moments later with the response team commander. I informed both of them, the house was located within the Cottage City Historic District, and no request had been made, nor permission been granted, to alter the appearance of the house. This followed the fact that all of the exterior siding had been removed from the house, without CCHDC approval, sometime earlier in the summer.

The commander was unaware of the house's position within the District...he said the owner intended on demolishing the house and had volunteered the house as a location for the intended training exercise. I responded by saying, any house within the District, if exterior alterations visible from a public way are proposed, must come before the CCHDC with an application and a formal review process. I told him, the owner had not been before the CCHDC with any request to demolish the building, therefore, the exercise was premature. I also added that I was concerned that irreparable damage could very well be underway if the exercise was not halted.

The commander, who was both respectful and apologetic, asked if he could complete a "hostage negotiation" exercise within the building, and do no damage to the exterior of the building. He agreed to damage no windows or doors in the process.

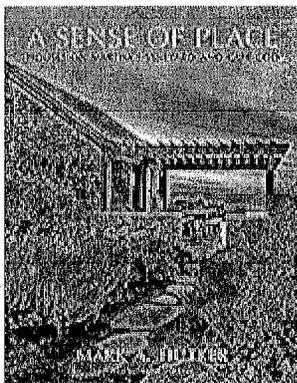
During the Spring of 2019, I was contacted by a new commander for the team. He asked if they could hold a second exercise at the same house. I told him, the owner had since informally appeared before

the CCHDC and discussed his idea for building a new bank along with some affordable housing on the property...the proposed project would include demolition of the house. However, the proposed project has not come before the CCHDC as part of a formal application, therefore no ruling on the property's future has been established. In fact, I alerted him to the neighborhood "outcry" I received following the first exercise. With that, I denied him the "go-ahead" on the second exercise. He too was very respectful of my position, and thanked me for the consideration.

The CCHDC's interaction with Robert Sawyer (owner) has been limited to the one informal discussion described above. Mr. Sawyer should be well versed in the CCHD rules...we had an extended review process with him during the "bowling alley" proceedings several years ago.

Phil Regan
Principal
Hutker Architects, Inc.
508.693.3344
pregan@hutkerarchitects.com
www.hutkerarchitects.com

HUTKER
ARCHITECTS



"A Sense of Place: Houses on Martha's Vineyard and Cape Cod" is available now.

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September 4, 2019

The Honorable Brian Packish, Chair, Oak Bluffs Board of Selectmen
The Honorable Ewell Hopkins, Chair, Oak Bluffs Planning Board
The Honorable Andrea Rogers, Chair, Oak Bluffs Zoning Board of Appeals

Dear Chairpersons Packish, Hopkins and Rogers:

We are the homeowners of 12 Hiawatha Avenue, which is directly behind the Barn and Bistro, and which is residentially zoned.

We are writing to voice our strong opposition to the request by the developers of **3 Uncas Avenue** in Oak Bluffs to build a bank and several apartment units on that site.

We urge you to reject it.

As residents of Hiawatha Avenue and abutters to the Barn Bowl and Bistro, we are alarmed that the same developers of that project are attempting to bypass local zoning oversight to expand their commercial footprint and further disrupt our residential neighborhood in the historic Copeland/Cottage City District of Oak Bluffs.

With respect to the bowling alley, the developers have not lived up to their promise to be a good neighbor. The bowling alley has brought noise, traffic, parking problems and litter to Hiawatha Avenue and Hiawatha Park.

The bowling alley's front door may be on Uncas Avenue, but residents on Hiawatha Avenue have to bear the brunt of early morning trash trucks rumbling down the street and the crashing of discarded beer and liquor bottles late at night...not to mention Barn Bowl and Bistro employees and customers causing congestion on our street with their vehicles and smoking, drinking, littering and loitering in front of our homes and our small grandchildren.

Additionally, in the last year, pounding music emanating from the bowling alley has increased from no noise at all to being so loud in our back yard and kitchen that we can identify which song is playing. The music is particularly loud during what the owners call "special events".

With the proposed bank and apartment units, those problems will only intensify. We are very worried about parking and traffic. The level of traffic on Hiawatha Avenue, a narrow road, has increased substantially and drivers now speed by our home, eyes straight ahead and apparently with no thought that our two and three year old grandchildren are playing just feet away. Parking on summer weekends has been extremely difficult. Please see the attached photos that were taken at about 5:00 p.m. on a recent Friday evening. There was absolutely nowhere to park within a two block radius.

With the existing parking problem, where are bank customers going to park? How are they going to enter and exit the bank?

The plans indicate they will enter at the intersection of Hiawatha and Circuit Avenues. This is currently a very tight turn. We witnessed a vehicle trying to make this turn a week ago hit the side of their car in the process.

Where are residents of the new condominiums going to park? We can assume there will be at least one and maybe two cars per unit if two people live in a studio apartment which would create the need for up to 18 parking spaces instead of the nine (9) currently planned for both tenants **and** potential bank customers. Is the Barn Bowl and Bistro going to give up parking spaces from their current parking lot?

In any event, Hiawatha Avenue will become increasingly dangerous if there isn't some type of change - such as becoming a dead end after 10 Hiawatha - and thus keeping any "bank", condominiums and Barn Bowl and Bistro traffic at its own end of the intersection of Uncas Avenue and Hiawatha Avenue.

By allowing the developers to bypass local zoning laws, we feel both the Town of Oak Bluffs and its residents are losing their democratic right to have a say in this matter and we believe it would set a dangerous precedent, giving other developers the impression that there are ways to "go around" local authorities when they're trying to push a project through. Residential tax payers in other neighborhoods could soon be facing the same situation and this precedent could negatively impact our community even further.

The developers have purchased the existing residential home at **3 Uncas Avenue** and turned it into a neighborhood eyesore. Is that so they can generate support for a project that fits their needs at the expense of the residential neighborhood?

Martha's Vineyard Savings Bank already has a bank, ATM and a parking lot right across the street from **3 Uncas Avenue**.

Why the urgency for another bank at this location? **What does turning a residentially zoned property into a commercially zoned property have to do with affordable housing?** Will the new "bank" ultimately become another type of business?

The Copeland/Cottage City District is an historic, charming and very special place on Martha's Vineyard. We are trying to keep it that way.

The developers of the bank/apartment project have already disrupted and reduced the quality of life on the residential portions of both this neighborhood and our street and seem to be intent on disrupting it even further.

We have been coming to Martha's Vineyard for nearly 40 years.

We happily paid into the land bank when we purchased our home.

We have been fiercely loyal ambassadors of Oak Bluffs and Martha's Vineyard when we are off island.

We sincerely hope our say in this matter will count for something.

We respectfully ask that you reject this project.

Thank you very much.

Sincerely,



Kathleen and Byron Barnett
12 Hiawatha Avenue, Oak Bluffs

Oak Bluffs Planning Board

From: T E Hopkins <ewellhopkins@mac.com>
Sent: Tuesday, October 15, 2019 12:02 PM
To: Oak Bluffs Planning Board
Subject: Fwd: 3 Uncas Avenue 40B Project

Ewell Hopkins
Business Development Professional
Advancing disruptive thinking in order to solve business challenges.
1.508.560.7227
<https://www.linkedin.com/in/ewell-hopkins-b3b315>

Begin forwarded message:

From: Maura McGroarty <mm1746@gmail.com>
Subject: 3 Uncas Avenue 40B Project
Date: October 12, 2019 at 3:09:32 PM EDT
To: "Hopkins, Ewell" <ewellhopkins@mac.com>

Please include my comments with those already submitted to the Oak Bluffs Planning Board.

Although I live in the Cottage City Historic District and the Copeland District and am an elected member of the town's Finance Committee, my opinions on this proposal are not guided by my relationship to these entities. I am very concerned with the limited size of the parcel (7400 square feet) as well as its irregular shape and its strategic location at the nexus of 3 highly traveled 2-way streets, one of which (Circuit Avenue) is a main access to and egress from the harbor and downtown area.

I live on a 10,000 square foot parcel which is square. I don't see how the proposed development could exist on my 100 by 100 foot lot, never mind on one reduced by 25%, with a triangular portion (corner of Circuit and Uncas) which, in my opinion, would further reduce available use for construction. I haven't even mentioned the 8 parking spaces for residents and whatever number needed for the commercial component. Is this project exempt from zoning requirements, so there are no setbacks?

But my greatest concern is traffic. Circuit Avenue, Hiawatha Avenue and Uncas Avenue are 2-way streets. As I mentioned, Circuit Avenue is a highly traveled road, even in the winter when our population is greatly reduced. Uncas is almost as busy, with a bank (Parcel 4) at one end by Circuit Avenue and bowling alley/restaurant with parking lot (Parcel 13) just beyond the 3 Uncas Avenue parcel. Will the residents be able to enter and leave the parking area without cars backing onto the adjacent streets to accommodate those entering or leaving? If an ATM facility is in place as is proposed, will its users suffer the same fate?

Please consider these issues as you deliberate. I would support this project enthusiastically in a better-situated location.

Maura McGroarty, Oak Bluffs

MARTHA'S VINEYARD BANK

September 12, 2019

Planning Board
Town of Oak Bluffs
56 School Street
Oak Bluffs, MA 02557

Re: 3 Uncas Avenue 40B proposal

Dear Planning Board:

We are writing today to express our concern relative to the proposed 40B application at 3 Uncas Avenue. As you may know, we currently operate a bank branch facility at 4 Uncas Avenue. Our branch is located directly across Uncas Avenue from the proposed site of the 40B development.

Today we have concerns with customers of the applicant's adjacent business, The Barn Bowl and Bistro, using our parking lot as an overflow to the bowling alley parking area. As you may know, the bowling alley has 10 lanes, a 44 seat restaurant, an 18 seat bar, a game room, two affordable apartments with an inadequate 32 car parking lot. We believe that an additional residential / commercial development as is proposed for 3 Uncas Avenue with additional automobiles seeking access or parking will further compound the overflow parking problem in existence today. We would ask the various Town of Oak Bluffs committees that have the ability to review this 40B application for appropriateness, address the failed parking accommodations on the bowling alley site in light of the additional parking required for the commercial / residential proposed use for 3 Uncas Avenue.

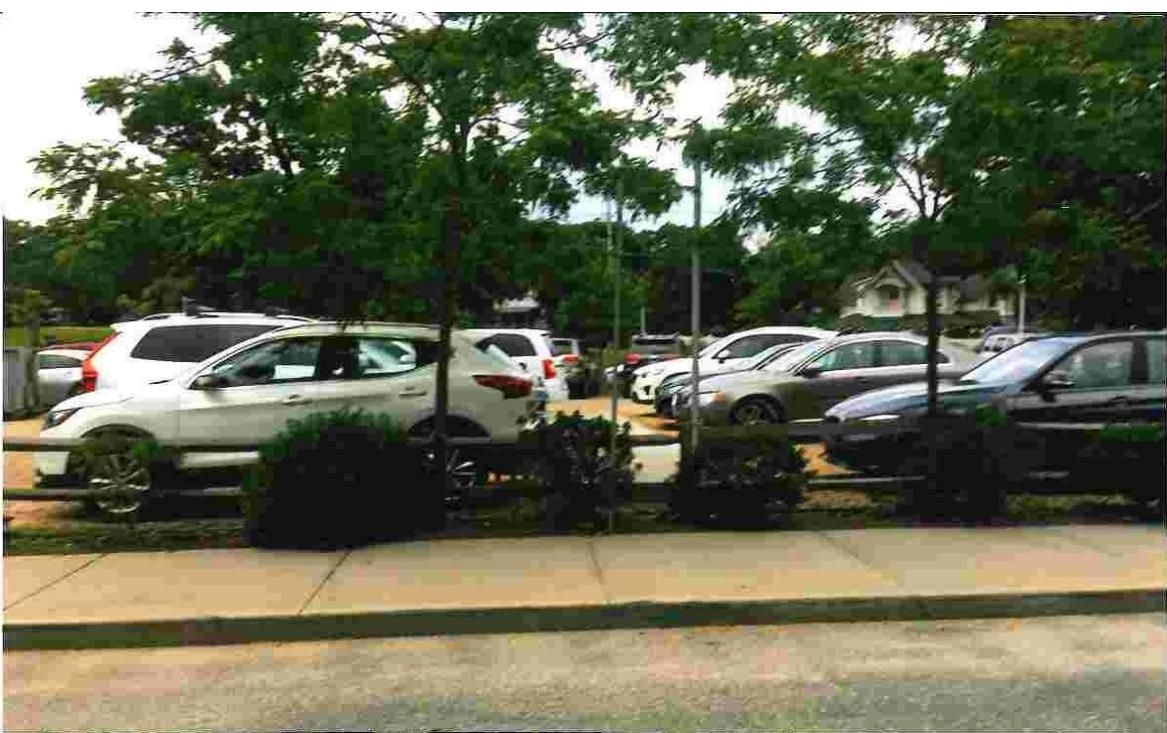
As a community bank of longstanding tenure on Martha's Vineyard our record of support for affordable housing is unwavering. We have services in place to assist first time homebuyers and provide support to community organizations involved in affordable housing.

Thank you for allowing us to present our concern in this matter.

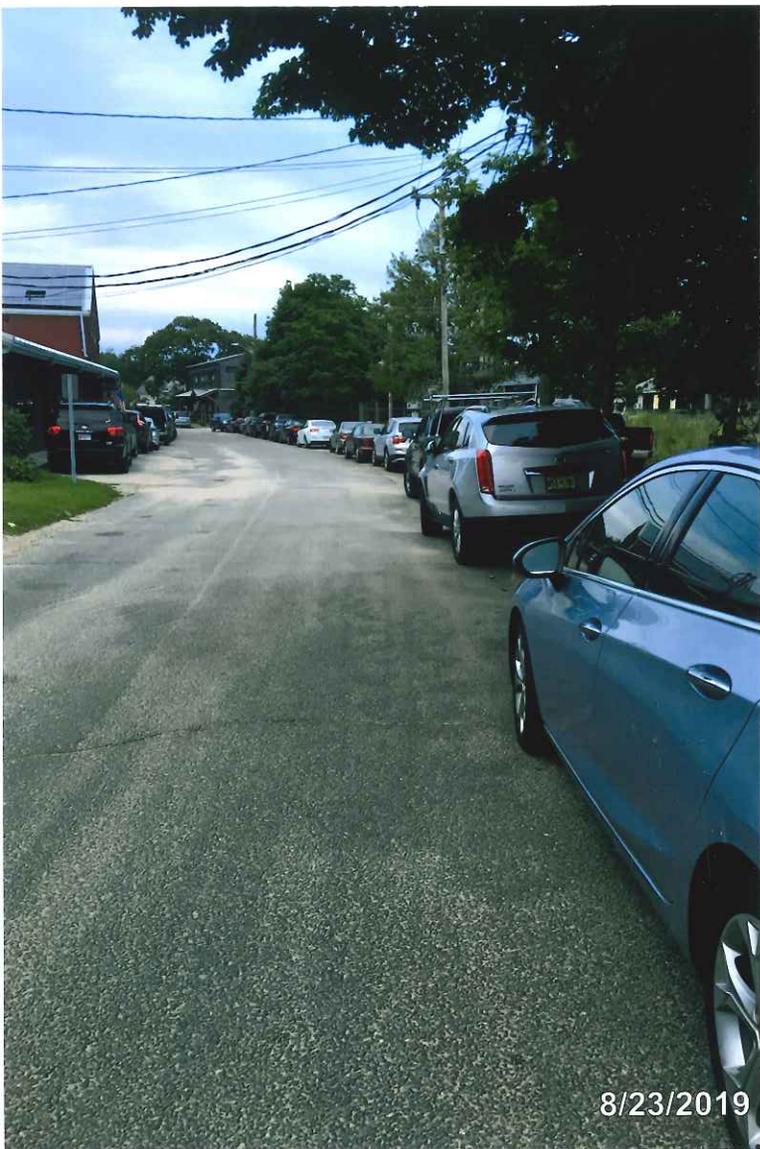
Sincerely,



James M. Anthony
President and CEO







**TOWN OF OAK BLUFFS
COTTAGE CITY HISTORIC DISTRICT COMMISSION
MEETING MINUTES**

**Meeting of Wednesday March 13, 2019, 4:30pm
Oak Bluffs Public Library, Lower Level Meeting Room**

Commissioners in attendance: Phil Regan (chairman), Matt Cramer, Barbara Baskin, Shelley Christiansen, Denby Olcott

Chairman opened the meeting at 4:39PM

Review of meeting minutes from 02-13-2019.

Barbara made motion to approve meeting minutes as amended. Matt-2nd. Approved 5-0.

Chairman opened the public hearing at 4:45.

4:45PM: 71 Ocean Ave (Map 10 Parcel 7)

Presented by architect Chuck Sullivan, on behalf of owners at B&B Family LLC

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.

Letter read into the record from Margaret Towers, owner at 30 Samoset Ave. Concern that work will be done during summer season and that noise and construction will be disruptive to neighbors. Request that owners refrain from doing work in the peak season, which they define as June 15-Sept 15. Chairman stated that CCHDC does not have jurisdiction over this, but suggested that neighbors come to an agreement amongst themselves. Chuck mentioned that the homeowners did not intend to do work during the summer season.

There were no public comments.

Commissioners asked to have decks be painted rather than oiled mahogany. Chuck Sullivan agreed to this.

All trim to be painted. Eaves to be open but painted.

Window/door schedule not included. Loewen aluminum clad windows are called out in materials list. Chuck said they are planning on using full screens.

All commissioners agreed that they prefer the scalloped shingles on the entire second floor down to the shingle flair.

Gable where the chimney is located shows an exterior chimney. Chimney as drawn splits the gable in an unnatural way. Chuck indicates that it was there at one point. If on exterior wall it should be painted. Chairman requests that this chimney be set inbound rather than outbound.

Planning on returning for the shed and the fencing once landscape plans are complete. To include Mechanicals and HVAC condensers. Chuck indicated it would be in the fenced in area.

Matt commented on the width of the brackets and the size difference depending on which gable it is on. Asked to make all consistent.

Matt made a motion to approve the application with amendments which are: moving chimney inside building envelope (exposed brick to be at the roofline only), painted decking, decorative shingles all around second floor and brought down to the shingle flair, Half screens on all windows. Applicant to return with landscaping elements to include shed, fence, HVAC condensers.

Barbara-2nd. Approved 5-0.

5:40PM: 10 Oak Bluffs Avenue (Map 9, Lot 34)

Continued from February 13, 2019.

Presented by Ethan McMorrow on behalf of Owner Joe Moujabber (George Sourati not present)

Demolition of one-story commercial structure; construction of two-story commercial building with one-bedroom apartment

Have discovered a lot of brackets on the interior that are usable and will be repurposed.

Design changes: Bay window simplified with shed roof.

Removed transom above door.
Painted and wood clapboard as it is today.
Roof overhangs will have horizontal boards.

Chairman open to public comment

Amy Billings asked for clarification on second story siding. Ethan confirmed it to be cedar siding with yellow painted trim.

Letter from Jeff and Kate Young submitted from January 24th that was not received. Letter in support of project, and in support of second story.

No further public comments.

Commissioners asked for confirmation on window/door selection. Plans specify Anderson Architectural Series and Simpson (Wood painted) doors. A units to have screen panels built for inside of units, not to be on exterior. Second story windows to have half screens.

No proposal for restaurant venting, lighting or signage.

Fencing is for a 8' security fence.

Matt made motion to approve the application with the requested detail provided by applicant. Addition of trim board being added behind exposed rafters on section AA and BB. All other details of gazebo to match as presented. Clarification of screens to be interior on the first floor and half screens on double hung windows on the second floor. Denby-2nd. Approved 5-0.

6:13PM: 16 Pequot Ave (Map 10 Parcel 94)

Continued from February 13, 2019

Builder/Applicant-Michael Calheta on behalf of Owner-Kelley Ellsworth

Proposed construction of 10'X14' shed in back yard. Design to match the existing house.

Scaled down size to 8X12 to meet 5' setback. Front of the shed to be at the driveway. No cupola. Transom above door. Door to face parking. Smaller door to face side yard. Window to match main house. (Fixed sash. 6 over 6) Asphalt roof shingles. Exposed rafter tails. Painted to match main house.

Matt made motion to approve with above clarifications. Barbara-2nd. Approved 4-0. (Shelley recused herself as an abutter)

Matt made motion to exit the public hearing at 6:20PM. Barbara-2nd. Approved 5-0.

New Application/Determination

6:20 PM : 3 Uncas Ave (Map 11 Parcel 156)

Presented by Michael Sawyer and Robert Sawyer

Proposed demolition of single family home. Construction of mixed use building consisting of 8 work force housing units and a drive through bank.

Chairman reminded the applicant that until any permits are issued by the CCHDC or by the building department, exercises like the SWAT Team exercise that were performed cannot be allowed. Chairman also reminded the applicants that leaving doors open etc is causing damage. If building is left to decay during the application process, building is looked at back to the date in which it was first brought to the attention of this board. Any deterioration of the building during the application process is in the lap of the owners.

No pictures of the current building presented.

Robert Sawyer expresses that the immediate objective is demolition. It is a "danger" and uninhabitable. Once demolition is allowed, they can proceed with development.

Commissioners are questioning the completion of the application.

Barbara indicated she would feel irresponsible endorsing the demolition of a building for a project that is not allowed, per zoning. This building is on the historical register, and she feels that it can be repaired in its current state.

Robert indicated that there is no market for a residential home in this neighborhood and it is not financially feasible. He stated that it is a commercial neighborhood, not residential.

Denby inquired what next steps would be if the zoning is not approved. Applicants did not know.

Phil's comments are in regards to the Hiawatha ave neighborhood, and how the argument years ago (by residents) at construction of the Bowling Alley was that this was a residential neighborhood.

Phil questions why this application is before them before approval by the ZBA.

Barbara comments that the Historic Commission cannot be responsible for solving the housing crisis. She is here to advocate for the building and the historical aspect of the neighborhood.

Phil reiterates Barbara's sentiments of the role of the CCHDC.

Commissioners agreed that the incomplete application would not be acted upon until further information is submitted. It was suggested to the applicants that they get further direction from planning board and/or zoning.

6:50 PM: 5 Oak Bluffs Ave (Map 9 Parcel 39)

Presented by Jeffrey Corr on behalf of owner Jeff Young

Replacement of windows on Oak Bluffs Avenue side of building.

Replacement of first floor windows only. Vinyl outside, wood inside. They match the second story windows.

Current windows are different sizes. Commissioners suggest they would like to see windows all the same size.

Commissioners recommended using the Anderson Woodrite or Anderson A Series units (since the specified windows were unknown to the commission and they would not be able to approve tonight without a sample)

Shelley made a motion to forgo the public hearing. Barbara-2nd. Approved 5-0.

Shelley made a motion to approve the application as amended, using the Anderson A Series, all to be sized as the larger windows in the drawings. Total width of bank of windows to conform with current, and with the advisement to provide abutter envelopes to the Building Dept for notification of the abutters. Matt-2nd. Approved 5-0.

Other Business/Non Applicable Applications

14 Samoset (Map 10 Parcel 28)-Remove and replace existing porch stairs to match existing. All same materials.

Need photographs showing existing. Could approve outside of meeting with photos present.

Matt made motion that application is tabled until photographs of existing are received. Shelley-2nd. Approved 5-0.

33 Ocean Ave (Map 9 Parcel 14)-Reroofing/residing. All materials to match existing.

Specs for roofing required.

Matt made motion to table application until photographs are obtained and materials list/roofing specs are received.

49 Ocean Ave (Map 10 Parcel 168)-Repair porch floor and railings. Materials specified.

Ray Santinello-owner/applicant.

Phil to call owner for clarification of project.

Matt made motion to table this application until clarification on scope of work is received from the applicant.

75 SeaView Ave-Oak House (M 10 P 82)- (Not on the agenda)

Elizabeth Steele-owner

Replacement of 8 windows from single pane windows to impact rated double pane windows. These are to match the windows already approved and replaced.

Matt made motion to approve application as it stands. Phil-2nd. Approved 5-0.

7:37PM-Shelley made motion to close the meeting. Shelley-2nd. Approved 5-0.

Commissioner Reports

Continued discussion of CCHDC operations and suggested improvements

A discussion of the Oak Bluffs Draft Master Plan as it relates to the Cottage City Historic District

Respectfully,

Alexa Arieta

Office Administrator, Building Dept



OAK BLUFFS PLANNING BOARD

Meeting Minutes

THURSDAY, AUGUST 22, 2019

5:00 p.m. at Oak Bluffs Fire Station, 6 Firehouse Lane, Upstairs Meeting Room

Members in Attendance: Ewell Hopkins, JoJo Lambert, Erik Albert, Bill Cleary, Mark Crossland

Members Absent:

Staff in Attendance:

Attendees: Jim Bishop, Peggy Barmore, Susan Thompson, Barbara Baskin, Simon Shapiro, Diane Streett, Charles Kroll, Susan Dostal, ? Michel, Andrea Rogers, Steve Auerbach, Richard Toole, Jason Balboni, Amy Billings, Mark Leonard, Christine Flynn, Shelley Christianson, Pamela Melrose, Peter Meleney, Kathy Hibbard-Lott, Muriel O'Rourke, Renee Nolan, Tamar Kaissar, Adam Turner

Chairperson Hopkins opened the meeting at 5:02 p.m.

Discussion of 40B Application to Bypass Local Zoning for 3 Uncas Ave.

Present were representatives from the MV Commission (Adam Turner), Copeland, Cottage City and the Historic Commission, as well as chairperson of the ZBA (Andrea Rogers). It was noted that:

- The Planning Board recently completed and ratified the Master Plan. They are responsible for facilitating the process of planning and visioning for the town as well as for bringing bylaw changes to town meeting.
- The Zoning Board of Appeals (ZBA) is responsible for interpreting the bylaws. Both boards work very closely together in terms of honoring and respecting the town's zoning bylaws.

Chairperson Hopkins said the Town has received a copy of a 40B application¹ submitted to MassHousing regarding 3 Uncas Ave. An overhead map showed where the property lies between the B1 district and residential district. The bowling alley is surrounded by residential behind and commercial in front.

There are five stages in a 40B development and right now the project is being considered for eligibility by MassHousing. Once they approve, the town will be given formal notification and will have 30 days to gather public comment and input before it goes to the ZBA. The Planning Board will compile all comments submitted by the community as well as committees and boards and then forward to the ZBA.

Chairperson Hopkins said those with input could email planningboard@oakbluffsma.gov

Discussion followed about the following:

- The first criteria for a 40B is met when a town has not met its affordable housing requirements which allows developers to appeal to the state and bypass local zoning.

¹ For information on what a 40B Application entails, please see:

<https://www.oakbluffsma.gov/DocumentCenter/View/3806/Chapter-40B-Handbook-for-ZBAs>
<https://www.oakbluffsma.gov/DocumentCenter/View/3807/40B-Fact-Sheet-from-2007>

- The MV Commission does have a role with a 40B application, they will need to review it. Chairperson Hopkins said he would clarify with the state whether or not the clock stops while Commission reviews the application.
- Referrals can also come from other agencies.
- This same applicant was in front of the Historic Commission in February – they felt it important enough to protect. There was a six-month demolition permit that expired on Aug 20. It was also before Copeland and Cottage City.
- The Sawyers appeared in front of the Planning Board a little over three years ago after purchasing 3 Uncas Ave. to request a zoning change. Board voted not to recommend so at town meeting. This invoked a 2-year delay before they could come back to the Planning Board.
- Applicant appeared one year later to ask board to half the 2-year wait but they declined to do so.
- Last year applicant had opportunity to return to Planning Board but they did not. Instead they've met with other committees seeking a demolition permit
- The Planning Board recently completed the Master Plan and got a ton of feedback, but as far as zoning, they do not consider this area spot zoning.

Chairperson Hopkins said that if the town does not address affordable housing in Oak Bluffs, they will receive more of these 40B applications.

Amy Billings asked if you could qualify for affordable and also make enough to qualify for a mortgage from a bank. It is a tight window, but yes. DCRHA keeps all of those figures public for the community.

Christine Flynn said the income criteria will be different whether rental or purchase.

Peggy Barmore said the area is residential usage but zoned commercial. Behind the bowling alley back to Hiawatha is zoned B1 but in actuality is residences. In all practicality they could be sold and commercial could be put there.

Andrea Rogers, ZBA chairperson, said that every town has an inventory of subsidized housing. The town of Oak Bluffs sits at only at 6.83%. If they were at or over 10% they would not be here talking about 40B. She said that the Town needs to come up with properties they themselves can devote to 40B then they'd have control. Some towns like West Tisbury do have 10%. She said this would be a good thing to explain to public at town meeting.

Jim Bishop, chair of Affordable Housing said that on Sept. 12 they are meeting with RKG re a grant. They need to reach 78 units in five years. He said there's a lot going on but no one attends their affordable housing committee meetings. They do have a little over 70 units planned in next 2 years – the majority is for rental, Habitat is ownership. He spoke about some projects they are working on:

- Island Elderly Housing on a 5-unit project next to Aydleburg.
- Habitat: working on two: 2 lots plus 3 scattered lots waiting for Sourati to do perc.
- RKG looking at feasibility of lot to right of hockey rink (approximately 8 acres, hoping for 60 units).

Public comment:

Barbara Baskin said 1) this is an existing 100+ year old residence that sits in an historic district within this town regulated by two historic commissions. The building itself is on the Mass Historic MACRAS listing. It is significant as a part of the OB Land and Wharf Company development which began soon after the growth and population of the Wesleyan Grove campgrounds. The building is important. Bottom line is that in order to construct what is proposed that building needs to be demolished. These two boards as well

as Historic Commission are quite concerned about the destruction of this historic building currently in disrepair – they believe it can be repaired.

Ms. Baskin read into the record her board's Cottage City and Copeland's statement (an email from Phil Regan):

Last late summer (I believe it may have been September 27), I received a call that there was a tactical response team exercise underway at the house on the corner of Circuit and Uncas avenues. I drove to the site and subsequently spoke with the Edgartown Police chief, who was observing the exercise, and moments later with the response team commander. I informed both of them, the house was located within the Cottage City Historic District, and no request had been made, nor permission been granted, to alter the appearance of the house. This followed the fact that all of the exterior siding had been removed from the house, without CCHDC approval, sometime earlier in the summer.

The commander was unaware of the house's position within the District...he said the owner intended on demolishing the house and had volunteered the house as a location for the intended training exercise. I responded by saying, any house within the District, if exterior alterations visible from a public way are proposed, must come before the CCHDC with an application and a formal review process. I told him, the owner had not been before the CCHDC with any request to demolish the building, therefore, the exercise was premature. I also added that I was concerned that irreparable damage could very well be underway if the exercise was not halted.

The commander, who was both respectful and apologetic, asked if he could complete a "hostage negotiation" exercise within the building, and do no damage to the exterior of the building. He agreed to damage no windows or doors in the process.

During the Spring of 2019, I was contacted by a new commander for the team. He asked if they could hold a second exercise at the same house. I told him, the owner had since informally appeared before the CCHDC and discussed his idea for building a new bank along with some affordable housing on the property...the proposed project would include demolition of the house. However, the proposed project has not come before the CCHDC as part of a formal application, therefore no ruling on the property's future has been established. In fact, I alerted him to the neighborhood "outcry" I received following the first exercise. With that, I denied him the "go-ahead" on the second exercise. He too was very respectful of my position, and thanked me for the consideration.

The CCHDC's interaction with Robert Sawyer (owner) has been limited to the one informal discussion described above. Mr. Sawyer should be well versed in the CCHDC rules...we had an extended review process with him during the "bowling alley" proceedings several years ago.

Amy Billings added to this by saying when asbestos shingles were removed it was with a state permit only and Board of Health and the Building inspector did not know about it. When they went down to investigate they did let them continue because they had a state permit but it was a blatant go-behind-the-town's-back move.

Chairperson Hopkins said this was important to note. The application suggests they moved the asbestos per the Town's demand but the town was unaware they were doing it.

After the asbestos and process with Cottage City had begun, the applicant had not filed for a building demolition permit or any other permit. When they finally did in January and met with Michael Sawyer,

they determined the building was significant and held a hearing in February. They were under a demolition delay which just ended but she said she believes they were just working the system.

Adam Turner said this is a comprehensive permit process. If you're under 10% affordable housing you can go to the state and create your own zoning district because Oak Bluffs is not at 10%. The state will make a determination and send it to ZBA. Then they would come back with a whole site plan that will be evaluated by ZBA and site plan review is part of the comprehensive permit. He said the Commission can either approve it, approve it with conditions or deny it. The ZBA can say they do not accept recommendation of CCHDA then there would be a whole appeal process.

Christine Flynn said during the process, the ZBA has the ability to hire consultants, town counsel and evaluate all impacts to the community in order to make sure they are vetting project as thoroughly as possible.

Individual comments:

- The bowling alley (applicant's other property) has not followed conditions as imposed – can we let state know applicant has done this with previous project.
- The application insinuates in drawings that the bottom will be a drive through bank. No bank has claimed to be going there. Cape Cod 5 said they do not either despite rumors flying around due to their letter of support around the housing portion.
- Could plans possibly instead be a drive-through Starbucks? A fast food joint, a McDonalds? It is unclear.

Chairperson Hopkins said he would ask financial institutions for an official position.

Peggy Barmore, from 10 Hiawatha, read her letter of concern:

I am writing to express my concerns with and strong opposition to a request by the developers of 3 Uncas Avenue, Oak Bluffs, to bypass local zoning for a proposed mixed-use residential/commercial project on the site. Not only would this be an inauspicious way for Cape Cod Five Cents Bank – or any business – to enter our community, it has far-reaching implications for businesses and residents in the Copeland District and threatens to exacerbate ongoing issues abutters living on Hiawatha Avenue and surrounding streets have with the Barn Bistro and Bowl at 13 Uncas Ave.—another of developer Robert Sawyer's projects.

Some five years since the Barn's opening, Mr. Sawyer has yet to comply with the conditions set forth in the original proposal to mitigate the impact of that business on Hiawatha Avenue. The Oak Bluffs Board of Selectmen recently reminded representatives of the Barn of that failure at its June 25, 2019, meeting. The establishment had been cited for apparently not adhering to long-established town regulations and practices around construction during the vital summer months.

Earlier in the year, the Barn also bypassed local boards to remove asbestos from 3 Uncas Avenue. The result is a stripped-down exterior on the building and failure by the owners to do basic maintenance on the property, including mowing, weed wacking, shrub trimming, and removing accumulating trash. (See photos attached.) These are not the hallmarks of a developer who respects his neighbors or local control—or who will abide by any reduction in or loosening of local oversight. If anything, our collective experience has been that this developer requires more stringent, and rigorous local oversight.

The Planning Board must not forget that shortly after purchasing 3 Uncas, Mr. Stewart sought to eliminate the two affordable housing units at his 13 Uncas Avenue building in favor of a game

room, arguing that the apartments would be incorporated into the then-recently purchased 3 Uncas Avenue property. That request was rejected by the town. It raises the question in my mind whether the two affordable units proposed for the new project represent another attempt at relocation of those two existing units currently in the Barn, adding nothing to the number of available affordable housing options in Oak Bluffs, or is this another bait-and-switch tactic by the developer.

Additionally, the proposal will effectively ruin our neighborhood and irreversibly alter the character of this beautiful area of town. Hiawatha Avenue is 99.9 percent residential usage. It is the quintessential Vineyard neighborhood with a diverse mix of owners and renters both year-round and seasonal. We have families with young or school-age children and senior citizens; professionals and employees of local businesses. The street is also land locked with the Hiawatha Park to the west and the Barn to the east.

The stress the locating of a proposed drive-thru bank on Hiawatha Avenue combined with the ongoing issue of the Barn having trash pickup, as well as deliveries, on Hiawatha Avenue demand more and rigorous oversight. The project would also put increased demands on the town to address infrastructure changes, improvements to Hiawatha Avenue to handle increased traffic and greater demand for parking. Nine spaces would be woefully inadequate. It assumes those renters would only have one vehicle, no visitors or service calls. It also ignores that many workers have work vehicles – pickup trucks – that many already park on Hiawatha Avenue and the reality that Barn patrons, despite there being a parking lot, opt to park on Hiawatha Avenue.

The additional housing also raises the issue of where would trash pickup be for those units and would they front Hiawatha Avenue or Uncas as is the case with the Barn. (We've seen how the Barn treats its neighbors.) Hiawatha Avenue is also not wide enough to accommodate two-way traffic associated with the current demands being placed on it let alone the additional burden of bank traffic. (And, didn't the town eliminate left turns off Uncas onto Circuit following construction of the Barn? So, where would those exiting cars go after leaving the bank? Right onto Circuit and into busy downtown?)

I could go on, but many of my concerns are the same as what we abutters continue to work to alleviate with the Barn: traffic, speeding, insufficient parking, staff and workers parking on Hiawatha Avenue, ongoing construction, loitering by Barn patrons and employees; trash in Hiawatha Park, and public safety – including pedestrian traffic.

My neighbors and I don't know the criteria that must be met for developers to bypass local government bodies, but we do know that it is only by working through local government and through local oversight that we, over many years, have had any redress of some of our concerns. Removing local oversight from the proposal before this body now would effectively eliminate our voice in decisions that could irreversibly and adversely impact our community and our homes. I would think it would also send a chill through local boards island wide for developers to circumvent local control for their own expediency.

Diane Streett read her letter:

I am writing this letter in opposition to the proposal submitted by the developers of 3 Uncas Avenue to bypass local zoning restrictions in order to construct some type of banking facility and eight apartment units. Although it may appear as though 3 Uncas Avenue is surrounded by commercial property, closer and more accurate scrutiny reveals that the configuration of the site directly impacts the residences on Hiawatha Avenue. As a homeowner, property owner on Hiawatha Avenue, taxpayer, and person who has loved Oak Bluffs for approximately 50 years, I

strongly urge your body to reject this proposal.

The reasons are numerous:

The developer of this project also developed the Barn Bistro and Bowl ("the bowling alley") after adverse predictions by local residents. He promised local government that it would be a good neighbor. Despite such assurances, and over the past five years, the bowling alley continues to flaunt regulations and break its promises.

Here are a few examples of why local oversight is needed and should not be circumvented:

- non-compliance with construction hours*
- occasional non-compliance with bowling hours*
- ineffective operational noise abatement*
- ineffective patron noise abatement*
- problems with trash pickup*
- inadequate parking causing increased vehicular and foot traffic*
- customer overflow causing parking problems on Hiawatha.*

Beyond that, the proposal raises serious traffic concerns. Access to banking and perhaps access to new apartment parking appears to be on Hiawatha Avenue. Due to the bowling alley, this one block has already become a danger to children and the elderly who live on Hiawatha. The street is too narrow for two-way traffic nevertheless cars speed through our block.

Additionally, workmen, patrons of the bowling alley, and others park in all of the available onstreet parking spaces. When the increased foot traffic, carry-out traffic, after hours visitors to Hiawatha Park, and litter are added to this, residents' quality of life has already been diminished since this developer decided to target this block.

While progress and improvements are always welcome, it is clear that this proposal should not be approved because it will cause additional sprawl, congestion, and degradation which the developer already seems unable or unwilling to contain.

This proposal to develop a mixed use residential/commercial project at a dangerous residential intersection is generally inappropriate for this site, would be at the expense of the integrity of the neighborhood and Oak Bluffs, and sets a dangerous precedent in so many ways.

Chairperson Hopkins closed public input. Member Crossland made a motion to author a letter and include all input submitted to the Planning Board. All were in favor and motion passed. Chairperson Hopkins said he would work on that letter.

A summer resident spoke about needing a Summer Resident page. Also said that there is a real insular feeling between islanders, seasonal residents and washashores and that in her opinion everyone has the town's best interests in mind.

Discussion of Next Steps for Zoning Review

The Planning Board already voted to do a zoning bylaws review and agreed that a Green Community designation was critical.

These two committees need to be staffed right away going into September so work can begin to have any chance of pulling it off for April town meeting.

The Green Community is a 5-step process. They have completed about 3 ½ of them already. It should be pretty straightforward to complete and bring to town meeting. Best way to accomplish this is with a committee of 6-7 people on each committee.

Chairperson Hopkins said from an environmental perspective they will have zoning recommendations but that the extent of their recommendations should be more broad than just environmental stewardship – for example, you can't build multi-unit property in Oak Bluffs. There are many issues.

Chairperson Hopkins said we need professional involvement, a consultant will probably cost between \$60-80K. If we have a committee in place by Sept., we may have a chance but it's a slim chance. The work of the committee is to determine whether a comprehensive review can be done or if spot zoning issues should be looked at.

Member Crossland agreed to chair a zoning review committee and Member Lambert said she'd be on the committee as well. Chairperson Hopkins charged them with recruiting 5-7 members from the community and that they should report back to the next meeting who they are able to recruit. Member Cleary said that maybe some former members of the Master Plan committee might be interested in serving.

Member Cleary said he's interested still in heading up Green Community committee. Richard Toole and Peter Meleney are both interested in being on it as well.

Board Updates

n/a

Adjourn

Member Cleary made a motion to adjourn, Member Lambert seconded.

Meeting was adjourned at 6:36 p.m.

Minutes approved September 12, 2019

Documents on File

- Agenda
- Board packet
- Sign In Sheet