

REAL ESTATE ASSESSMENT COMMITTEE

COMMITTEE MEMBERS: John Brescher (Chair), Rhoda Weinman (Vice Chair), Penny Dey (Secretary), Thomas Barada, Lee Saperstein

MINUTES

Tuesday, January 14, 2020

1 Milestone Road, Wannacomet Water Company Conference Room – 2:00 p.m.

Purpose: Regular Meeting:

ATTENDING COMMITTEE MEMBERS: John Brescher; Lee Saperstein; Penny Dey; Rhoda Weinman; Thomas Barada

STAFF IN ATTENDANCE: Andrew Vorce (Director of Planning); Ken Beaugrand (Real Estate Specialist); Eleanor Antonietti (Land Use Specialist); Debbie Dilworth & Rob Ranney (Nantucket Assessors) ^{arrive at 2:30p.m.}

PUBLIC PRESENT: Andrew Lowell; Rick Atherton; Attorney Arthur Reade

1. Call to Order

2:04 pm

John Brescher declared a quorum was present.

2. Approval of the Agenda

The **MOTION** was made by Rhoda Weinman and seconded by Penny Dey that the REAC does hereby vote to **APPROVE** the REAC Agenda for January 14, 2020.

The **VOTE** was **UNANIMOUS**.

3. Public Comment

None

4. Approval of Minutes of December 5, 2019.

TABLED TO NEXT MEETING– Draft MINUTES not available for review

5. CONVEYANCES

- a. FIFE, Trustee – 57 Hulbert Avenue Rd. (Map 29 Parcel 11) – James Street - Parcel 1 ^{2013 STM Art. 6} on 2018-35 (3,093 SF) \$23.20/SF **\$0 in consideration of OBB**
- b. 55 Hulbert Ave, LLC – 55 Hulbert Avenue (rear lot and front lot) (Map 29 Parcel 12 & portion) – James Street ^{2013 STM Art. 6} – originally shown as Parcel 2 on 2018-35 (3,015 SF) ^{Reade atty.}
 - i. Parcel 2 has been subdivided into:
 1. Parcel A – to be conveyed to owner of Lot 2 on LCP 14811^B (772 SF) **\$23.20/SF**; and

2. Parcel B – to be conveyed to owner of Lot 1 on LCP 14811^B (2,243 SF) *\$0 in consideration of OBB*

WEINMAN explains she has represented Barbara Fife for years but due to conflict, she had asked her to hire other counsel. Her sons are involved with it now. They have a lot of questions. They need to better understand it and agree to what is going on. Attorney Steven Cohen will represent the Fife family in this matter for 57 Hulbert Avenue.

Attorney Arthur Reade represents the Lilly family, in this matter for 55 Hulbert Avenue.

READE explains that he drafted & circulated a mutual easement in James St., but Atty. Cohen is just becoming involved on behalf of the Fife family. Neither attorney has had a chance to review closing documents received from Town Counsel Vicki Marsh yesterday. For these reasons, both parties would like to continue to next meeting.

VORCE for historical reference, points out this was first voted in 1914

ATHERTON states that the Select Board held several Executive Sessions on this topic. He is concerned that this works out in the best interest of the community and the neighbors for long term possibilities. This is the widest road to the beach and has some unique characteristics.

BARADA Asks why one plan (Plan No. 2018-35) shows easement all the way down to the bulkhead whereas newer plan (dated September 30, 2019) shows it as 8' wide to concrete and then narrowing to 5' to bulkhead

READE 8' makes sense for vehicular passage to concrete wall. Cars will not be going beyond the concrete wall.

BARADA Asks if the temporary plywood sea wall will be up every winter and prevent access.

READE not able to answer at this time. The wall runs along both properties and is seasonal protection. He will look into it.

BARADA Thinks the easement should stay 8' all the way down. Asks if the Town would have ability to use this way in the future. May need access for installing a drainage pipe or 3rd cable in the future. This is the shortest approach to the water that we can use for municipal purposes. Thinks it should stay with the town and we could give them licenses.

VORCE explains use would be down the center. Points out that there is no damage award set aside for this. You cannot take peoples' property and not compensate them. No funds were appropriated in the Warrant article. There was a companion article which authorizes conveyance back. It was represented quite clearly that no damage awards were appropriated. We would need to pay the individual owners. The Town has done many takings without anyone suing the Town back because there is an exchange, which has been the clear approach with this program from its inception. Need to be careful about aggressive actions with property owners.

ATHERTON wonders if there could be other ways to accommodate mutual objectives.

VORCE Easements can be put in place.

SAPERSTEIN some of these 5 ways had rights of passage to other properties on other side of Hulbert. Asks if that pertains to James St.

READE yes, Beachside subdivision of 19th c. granted rights of passage to certain property owners but not to the public. James St. is part of that.

Andy LOWELL – here on behalf of SHAB (“Harbor & Shellfish Advisory Board”). Says this has not been on their radar. Would like to have time for SHAB to meet and discuss. James St. is widest and most well-developed public access north of Children’s Beach which is only ramp access to deep water. Next place north for mobile mats for purpose of recovery or deployment. Would think Coastal Resiliency committee would be interested as well.

SAPERSTEIN as member of Roads and Right of Way Committee, confirms that Charles St. is wide and accessible to water.

LOWELL as far as ease, this is much better in terms of distance and maneuverability. We meet next week and will put on agenda.

The **MOTION** was made by Penny Dey and seconded by Rhoda Weinman that the REAC does hereby vote to **continue this matter to its next meeting**.

The VOTE was **UNANIMOUS**.

- c. HOULIHAN - 61 Blvd. **\$1/SF** ^{Bryan Swain atty.}
1. Harriet St. – Parcel A on 2013-45 (772 SF) ^{2010 ATM Art. 77}
 2. Weweeder Ave. – Parcel A on 2019-__ (4,173 SF) ^{2011 ATM Art. 99}

VORCE clarifies that there pedestrian access for a private property owner, but not for the public. BEAUGRAND when we voted on taking at SB meeting, Mr. Fee raised question with respect to why we were disposing of this. He is concerned with sea level rise. Looking at map, he felt that this is closest thing to a definitive road to provide access along south shore. Asks committee how they would like to respond to Mr. Fee's concern.

VORCE committee should understand that both Clifford and Boulevard are public ways and this is a relatively short distance between those two points. There is no real advantage to keeping it. Other sections have been left. Surrounding lots have frontage on abutting public ways.

BRESCHER there is no appropriation to pay damages to the property owners.

VORCE many of these property owners never filed any complaints about these takings. Concerned about bait and switch. Careful thought put into this as to whether all of these streets were needed.

BRESCHER if there is an issue with erosion control in the future, the Town could do another taking and allocate money for damages.

VORCE yes. If a property owner is impacted by erosion in the future, they would not object to a taking. We have reserved emergency access where necessary.

DEY affirms that this was voted on at Town Meeting.

VORCE the Town is always authorized to reserve any easements that we deem necessary. In this particular Surfside block pattern, the center road is no longer used. The other half was disposed of.

BRESCHER It would be unfair to burden this property owner when the other one got his.

The **MOTION** was made by Lee Saperstein and seconded by Penny Dey that the REAC hereby votes to **APPROVE** the disposition of Parcel A (Harriet St.) and Parcel A (Weweeder Avenue) for \$1 per square foot, as presented.

The VOTE was **UNANIMOUS**.

- d. Scott Martin Trustee – 3 Morgan Square – Morgan Square (south) – Parcel 5.1 on 2012-3 (14,495 SF) ^{2011 ATM Art. 108} **\$1/SF** ^{Glidden atty.}

BRESCHER explains that he is conflicted out of this matter and will abstain from voting.

Rhoda WEINMAN will chair the meeting for this matter, *Pro Tem*.

VORCE explains that Parcel 4.1 was already decided to Land Bank

The **MOTION** was made by Penny Dey and seconded by Lee Saperstein that the REAC hereby votes to **APPROVE** the disposition of Parcel 5.1 (Morgan Square) for \$1 per square foot, as presented.

The VOTE was **UNANIMOUS**.

6. **CONVEYANCES PER RFP - ADVISORY ONLY – NO VOTE**

- a. ZIMMERMAN – 28 Low Beach Rd - Parcel 2 on 2014-101 **\$45,978** (15,326 SF x \$3.00)^[1] Neighborhood times the condition factor Wm Hunter atty.
- b. LOW BEACH, LLC – 30 Low Beach Rd – Parcel 1 on 2014-101 **\$58,680** (19,560 SF x \$3.00) Wm Hunter atty.
- c. O'BRIEN formerly Teasdale – 36 Low Beach Rd – Parcel 33 on 2016-113 **\$59,000** (≥ 19,666 SF x \$3.00) SLC atty.

NO DISCUSSION. ADVISORY ONLY

7. **Discussion with Assessor** re: pricing and neighborhood factors

Debbie DILWORTH The methodology REAC has been using has been our rear acre pricing, with \$50,000 as base price for rear acreage. This year Assessor doubled that. In last full re-evaluation, they could not make it work. Fiscal Year 2020 is also an interim year and not subject to as much review as Dept. of Revenue. In turn, REAC can double base price per SF for yard sale.

BRESCHER so now we are going up to \$2/SF. Asks if neighborhood factors are being modified.

DILWORTH Start with \$2.00 per square foot and adjust for neighborhood and, if applicable, waterfront factor. You start with base price of \$100,000. Some neighborhood factors are being adjusted. Explains that Eleanor will email her and Rob. They give adjustments at that time. We adjusted on low end this time, 0.4 - 0.5. One higher end neighborhood was adjusted. Base neighborhood has a factor of 1 so \$100,000 per acre. Average value is \$2 million. It's 0.4 as a multiplier. BRESCHER ours is a base of \$2. We had set our value to be no less than \$1.

SAPERSTEIN This needs some kind of action

BARADA isn't that a recommendation to SB?

BEAUGRAND clarifies that the role of REAC is to set policy regarding price and make a recommendation to SB which then chooses to follow or not. REAC needs to put this on next agenda in more formal manner. set your own policy.

CONSENSUS to enact at beginning of next fiscal year. Will initiate a motion for next agenda. We need to be clear that this to be consistent with Assessors' recommendation as that is what we have always adhered to.

The **MOTION** was made by Lee Saperstein and seconded by Penny Dey that the REAC hereby votes to **schedule as an agenda item** consideration of the recommendation that our base price be \$2/SF, in conformance with Assessor's most recently approved price schedule policy, to take effect at the beginning of FY 2021 (7/1/2020), as presented.

The VOTE was **UNANIMOUS**.

8. **OTHER BIZ:**

BEAUGRAND explains that the Town Manager has asked him to review and go over financial impact and other effects, only as related to real estate articles, with the Committee the Citizens' articles. She

^[1] Per email from Debbie D. on 10/21/2019

is asking for an impact statement. He is drafting a document to that effect. Important that there be a greater understanding of the citizens of what they are voting on and what the impacts would be.

DISCUSSION that we have shied away from this in past.

BRESCHER issue we have had in past is that Fin Com asks us in March for our input.

SAPERSTEIN gives historical background about requirement to do environmental and financial impact assessments. Thinks the Town needs to require those submitting Citizens Article to provide that info.

CONSENSUS - Committee does not want to be tasked with hypothesizing what impacts would be. Agree to receive that information as a report but would not want to adjudicate.

DISCUSSION about what this committee is tasked with and clarifying the scope of that.

VORCE points out that we have a Finance office and people to develop financial modeling. Zoning review is handled by the Planning Board and real estate Citizens' articles are typically garden variety paper streets. Speculation and modeling about what zoning does or does not do, the act of the zoning change doesn't change any finances until it is actually implemented. Cannot speculate on maximum buildout.

BEAUGRAND Wants to generate some commentary with respect to what a given article means. There are only 5 or 6 articles that relate to real estate or paper streets. He will plan on having something ready for our next agenda. SB likely not meeting on 2/26 due to school vacation.

9. Date and time of next meeting

The next REAC meeting will be held on Thursday, February 6, 2020, at 2pm in the Wannacomet Water Co.

10. Adjournment

Meeting Adjourned at 3p.m.

The **MOTION** was made by Rhoda Weinman and seconded by Penny Dey that the REAC does hereby vote to adjourn the REAC Meeting for January 14, 2020.

The VOTE was UNANIMOUS.

Submitted by:
Eleanor W. Antonietti