

REAL ESTATE ASSESSMENT COMMITTEE

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

MINUTES

Thursday, February 6, 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)

PUBLIC PRESENT: Rick Atherton; Attorneys Steven Cohen, Jay Maroney, & Bryan Swain

I. Call to Order

2:03 pm

John Brescher declared a quorum was present.

II. 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 February 6, 2020.

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

III. Public Comment

NONE

IV. Approval of Minutes of:

▪ December 5, 2019

The **MOTION** was made by Lee Saperstein and seconded by Rhoda Weinman that the REAC does hereby vote to **APPROVE** the REAC minutes for December 5, 2019.

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

▪ January 14, 2020

The **MOTION** was made by Lee Saperstein and seconded by Rhoda Weinman that the REAC does hereby vote to **APPROVE** the REAC minutes, as amended, for January 14, 2020.

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

V. **RATIFICATION of conveyances per RFP -**

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

BRESCHER explains that the Select Board (“SB”) asked REAC to look at these conveyances again. REAC voted in November 2017 to issue RFPs for the Low Beach Road yard sale parcels as they have a value greater than \$35,000. Various issues delayed the process. He doesn't think it's proper to enter into agreements with landowners and then change our minds. We cannot violate MGL Ch. 30B and change the terms of an RFP at whim. We reviewed this at various stages (Taking, RFP). Inadvisable to rescind our prior actions.

CONSENSUS that REAC cannot change an issued RFP that has been previously approved. Rick ATHERTON asks about how \$3/SF sale price is set and for an explanation of the disposition price policy.

DISCUSSION about how pricing is based upon price factor provided by the Nantucket Assessor and explanation of multipliers such as water view and neighborhood factor.

BRESCHER We cannot assess landowners for potential development.

BEAUGRAND Confirms that critical requirements which impact valuation are that the conveyed yard sale parcel be added to abutting parcel and not be subdivided as a result of merger, unless explicitly granted prior approval.

ATHERTON maintains that beachfront property is different and unique. Does not support allowing property to go to private owners. Thinks it is not a well thought out process to dispose of property with unique characteristics which deserve special consideration.

WEINMAN this Board did not create this situation.

ATHERTON REAC's charge is to make comments and to discuss pros and cons, especially with real estate which is unique. Thinks people need to understand what is happening. This is very different from properties in Surfside. 99% of these conveyances are approved, and yet the minutes don't show comments.

VORCE refutes Mr. Atherton's comment that it was not thought out and points out that he was a Selectman when these things were moved forward. In fact, he signed the plans and the Takings. These property owners here have waited a long time. We had an extensive discussion about whether this should be subject to One Big Beach Easements or conveyed per a standard fee transfer. These owners have always had the title to the street areas all around their properties, per the way it was deeded. We thoroughly evaluated public access immediately to north and south of these properties. That access will continue. We carefully consider all properties along the coast. There is public access and the Railroad (“RR”) bed owned by the Town. There is access *via* an existing private path which does not exclude anyone from using it. There are multiple access points.

BEAUGRAND entire process was coordinated with Town Counsel. We wanted to ensure we were doing this in appropriate way.

Steven COHEN thinks board does good job of protecting potential public uses where appropriate. There is 1,080 feet of dunes before you get to water from this land. The Town is

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

distributing out paper road parcels in which owners already had fee interest, not including RR bed. There are 30B issues. The Town's Finance Director has choices; 1) to delay, 2) to get more information, 3) to cancel bids (risking law suits), or 4) finish the bids with people who already won. The Town cannot redo the bids and change the terms.

BEAUGRAND affirms that we have legal advice concurring with that.

BARADA This has been going on for 9 years. Eyes are now on coastal resiliency which will be a factor in regard to disbursal of these properties going forward. He is always concerned about public access, right of way, beach access.

BRESCHER agrees that these are valid points.

SAPERSTEIN If any of these involve walkways or pedestrian paths, they go before the Roads and Right of Way Committee.

Bryan SWAIN asks for clarification if it was only one application remanded to REAC.

BEAUGRAND SB asked for all 3 to be reviewed so they are all on this Agenda. They will be on SB agenda on February 19th.

The **MOTION** was made by Rhoda Weinman and seconded by Lee Saperstein that the REAC hereby votes to **RATIFY** the previous approval of the conveyances of Parcels 2 and 1 (shown on Plan No. on 2014-101) and Parcel 33 (shown on Plan No. on 2016-113), and further **recommends** that the Select Board proceed with the conveyances of the parcels pursuant to the successful bids received in reply to the Requests for Proposals issued in November 2019. The **VOTE** was **4 in FAVOR** and **1 (Barada) ABSTAINED**

VI. Price Factor Augmentation per Nantucket Assessor pricing as presented at meeting on January 14, 2020

BARADA explains that he researched legal fees for Town and pulled out information for yard sales. Hands out a document he created based upon this research. The law firm send the Town a bill for general service fees for Yard Sales. They itemize out for parcels. He thinks half of the costs go to legal fees and remaining income goes to real estate sales account. Maintains that the Town is losing \$20,000 in legal fees for general expenses.

DEY asks how much money has been deposited into Real Estate deposit account.

VORCE As of about 6 years ago, roughly \$10 million. We have a budgeted amount for Yard Sale professional services. It was our expectation that Town Counsel is billing for legal services. They are included in closing costs covered by Grantee.

The **MOTION** was made by Penny Dey and seconded by Rhoda Weinman that REAC votes to 1) authorize Staff to **provide information relative to income and expense (starting with December 2015 when REAC first met), and 2) table further discussion on vote regarding price factor.**

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

VORCE asks Mr. Barada where he obtained the information on his spread sheet. He would like some sort of source or date.

BARADA through a Freedom of Information Act request made by someone else and produced by Administration.

VII. Impact Statement Document with REAC Input – 2020 ATM Real Estate Articles

BEAUGRAND worked with Andrew Vorce and Town Counsel. We have taken a position that the Citizen has to do all the research with respect to Yard Sale impacts. References previously distributed Memo and Maps in overview of impact.

- Articles 105 & 106 – Taking and Disposition of East Hallowell Lane / North Shore RECOMMENDATION - Abutter will pay fees for legal and survey work. Price between \$7-9/SF or at no cost in exchange for OBB.

BRESCHER **recuses** (his office sponsors). Explains that Lots 8, 9, & 11 (as shown upon LCP 12022-B) were at one time owned by the same owners. Lot 11 has recently been conveyed and owners of Lots 8 & 9 are sponsoring the article and will acquire.

SAPERSTEIN point of order – clarifies that when we are all done with this, these will come back to us for formal approval for taking and conveyance.

DEY asks about the range of \$7 or \$9/SF.

BEAUGRAND & VORCE explain how certain factors are applied such as waterfront, high-end neighborhood factor. Important to have understanding about dollar amount involved.

DEY asks if committee is expected to make recommendation today and wonders if determining that a given article meets criteria to move forward is now part of our job description.

BEAUGRAND REAC has to make a recommendation that goes to FinCom but does not have to be today.

SAPERSTEIN we should not use any language that presumes a decision. For example, “we have reviewed”, but do not say we have approved.

BEAUGRAND of the remaining Citizen Real Estate articles, the following are deemed appropriate:

- Articles 107 & 108 – Taking and Disposition of North Road / Sconset;
- Articles 109 & 110 – Taking and Disposition of Cherry Street / Surfside;
- Articles 111 & 112 – Taking and Disposition of North Carolina Avenue / Madaket

- Article 113 regarding Morgan Square is not appropriate, because it is incomplete.

He will seek a Motion from Committee that after review, they approve.

BARADA Cherry St. should go forward. Town should take so that there is ability to have emergency access.

VORCE This is speculative and for information only.

SAPERSTEIN concern is that anything that looks like a decision removes ability to change minds later and therefore taints the process.

VIII. Date and time of next meeting

The next REAC meeting will be held on **Tuesday, March 10, 2020, at 2pm** in the Wannacomet Water Co.

IX. Adjournment

Meeting Adjourned at 2:50p.m.

Submitted by:
Eleanor W. Antonietti