

REAL ESTATE ASSESSMENT COMMITTEE
Posted Meeting of May 13, 2024, at 2:02 pm, Posting #T420
131 PLEASANT STREET, TRAILER ROOM A

MINUTES

Attendance: John Brescher (Chair), Lee Saperstein, Nathaniel E. Lowell, Thomas Barada, and Staff Member, Tracy MacDonald, Real Estate Specialist. There was a quorum present in person at all times.

Guests: Arthur I. Reade, Jr., Esq. via Zoom

I. Call to Order

John Brescher called the meeting to order at 2:00 pm and Tracy MacDonald started to record the meeting and Mr. Brescher read the requirements of a hybrid public meeting. Mr. Saperstein asked whether they just a four (4) member board for purposes of quorum. The meeting can be viewed:

[Real Estate Assessment Committee-5/13/2024 \(youtube.com\)](https://www.youtube.com/watch?v=RealEstateAssessmentCommittee-5/13/2024)

II. Approval of Agenda

Thomas Barada move to approve the May 13, 2024 agenda and was seconded by Lee Saperstein and approved unanimously by a roll-call vote (John Brescher, Lee Saperstein, Nathaniel E. Lowell, Thomas Barada).

III. Public Comment

NONE

IV. Real Estate Matters

(a) Tracy MacDonald read the terms of Order of Taking to acquire easement rights in paper streets Dearborn Street, Oniska Avenue, Miacomet Avenue, Monomoy Avenue, Massasoit Avenue, Central Avenue, Hawthorne Street and Irving Street, together being shown as Easements A and B on Plan 2024-8. Attorney Arthur Reade spoke on behalf of his client Ms. Englehard, and provided a brief background about the paper roads criss-crossing within the boundaries of Ms. Englehard's properties at 6R and 8 Skyline Drive and after several discussions with Andrew Vorce, it was agreed that the best course of action would be for the Town to take the roads for easement rights. There were discussions with DPW over a 5-year period of time regarding the planned infrastructure in the northern portion of the property abutting Lovers Lane to resolve a water problem in the intersection of Lovers Lane and Davkim by installing a drainage system from the Johnson property to the Easement area on the northern corner of the Englehard property. There was a determination by counsel, the owners and planning that there would be no adverse effect to future development and therefore a release of easement rights in the streets in exchange for granting of easements for the infrastructure to correct the issue is appropriate.

John Brescher: asked if the release of easement rights and granting of easements would be part of a simultaneous transaction and Mr. Reade responded affirmatively and explained it would be similar to One Big Beach Easement trade where there is no monetary consideration.

Mr. Lowell: asked whether this was in conjunction with road improvements on Lovers drainage and noted that it is a very low area in that location and Mr. Reade re-iterated the mechanisms in the design plan regarding drainage. Tracy MacDonald spoke on the planned catch basins presented at the design meetings.

Lee Saperstein: asked about the "Taking" and what happens after the easement rights are taken. Arthur deferred and John Brescher explained that it is a Release of Easement Rights from the Town for a \$1.00 since the owner has been paying taxes on the "Ghost Streets".

VOTE: motion for recommendation of the order of taking of easements rights area A&B on plan moved by Mr. Lowell and seconded by Mr. Barada and approved unanimously by roll call vote (John Brescher, Lee Saperstein, Thomas Barada and Nathaniel Lowell).

(b) and (c) Mr. Brescher announced that matters b and c of the agenda were continued.

(c) Mr. Reade presented on behalf of his clients regarding the conveyance of yard sale lots on Sandwich Road to his clients Brian and Kevin Ryder. He explained that he had been working with his clients and planning regarding a subdivision of 8 Chatham Rd as a result of the area being re-zoned. The town had previously taken Sandwich Road and when Arthur filed the subdivision plan he was able to simultaneously have the Land Court issue a Certificate of Title to the Town for the Sandwich Road parcels. The lots are now being added to each of the parcels owned by Kevin and Brian under the yard sale program.

John Brescher announced that Rob Ranney the Town Assessor did provide suggested valuations of a price factor of \$3.60 per square foot, which makes Lot 169 = \$10,252.80 and Lot 170= \$7,423.20; Arthur verified that he had been provided the figures ahead in draft Deed by Town Counsel.

Nat Lowell: asked if the balance of portions of Sandwich Road were being retained for future conveyance and Lee Saperstein clarified that those are indicated as Parcels B and C on the taking plan. Arthur answered that is up to those abutting owners to ask the Town. Nat Lowell noted that the total layout is 30 feet.

Mr. Brescher: asked if there was originally an access over this portion of Sandwich Road because there is a dashed line on the plan and are there any driveway or easement access rights retained. Lee Saperstein clarified the location on the plan. John Brescher asked if anyone uses it as a cut through and Tom Barada and Arthur Reade both indicated that they don't believe it is practically used. Mr. Brescher pointed out that we don't want to risk any claims in rights in the way. Mr. Barada noted that in reviewing GIS you can see that access is where the sewer pump is on Monomoy and then goes to those houses at the other end. He also said there are no trails or anything out there to indicate use. Lee Saperstein said he would guess the dotted line is a fence.

VOTE: recommend disposing of Lots 169 and Lot 170 per the pricing suggested by Rob Ranney of \$3.60 per square foot, which makes Lot 169 = \$10,252.80 and Lot 170= \$7,423.20. Nat Lowell made the motion and Lee Saperstein seconded and the motion was approved unanimously by roll call vote (John Brescher, Lee Saperstein, Thomas Barada and Nathaniel Lowell)

V. Discussion of REAC role in database creation, criteria and tracking of list for yard sale taking and dispositions.

Tracy MacDonald: recognized by the chair and discussed the outdated procedures and guidelines that currently exist and the amendment thereto. She then explained that she will have an intern in the summer assisting her with creating a database of all the backlog.

John Brescher asked for clarification of whether the database will just be for citizen petitions and not town takings for municipal purposes. Tracy explained for guidelines purposes yes. However, the database will include both types of matters. Tom Barada asked whether the database would be all types of approved matters and Tracy explained yes and then the database would be sorted by the criteria or purpose. For instance, she noted many are tied up in Land Court with problematic issues and now circumstances have changed with erosion or other complications. Tom Barada asked if database will be used to track costs and prices and staff hours. Tracy explained that it will track that and explained there are some matters like the citizen articles that are wholly paid for by the recipient of the parcel. She further explained that we will track the square footage being added to the tax roll for the tax income increase to the Town. Nat Lowell asked for clarification.

John Brescher: asked if maps could be included in the database and Tracy asked for clarification of GIS maps or taking maps or both. John said yes for instance not all ATM votes actually have a plan yet or taking. Tracy agreed. Tom Barada said it is hard to always know where the area is or exact tie in to the beach or cart path.

Tracy MacDonald: Explained how she also envisions the database to have groupings as to not lose track of them. She explained as it is now they are conveyed piece meal and so one abutter may purchase and then Town is left with a residual parcel that never gets conveyed out because the other abutter(s) haven't come forward. Tom Barada asked if anyone approaches all the abutters, either planning or other town staff.

John Brescher: answered for Land Court the petitions are individual, which makes grouping difficult. He agrees for unregistered land that is absolutely a way to do it.

Arthur Reade: Explanation of how he streamlined the process with the Land Court. At the suggestion of John Vitale from the Land Court Arthur filed his client's subdivision plan adjudicating the line of the taking on the plan and simultaneously requested a Certificate of Title be issued for the taken parcel in the name of the Town of Nantucket. However, he also had the future complication of the Town parcel needing to be subdivided and he requested permission from Town Counsel to handle that subdivision plan approval process with the Land Court and Town Counsel assented to that. The process was completely handled by the attorney rather than Town Counsel and that takes the burden off of Town Staff and Town Counsel who are stretched with other pressing Town business. He points out that all of these matters are much more important to the property owners than the Town and the Town wants to pursue the program and add to tax roll but the main advantage is to the property owner and as much of the work can be done by the applicant and that is where it should be placed. Arthur expressed his opinion in that being the way these matters can be expedited.

Tracy MacDonald asked if Town Counsel had to be on the petition with him and he explained no. That the Town authorized him to file the petition on behalf of the Town.

Nat Lowell said he thought most costs were absorbed within the price calculated and it sounds like we need to come up with a price?

John Brescher : Agrees said that town counsel needs to bill for all the time. All members agreed.

Tracy MacDonald: explained about priority and some very old matters that really do need to come forward and be completed because the older program included deposits that were paid by applicants. She also explained the backlog details and variety of reasons why many have not been completed. She also explained that there are many that have a dual purpose both municipal and then disposal of residual, like One Big Beach.

John Brescher: inquired on a timeline for completion the Database and Tracy explained that she has the intern starting July 18, 2024 for 5-6 weeks and anticipates having some working database by the end of that time. She also explained that currently, there is a plan to have 2 yard sale matters on the end of the month Select Board meeting. However, Tracy explained if she can begin to group them she could get them done faster.

Tracy also explained that it is crucial to have guidelines so people understand the process and the time involved. She also said the idea would be to have realistic achievable time lines for completion rather than excuses.

Lee Saperstein posed the question of what does the Town do with potential takings. John Brescher answered there would have to be someone to bring it forward and that he is not sure there is an accurate list of all paper streets and Lee said the question is based on the supposed goal of Planning cleaning up the paper streets on Nantucket. John Brescher explained this database will be for the ones that have been taken and then there would remain whether the balance of them to get resolved or not. Tracy explained as projects evolve the paper streets come up and then get resolved within those projects.

Lee Saperstein left us with "don't let the perfect be the enemy of the good"

Tracy MacDonald: explained that she does have one other concern which is property owners requesting licenses while they wait for their parcel to be conveyed and that she does not want to have to be doing that going forward.

Nat Lowell – explained that there are issues with areas that perhaps should be addressed that make it difficult for the public to pass, like sidewalks. Like relocating utility poles etc. and he would like that to be something within this committee.

VI. Review REAC role in Affordable Housing Trust RFPs.

Tracy explained that AHT has a number of RFPs being issued for various income opportunities based on where their funds are sourced. Tracy had requested from AHT if REAC could add value. John clarified the committee would review each RFP and make recommendations. Nat Lowell feels it is out of the scope of the committee and there was a discussion of whether the committee could add value to the process or not. Tracy explained that it was one of the items listed as their mission and if they feel they cannot add value, then she would like to remove that from the role. There appeared to be many strong opinions about the matter. Lee Saperstein expressed that he believes a vital community is mixed uses, not just residential.

Nat Lowell: said he would like to see the committee expand the scope for resolving issues that are outdated and need legal attention.

ADJOURNED motion moved by Nat Lowell and seconded by Tom Barada and adjourned unanimously by a roll-call vote (John Brescher, Lee Saperstein, Nathaniel E. Lowell, Thomas Barada) at 3:08pm.

MINUTES APPROVED JUNE 10, 2024