

REAL ESTATE ASSESMENT COMMITTEE (“REAC”)

~~ MEETING MINUTES ~~

MONDAY, April 7, 2025.

Remote Meeting via Zoom– 2:00PM

Board Members: John Brescher, Lee Saperstein, Nat Lowelll, Thomas Barada, Jesse Bell

Attending Members: John Brescher, Lee Saperstein, Nathaniel Lowell (“Nat”) and Thomas Barada

Staff in attendance: Tracy MacDonald (Real Estate Specialist), Ellis Ramos (Housing and Real Estate Office Manager)

Speakers in attendance: NONE

I. CALL TO ORDER

John Brescher called the meeting to order at 2:03PM.

II. APPROVAL OF THE AGENDA

John Brescher suggested that they table the minutes for another meeting to give the board members more time to review them.

Thomas Barada made a MOTION to approve the agenda as amended by John Brescher. Nat Lowelll seconded the motion.

Votes by roll call of those participating

Nat Lowell – Aye

Thomas Barada – Aye

Lee Saperstein – Aye

John Brescher – Aye

III. APPROVAL OF MINUTES FROM OCTOBER 21, 2024, DECEMBER 9, 2024, AND FEBRUARY 10, 2025, MEETINGS

This item was tabled for the next meeting.

IV. PUBLIC COMMENT

There were no public comments at this meeting.

V. REAL ESTATE MATTERS

- (a) Review and recommendation of the following plan to be executed by the Planning Board and proposed for signature by the Select Board:

an Un-named “Way” between Vestal Street and Hawthorne Lane: Parcels A-G being an unconstructed 30’ foot wide roadway and 10’ travelled way shown on draft plan prepared by Bracken Engineering, Inc. pursuant to Article 108 of the 2021 Annual Town Meeting.

John Brescher introduced the topic of the unnamed way and asked Tracy MacDonald to bring the committee up to speed.

Tracy MacDonald began by sharing her screen to display a GIS map of the area in question. She explained the issue dated back to a warrant article approved in 2021. She said she received a call from the owner of 70 Vestal Street inquiring about the next steps. Tracy MacDonald informed him that the town was beginning to group similar actions together and that his property was a good candidate for that process.

She noted that both 70 Vestal Street and 73 Milk Street, along with potentially one other, were registered properties. The plan being developed involved several parcels identified on the draft as parcels A through E. According to Tracy, at least two of the owners intend to deregister their parcels to make the town taking process smoother. The intention is for the town to take these paper road parcels and then convey them back under the town’s yard sale program.

Thomas Barada asked whether the GIS mapping was accurate, specifically, if the paper street extended all the way through to Vestal.

Tracy MacDonald responded that while GIS wasn’t entirely accurate, the property at the end indeed used a driveway that crossed over a portion of the paper street, though most other properties did not rely on it for access. She clarified that one structure may slightly encroach into the road layout.

Lee Saperstein inquired about the ownership of parcels A, B, and G.

Tracy MacDonald said that those parcels were part of the paper road and not yet privately owned—they would need to be taken by the town.

Lee Saperstein then asked about parcels C and F, to confirm with Tracy that they were also part of the paper road.

Tracy MacDonald explained that the width of the road varied and was only shown on the land court plan for the registered lots.

Lee Saperstein also questioned who currently owned the parcels and how deregistration would affect them.

Tracy MacDonald said the current draft plan was being finalized for submission to the Planning Board and that the two registered owners, 70 Vestal Street 73 Milk Street, were preparing to deregister. She emphasized that once deregistration occurs, the town could proceed with taking and eventually conveyance.

John Brescher emphasized his interest in how the deregistration process would play out. He noted that this was the committee's first live example involving deregistration and felt it would be beneficial to speak with the Land Court to better understand whether deregistration should occur before or after the taking. He expressed curiosity about how the Land Court views the sequence of operations and whether it would simplify or complicate the process depending on the order.

Tracy MacDonald agreed with John Brescher and explained that Jesse Bell was handling the deregistration for 70 Vestal Street, which is why Jesse Bell had recused herself from the meeting. Tracy MacDonald added that she had an upcoming meeting with Heidi Drew, the owner of 73 Milk Street, but was unsure who represented her legally.

Thomas Barada supported John's line of thinking, raising the question of what happens when some parcels are registered and others are not, and how that might delay or complicate takings. Tracy MacDonald confirmed that some of the parcels involved were unregistered and that multiple attorneys were representing different owners, although most appeared to be working with the same counsel.

John Brescher said that although he had no issue with the current draft of the plan, he would be hesitant to proceed with a formal recommendation for the taking until the landowners had consulted with Land Court and clarified the procedural expectations. He wants to avoid creating unnecessary legal or bureaucratic obstacles.

Lee Saperstein agreed and raised a related concern about property boundaries: if deeds reference ownership to the middle of the way, then taking the land and selling it back to the owners could present ethical or legal issues.

Tracy MacDonald clarified that the deed for at least 70 Vestal Street did not indicate ownership to the middle of the way, but were instead based on older statutes without clear fee ownership.

Lee Saperstein continued by advocating for recognition of an existing walking path shown on the plan indicated as a four (4') foot-wide path near parcel C, and recommended that the committee preserve the walkway and include it in future planning, potentially with an easement.

John Brescher confirmed the path was marked on the plan and supported Lee Saperstein's recommendation.

John Brescher summarized the consensus of the Board: he said that the plan could be forwarded to the Planning Board for endorsement, but any committee recommendation for a taking should wait until after proper conversations with Land Court.

Lee Saperstein made a MOTION to recommend that the plan be submitted to the Planning Board with recognition of the existing walkway and the understanding that an easement may later be required. Thomas Barada seconded the motion.

Votes by roll call of those participating

Lee Saperstein -Aye
Thomas Barada – Aye
Nat Lowelll – Aye
John Brescher – Aye

- (b) Review/discussion/comments of proposal for 40 Low Beach Road Parcels 10-16 on Plan 2012-51 at the Nantucket Registry of Deeds and subject to a Zoning Board of Appeals Application; excluding Parcels A and B on said Plan “Railroad Bed” being a portion of Lot 23 on Land Court Plan 9595-L and owned by the Town of Nantucket pursuant to a Deed registered as Document No. 94401 and subject to an Order of Taking registered as Document No. 36806 on Certificate of Title No. 20083.

Tracy MacDonald next brought up a longstanding issue involving property in Sconset previously owned by George Cloutier and now owned by his widow. She began by showing the GIS map and reviewing a 2009 warrant article related to various parcels surrounding the sewer treatment beds and the old railroad bed.

She explained that the Town owns certain parcels in fee, including the railroad bed, which is part of Lot 23 under Land Court jurisdiction. The parcels were originally proposed to be conveyed between the town and the Cloutiers to create consolidated ownership, but a formal agreement never materialized. Despite this, the Cloutiers have submitted a ZBA application to use all the parcels for ground cover credit.

Lee Saperstein asked for clarification about parcels A and B, which he assumed were not part of the conveyance.

Tracy MacDonald confirmed that the Town owns those parcels and that there is no formal agreement to convey to them, though the Cloutiers hoped to include them in their ground cover calculation.

John Brescher remarked that this could become a complicated ZBA application.

Tracy MacDonald agreed but pointed out that Jesse Bell, representing the Cloutiers, had been working on a proposal that would give the town two undeveloped beach parcels in exchange for ground cover credits on their main lot.

Tracy MacDonald acknowledged that the deed to Lot 23 included restrictions for open space and recreational use, which added complexity. She also highlighted that the certificate of title for Lot 23 includes a restriction preventing additional instruments from being recorded without a new Land Court plan—further complicating any conveyance or deregistration.

John Brescher estimated that the proposal, if approved, would allow ground cover to increase from about 2,000 square feet to 3,600 square feet.

Thomas Barada asked about the zoning of the property.
John Brescher confirmed that it was in the LUG-3 zone.

Lee Saperstein voiced strong opposition to selling or conveying any portion of the railroad bed, which Tracy and John both reassured was not being considered. The only issue was whether the town would recognize that land on the Cloutiers' ground cover calculation.

Tracy MacDonald wrapped up the discussion by saying that although no formal vote was needed, she would continue discussions with Jesse Bell and bring a more specific proposal back to the committee once it was finalized.

VI. **OTHER BUSINESS** (For topics not reasonably anticipated 48-hrs in advance of the meeting)

There was no other business during this meeting.

VII. **ADJOURNMENT**

Nat Lowell made a MOTION to adjourn the meeting. Lee Saperstein seconded the motion.

Votes by roll call of those participating

Nat Lowell – Aye
Thomas Barada – Aye
Lee Saperstein – Aye
John Brescher – Aye

This meeting adjourned at 3:03PM.