

Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF DECEMBER 19, 2022

via remote technology

CALL TO ORDER: 3:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Steven Ewing, Pamela Goff, Kristen Reimann, Sarah Thulin, Nancy Weaver, Peter Wells

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Wesley Mott

STAFF PRESENT AT CALL TO ORDER

Harrison Kiesel, James Lengyel, Julie Russell

OTHERS PRESENT DURING THE SESSION

Philip Cordella, Paulo DeOliveira, Jeffrey DuBard, Thomas Humphrey (*Vineyard Gazette*), Eunki Seonwoo (*Martha's Vineyard Times*)

PRESENTATION OF THE WARRANT

Warrant no. 2023-27 was made available for the Commission's inspection.

APPROVAL OF THE AGENDA

Hearing no proposed additions, Mrs. Goff declared the agenda approved as printed.

APPROVAL OF THE MINUTES OF DECEMBER 12, 2022

By a motion made and seconded, the Commission unanimously voted in a roll call vote to approve the minutes as written.

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

TRANSFER FEE REVENUES

Revenues for the week ending December 16, 2022: \$246,500.00

NEW BUSINESS

1. Wompesket Preserve (Town of West Tisbury)

Commissioners reviewed a draft letter to the West Tisbury Planning Board, which had been earlier distributed to them by mail, regarding a subdivision application submitted by abutter Jeffrey DuBard. Also earlier distributed was a December 13, 2022 letter from Benjamin Reeve on the same subject.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to approve the letter and to send it to the Board.

2. Agency Land Management: Trail Construction Standards

Mr. Kisiel reported that, per the Commission's March 14, 2022 discussion, he selected a series of properties for concentrated trail improvements: Aquinnah Headlands Preserve, Great Rock Bight Preserve, Middle Ridge Preserve, Poucha Pond Reservation, Ramble Trail Preserve, Tisbury Meadow Preserve, Waskosim's Rock Reservation and Weahtaqua Springs Preserve. The work has now been completed and details appear in a December 16, 2022 staff memorandum. Interested Commissioners will site-visit the properties cited in the memorandum and this matter will appear on the Commission's January 23, 2023 agenda for review.

Commissioner Wesley Mott joined the meeting during the following discussion.

3. 167 Main Street (Town of Edgartown)

As the land bank office is soon due to relocate to the Quenomica Preserve, Commissioners discussed the possible disposition of its current office.

The property comprises ±17,860 square feet, in a zoning district whose minimum lot size is 10,000 square feet. A subdivision appears to have been performed at some time in the past but merger, in any event, should have already occurred owing to the long-standing common ownership.

Counsel advises that the land bank law will not allow the Commission to act as a landlord for a purpose not consistent with its statutory goals and powers. The land bank may instead retain the property for agency purposes or convey it out. As for the property's current value, the Commission reviewed a December 16, 2022 staff memorandum tallying sales of nearby properties; the median value is \$1,550,000.

Discussion occurred, variously, as to (1.) the land bank's general expectation, at the time of the Quenomica Preserve North purchase, that some of its purchase price would be offset by a sale of its existing office; (2.)

the absence of any compelling ongoing agency use for 167 Main Street, such that it makes sense to sell; (3.) the land bank's ability to sell without triggering an Article 97 conversion, as it was purchased as an administrative headquarters and not as conservation land; (4.) the possibility of selling it to a non-market buyer but with some sort of deed restriction to limit the buyer from realizing a profit from a later sale that would otherwise legitimately belong to the land bank, at least in part; (5.) the prospect of setting value at \$1,550,000 and then making it available, via the issuance of a request-for-proposals (RFP), to non-market buyers, followed by making the property generally available if the RFP fails to arouse interest; and (6.) the land bank's legal authority to accept or not accept particular offers.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to direct staff to return in mid-January with a blueprint for proceeding, whose initial component will be the RFP outlined above.

4. Agency Land Management: Campgrounds

Per its June 13, 2022 vote, the Commission reviewed a staff memorandum, dated December 16, 2022, regarding the prospect of allowing land bank properties to be used for the installation of campgrounds. The staff recommends against this use and, further, recommends that the land bank's *Public use of land bank properties* be updated so as to state specifically that camping is prohibited on land bank land except for scout groups and schools, provided that such use is infrequent, closely supervised and is limited to three or fewer consecutive nights.

Discussion occurred as to (1.) the thoroughness of the report's analysis; (2.) whether conservation groups and nature-oriented educational groups should also be excepted; and (3.) the intensity of use that public-access campgrounds entail, such that the land bank need be mindful of neighbors who had other expectations of the conservation lands abutting them

After discussion and by a motion made and seconded, the Commission voted in a roll call vote to approve the staff recommendation, on a first-reading basis, and to schedule a second-reading for its January 9, 2023 meeting.

5. Agency Administration: "M" Exemption

The Commission discussed the "m" exemption and its statutory requirement to set its threshold annually; this was most recently performed at the Commission's December 20, 2021 meeting. The current threshold is \$715,000.

Staff reported that it had, using the protocol prescribed in the land bank's

affordable housing policy, computed the median and mean values of qualifying “m” exemptions in the most recent biennium. Commissioners reviewed a chart summarizing same for the last four periods:

	median	mean
2022	\$778,650	\$805,750
2021	\$640,000	\$688,000
2020	\$600,000	\$585,000
2019	\$570,000	\$555,000

To supplement the analysis, the staff also computed the mean and median for developed properties only:

	median	mean
2022	\$800,000	\$678,000
2021	\$660,000	\$718,000

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to set the 2023 threshold at \$800,000.

PUBLIC INPUT

1. Agency Administration: Public Input

Philip Cordella spoke to the campground discussion.

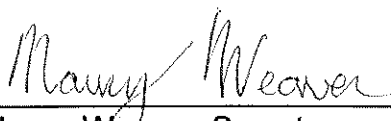
Jefrey DuBard spoke to (1.) the Quenomica Preserve; (2.) 167 Main Street; (3.) recording of meetings; (4.) diversity-equity-inclusion; and (5.) the Wampanoag tribe.

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2023-27.

EXECUTIVE SESSION

By a motion made and seconded, the Commission voted unanimously in a roll call vote to enter executive session for the purpose of discussing the purchase, lease, exchange or value of real property. Mrs. Goff stated that the subjects to be discussed are the purchase or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the Commission. She further announced that the Commission would not reconvene in regular session after the conclusion of the executive session. The Commission entered executive session at 3:55 pm.

certification: 
 Nancy Weaver, Secretary