



# Martha's Vineyard Land Bank Commission

MINUTES  
REGULAR SESSION  
MEETING OF OCTOBER 16, 2023

40 Meetinghouse Way. Edgartown, Massachusetts

CALL TO ORDER: 3:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Steven Ewing, Pamela Goff, Wesley Mott, Kristen Reimann, Sarah Thulin, Nancy Weaver

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Peter Wells

STAFF PRESENT AT CALL TO ORDER

James Lengyel

OTHERS PRESENT DURING THE SESSION

None

PRESENTATION OF THE WARRANT

Warrant no. 2024-16 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 OCTOBER 2, 2023

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

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

TRANSFER FEE REVENUES

Revenues for the week ending October 6, 2023: \$156,250.00  
Revenues for the week ending October 13, 2023: \$210,778.50

TRANSFER FEE HEARINGS

1. Christopher Branch (Town of Edgartown)

Staff reported that Mr. Branch is requesting a refund of the \$35,000 fee he paid in 2022 for his \$1,750,000 purchase (tax parcel no. 65371) of a vacant lot on the Herring Creek Road. Section 6.01(1) of the land bank's transfer fee regulations allows a request for refund to be entertained "when, in the case of a good-faith mistake, a purchaser requests a refund within seven days of the time of transfer or within a time period deemed acceptable by a two-thirds vote of the Commission." Staff reported that Mr. Branch learned on August 25, 2023 that his lot was unbuildable and shortly thereafter began the process of seeking a refund. By a motion made and seconded, the Commission voted unanimously in a roll call vote to grant a hearing. Mrs. Goff opened the hearing at 3:05 pm.

According to a September 27, 2023 letter to the land bank from attorney Richard Dubin, Mr. Branch purchased the lot from Katama Acquisitions LLC with the expectation (1.) that the lot was buildable; and (2.) that Katama Acquisitions would construct a dwelling on it for him and his family. Katama Acquisitions was later notified, in the August 25, 2023 email from the Edgartown building inspector, that the property is unbuildable, owing to its having merged with an abutting lot. It has agreed to take back the land and to refund Mr. Branch's \$1,750,000. He is likewise seeking a refund from the land bank. Mrs. Goff closed the hearing at 3:07 pm.

By a motion made and seconded, the Commission voted unanimously (1.) to issue a refund upon a finding that the original transaction was effectively nullified by the building inspector's ruling; and (2.) to determine, therefore, that a fee will not arise when Mr. Branch deeds the property back to Katama Acquisitions. Commissioners agreed that the circumstances were extraordinary in that (1.) the time between the ruling as to unbuildability and the request for the refund was very short; (2.) the property is reverting to its original owner; and (3.) the intervening ownership by Mr. Branch was in the nature of a failure, as he would not have purchased the property had he known it to be unbuildable.

PUBLIC INPUT

None

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2024-16.

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 3:14 pm.

certification:   
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Kristen Reimann, Secretary