

Open Space Ad Hoc Committee

Minutes January 19, 2021

The Committee met via Zoom as scheduled with the following members present: Sarah Cammer, Brandon Kibbe, Bob Pease, Lynne Man, Paula Bertram, Ana Lockwood and Mike Toohill.

1. **Call to Order** - Chairman opened the meeting at 6:32 p.m. and read the pandemic notice as posted on the agenda.
2. **Review/ Approve 12/15/2020 Minutes** – Bob Pease made a motion to approve the minutes, Paula Bertram seconded. Voted in favor by roll call vote: Bob Pease, Paula Bertram, Brandon Kibbe. Voted Against: None Abstained: Lynne Man (she had not yet reviewed) Sarah Cammer (she was not in attendance).
3. **Discussion with Tax Collector Regarding Tax Title Process** - Myleen Mallari, Tax Collector, provided the Committee with an overview of the Tax Title Process. Ms. Mallari explained that in accordance with MGL Chapter 60, if taxes are not paid within 14 days of demand, the Collector can then give 14 days' notice of intention to exercise such power of taking. In Lunenburg notice is published in the newspaper. If taxes are not paid following notice, the notice of taking (lien) is recorded in the registry of deeds. At that point in time the Tax Collector can then enter into an agreement with the property owner for payment.

Six months after the taking, if the taxes are not paid, the Town can petition the land court to foreclose on the property. The court then conducts a title examination and notifies all interested parties of the petition and provides 45 days to redeem or to challenge the legality of the taking. If the taking is not redeemed or successfully challenged the Court will issue a decree which vests interest in the parcel to the Town. Notice of Foreclosure must be recorded.

Once the decree/foreclosure has been recorded, the Town can then sell the property at auction or can sell a bundle of tax title properties to another entity through an RFP process within one year of the foreclosure. The Town has the option of setting a reserve price and is not obligated to accept bids if they are not satisfactory. If the Town wishes to retain the property, that can be announced at the auction and the auction for that parcel adjourned.

The Committee questioned the status of numerous properties that are listed as "owners unknown". Myleen responded that those parcels must be researched further and suggested that we reach out to the Assessors to get more information.

Myleen informed the Committee that parcels classified as land of low value is a different process; the threshold is \$15,000. In the case of land of low value, the requested is submitted to the Commissioner of the Department of Revenue.

Bob Pease asked if there is a manual that outlines the process, Myleen responded affirmatively and will investigate if the manual is available as public information.

Bob Pease informed the committee that he had inquired about the status of 1529 Mass. Avenue which is surrounded by Conservation land and it appears that the tax taking process may have not been done correctly.

The Committee thanked Myleen for attending and providing an overview of the process.

4. **Continuation of General Municipal Land discussion regarding parcels of interest for potential designation for conservation, open space, or recreation purposes** –Brandon Kibbe suggested that we review the list and identify parcels that may be of interest for municipal purposes. Committee developed a list of parcels to investigate further including:

- 51 Parmenter
- 0 Shirley Reservoir Lake
- 0 Fire Road 12
- 860 Reservoir
- 26 Sunset Lane
- 725 Goodrich Street

66 West Street – It was noted that this parcel is essentially utilized as conservation land currently and is littered with trails. This property was originally acquired as a site for a new school and was eventually conveyed to the care and custody of the Board of Selectmen. The property is relatively flat and could be utilized for conservation purposes and/or parks. Lynne said she had attempted to take a look at the property but could not find a way to access. Brandon urged committee members to go out and view and noted that Dave Prokoviev had advocated for this parcel to be conveyed to conservation. Brandon will reach out to Dave for additional information.

225 Pleasant Street – This property was acquired in 1997 as mitigation for the parcel that was utilized for the building of the primary school which was prime agricultural soils. This property is currently being hayed possibly by a private party. Brandon noted that the Town may have some liability if there is not a legal agreement in place in the event of an accident.

104 Fairview – This property was acquired in 1999 as part of the Chapter 61 withdrawal process. The Agricultural Commission has expressed interest in parcels that are viable for agricultural uses. It may make sense for this parcel to be placed back on the tax roles provided it could be conveyed with an agricultural restriction.

Paula will investigate the parcels on lake Shirley, 860 Reservoir, 0 Lake Shirley and 725 Goodrich Street. Mike will investigate the 225 Pleasant Street Parcel and Brandon will reach out to Dave Prokoviev regarding the West Street parcel. Bob will attempt to GPS the trails on the West Street parcel.

5. **Public Comment** – Bob Pease informed the Committee that the Town Manager had reached out to him and Brandon to determine where we are in this process. One member of the Board of Selectmen has expressed in interest in being involved. Committee noted that prior to reaching out to the other Boards and Commissions we will notify the Board of Selectmen. Sarah volunteered to attend a Selectmen meeting when appropriate.

Bob informed the committee that he will be meeting with Adam Costa to discuss the process for transferring land to the care and custody of the Conservation Commission. The

Commission will continue to pursue 1529 Mass. Avenue. Brandon commented that when parcels are transferred to the Parks Commission it must be dedicated to recreation like conservation lands.

Brandon had researched many parcels when compiling the open space plan and has numerous deeds which he will attempt to download for committee members.

6. **Adjourn** – Paula Bertram made a motion to adjourn at 8:28 p.m. seconded by Sarah Cammer, voted unanimously by roll call.

Respectfully submitted,

Paula Bertram