

Cliff Walk Committee

January 9, 2018; 5:30 –6:30 PM

Kennebunk Room York Public Library

Approved MINUTES

Members Present – Bob Gordon, Diane Kleist, Elizabeth Bardwell, Ted Little, Robert Palmer and Tom Rose

Members Absent – Bob Luttman

Town Staff – Dylan Smith, Director Planning and Rick Mace, Tax Assessor

Public – Mariah Mitchel (Eaton Peabody Associate) and David Chase

Cliff Walk Property Owners – None

1) Welcoming Remarks and Announcements – Chairman Bob Gordon did not have any announcements, but he welcomed Rick Mace, York’s Tax Assessor, to the meeting

2) Minutes of the November 13, 2017 CW Committee: The November meeting minutes were moved for approval by Ted Little and seconded by Elizabeth Bardwell. The Minutes were approved by a vote 5 to 0)

3) Public Comment and Questions: David Chase introduced the question about the potential acceptance of contiguous shore paths in Maine. He explained that Property Tax Bulletin No. 21, issued in April 1, 2016, by Maine Revenue Services Property Tax Division in Section 4 (Standard for Classification) Paragraph D. (Developed Lands) seemed to offer the right of public access for some contiguous shore paths. The text from this section D. is shown below.

“Developed lands: Any building or improvement area is excluded from classification as open space land. Each excluded area must include at least the minimum lot size. For improvements within the 250 foot shoreland area (75 feet on streams), the minimum shoreland frontage required by either the applicable minimum lot standards or the zoning ordinance for the area in which the land is located must be excluded, whichever area is larger. The shoreland frontage requirement is waived if 1) the affected frontage is part of a contiguous shore path or a beach for which there is or will be, once classified, regular and substantial use by the public; or 2) the legislative body of the municipality determines that a public benefit will be served by preventing future development near the shore or by securing access for the public on the particular shoreland area that would otherwise be excluded from classification.”

This point of discussion is continued below with Rick Mace’s presentation.

4) Discussion of effect of Cliff Walk on property valuations with Rick Mace: The Committee had invited Assessor Rick Mace to participate in this discussion in order to help us understand how York property valuations are determined and how the presence of the Cliff Walk impacts these valuations.

Mace presented a very comprehensive overview of property valuations, the role of assessors, Town of York Zoning Ordinances and State of Maine directives. He brought a number of documents including selected sections of Constitution of Maine, Article 8 Shoreland Overlay District and Property Tax Bulletin No. 21. He highlighted some of the key basics in these documents:

* While the public expenses shall be assessed on estates, a general valuation shall be taken at least once in 10 years.

* All taxes upon real and personal estate, assessed by authority of the State, shall be apportioned and assessed equally according to the just value thereof

* Just Value is defined by 701A in Subchapter 5 (Powers and Duties of Assessors). This definition is complicated by present and possible land uses and limitations from enforceable restrictions. (York uses sales values within neighborhoods to support the valuations).

Rick Mace was asked his opinion about the impact of Easements on the valuation of Cliff Walk Property Owners. He responded that in general easements do not impact the valuations when an entire area is involved. He did point out that some easements in single or small groups have impacted property valuations, but he believes that Cliff Walk property valuations have not been impacted by the presence of the Cliff Walk. He said that due to the strong market, recent sales of Cliff Walk Properties often surpassed their current valuations and many of the new owners invested in significant upgrades. A specific example was the prior "Conner's" property, which had an easement added due to an out of court settlement, sold for a higher price a short time later.

Ted Little asked Mace about conservation easements which seemed to allow tax deductions based on the value of the easement. Mace said that some easements can cause a 5% -10 % reduction on land valuations, but these are specific cases such as public utilities crossing land.

5) Plans for Future Meetings: The next meeting is scheduled on February 5, 2018. The key items of discussion will include:

- * Report on status of Easements
- * Discuss Tax Assessor's information
- * Research York Sewer District Easement at Richard's Pump Station
- * Committee members are asked to bring new ideas to support our mission

6) Executive Session: Pursuant to 1 M.R.S. 405(6)(C) to Discuss Legal Issues and Real Estate Matters regarding the Cliff Walk: Moved by Ted Little seconded by Elizabeth Bardwell

7) Adjourn: Moved by Gordon and seconded by Little