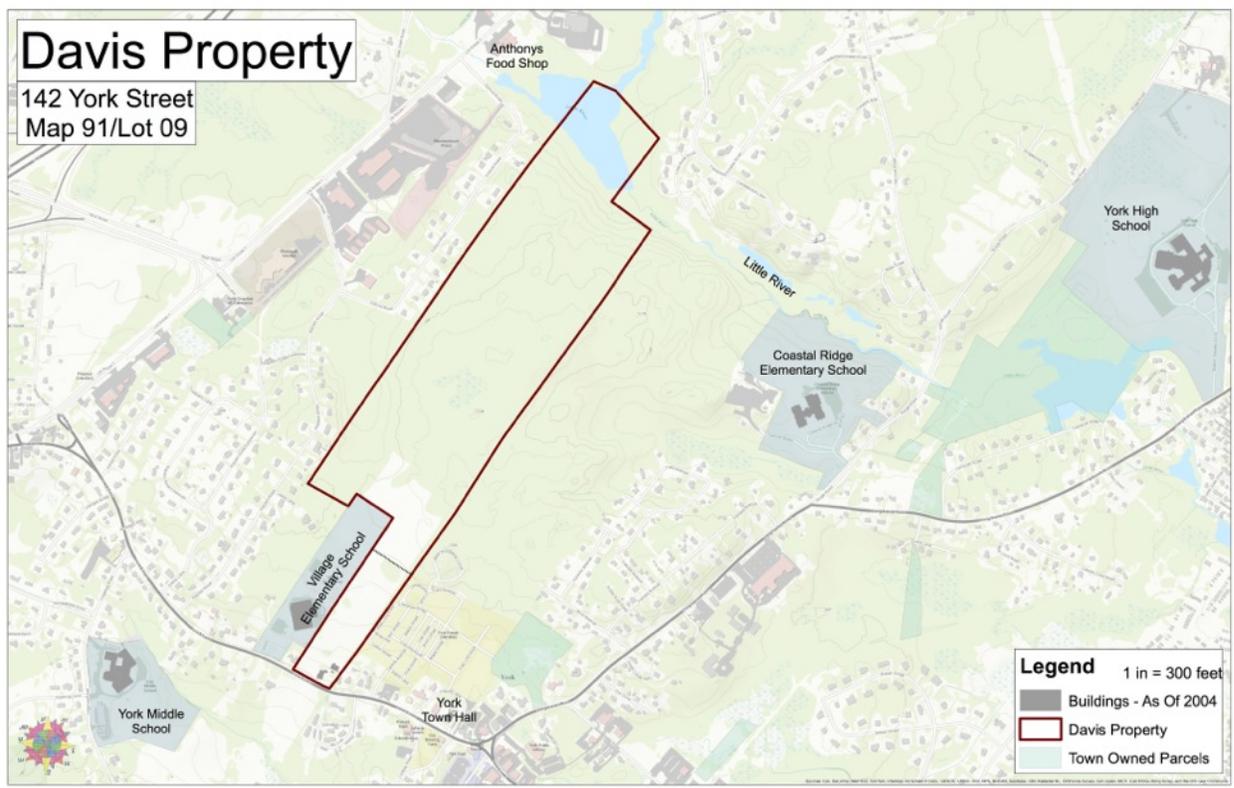


**York Community Dialogue:
Report to the York Board of Selectmen
November 26, 2013**

The Davis Property: York Village

Introduction.

At its September 23 meeting (2013), the York Board of Selectmen (BOS) authorized the town's Community Development Department (CDD) working with the York Community Dialogue (YCD) to hold a series of public conversations about the future of the Davis Property. This report is a record of the events that took place in October and November in response to the Board's request. The property in question occupies more than 100 acres of undeveloped land to be separated from the house and a ten acre parcel located at 142 York Street. The Davis family has expressed their interest in selling this tract of land and has offered the Town a right of first refusal on the property.



In October 2012, two of the three Davis brothers met with Town Manager Rob Yandow and CDD Director Steve Burns to express their interest in selling this tract of land to the Town. It was understood that they would like to see a decision made about this by May 2014 when the question could be placed before the Town Meeting referendum.

Those of us who have
walked the Davis land
know what a gem it is.

Charles Steedman



There are a number of questions about the land and about the purposes to which it might be put if it were to be purchased by the Town or by some other interested party. The events initiated at the request of the BOS were designed to uncover public sentiment about the property and to recommend a way forward. Since its inception in 2009, the YCD has been a neutral party in all public policy matters under discussion.

The YCD advocates neither for or against the idea of public ownership of the Davis Property. Its goal has been to provide an open forum for discussion and to create an opportunity to involve the public in this important public policy question. The YCD believes firmly that a diverse group of people can come together, share ideas and find the best way forward. The collaboration which took place around the Davis property helped to confirm “the wisdom of the crowd.”

The YCD has always been and remains a neutral party in this matter and other matters. They have advocated neither for or against the idea of public ownership. Their goal was to provide an open forum for discussion and an opportunity to get the public involved in the public policy process. That goal remained as true for the events focused on the Davis Property as they were in previous YCD events in 2010, 2011 and 2012.

The Three YCD/CDD Events

Three events were held to foster a thorough discussion of questions about the Town’s exercise of a right of first refusal on the Davis Property.

- ◆ **Friday October 11.** The first event of the series was a Q & A session at which people could ask anything they wanted about the property. Steve Burns, Director of the York Community Development Department, was prepared to field the questions. The YCD had researched the matter and posted on the Town’s website: www.yorkmaine.org what it believed to be the principal questions. Over 275 letters were sent to abutters and other interested parties inviting their participation. About 60 people turned out for the event which was held at the York Public Library.
- ◆ **Saturday October 26.** The second event was an opportunity to walk the property, departing from and returning to the Village Elementary School. Again, about 60 people attended this event. Some of those attending the event had been to the previous part of the program at the Library but most had not been.

We should take the time necessary to come up with a plan for the proper use of the property.

Dorothy Healy



The group was divided in two with Steve Burns and Code Enforcement Officer Amber Harrison each leading one of the groups. The tours lasted between 1.5 and 2 hours.

- ◆ **Saturday November 2.** The third event was typical of YCD forums held each of the last three years. After brief presentations by Steve Burns and Ron McAllister, the group of approximately 35 people was asked to suggest specific topics for small group discussions. The group generated a large number of possibilities which were winnowed down to six different subjects and then to four small group discussions ranging in size from 7-9 people each. The small groups talked for thirty minutes. Following the small group sessions, a note taker from each group reported to the larger group. Their notes became an integral part of this report.

Issues Raised by the Community

The various sessions raised a number of concerns. These are discussed below.

- ◆ **Price.** According to the Town's Assessor, the assessed value of the approximately 100 acres of unimproved land offered to the Town is approximately \$700,000. It is further understood that the Davis family has conducted its own appraisal of the property and has concluded that the fair market value of this land for development purposes might be in the neighborhood of \$5.5 million.
- ◆ **Value.** The disparity between the property's current assessed value and its estimated market value reflects the difference between unimproved land and land which might be put to more intense uses. A variety of conjectures have been offered as to the value of the property. Some suggested that it could be worth more if sold to a developer while others have suggested that it could be worth less— perhaps in the \$2.0 - \$3.4 million range — but this is purely speculative. Many people believe the \$5.5 million price tag is too much for the Town to spend and that spending that much could skew property values in Town. The house located on the property is reported to date from before 1692. We do not know if the existing Davis property boundaries represent an early land division but it is reasonable to assume that this is the case. If the boundaries do date to the 17th century this would add historic interest, adding another dimension to its value.

What is really needed to make the most of the Davis Property is a public-private partnership. The Town can't do it on its own.



Helen Winebaum

- ◆ **Access.** One aspect of the property which could dramatically affect its value is its access. Without inclusion of the lower ten acres (the York Street border), the property has problems with road and utility access. The only existing point of access for the Town would be through the Village Elementary School site — a facility already heavily trafficked when school and recreational programs are going on. Enhanced road access would require purchase of one or more lots on one of the residential streets adjacent to the property: Raydon Road or Donica Road. It is noted that there are three vacant lots on Donica Road but without a guarantee of access the value of the property would be impacted. Conceptual development plans prepared by the Davis family each show some access to York Street adjacent to the house, so their private development option would have greater impacts on the Davis family.
- ◆ **Possible Uses.** Clearly, uses will differ depending on whether the Town or a private developer were to acquire the property. Many people attending the YCD events seemed to steer toward preservation. Several people envisioned the land as perfect for conservation while at the same time questioning whether the Town can afford to acquire it at the offering price. Although the land is zoned GEN-3 -- meaning that some commercial uses would be allowed -- it is generally assumed that the highest economic use of the property would be for housing. Any residential or commercial development would require infrastructure investment and a resolution of the access problem because the property (without York Street access) is land locked. Among the Town uses proposed at the forum were: recreation, workforce housing, a new Town Hall, reserve land for future school needs, added sports fields, community gardens, open space, and active forestry. The open space question prompted members of the Steering Committee to ask whether a comprehensive look at open space planning might be a suitable task for the YCD in 2014.
- ◆ **Benefits and Costs to the Town.** The opportunity to acquire this land could benefit the town in innumerable ways. One participant suggested that the harvesting of forest products or leasing the land for farming could generate revenue for the Town. Another noted that having the a large tract like this, preserved and cared for, would be attractive to eco-tourists. Still another person speculated that developing the Davis property (in whole or in part) for new housing, could dampen development pressures in other parts of Town.

Perhaps the Town could delay the decision and offer the Family 'earnest money' as a sign of the Town's interest.



Brian McGann

Discussion about climate change led one participant to observe that the current High School may not be sustainable in its current location. The principal benefit for most of those in attendance was clearly in the preservation of reserve space which the Town (and not developers) should control. At the same time, one question left hanging is what might the Town be unable to do if it spends this much money for this land? This is part of the opportunity cost of buying the property.

- ◆ **The Comprehensive Plan.** The Town's Comp Plan is silent on the future uses of the land in question, though other Davis property across York Street is mentioned as being worthy of acquisition. At the same time, the Comp Plan's goal of promoting outdoor recreation does hint at the extension of athletic fields in this area. The only other consideration is the Plan's goal of extending sewer capacity to Donica Road and beyond if and when this lot were to be developed.
- ◆ **Environmental Impacts.** A group of four significant vernal pools has been identified on the property. This would seem to affect the type and density of housing that could be built there because a 750 foot federally required buffer zone would need to be protected around this part of the site. Based on current zoning (3/4 to 1-acre lots per dwelling), Steve Burns has estimated that approximately 60-70 units of cluster housing could be accommodated on the property. The impact of other types of development is uncertain at this time. It was noted at one of the YCD discussions that some sort of planned unit development could cluster the housing and leave open space for the enjoyment of the wider community. Drainage is a serious concern. One neighboring property owner described the problems she currently has with runoff and drainage. Intense development at the site would likely aggravate that situation. Remediation of drainage problems are likely to be costly.
- ◆ **Fiscal Impacts.** Economic considerations revolve around two major issues (exclusive of the cost and value questions addressed above): One is the impact on the Town of allowing a large housing development to be built on the Davis Property. There were concerns about the impact which scores of school children would have on the schools' physical facilities and staffing. The other fiscal issue raised was the benefit which increased tax revenues would have. It was suggested, however, that revenue from new housing units would not match the

The land doesn't have to be for conservation OR community housing OR for rationalizing infrastructure. It could serve ALL 3 purposes.

Dave McCarthy



municipal outlay necessary to serve these units: police, fire, plowing, paving, maintenance, school demand, etc. A community services analysis would help to answer this question.

◆**Political Climate.** Some doubts were raised about the ability of the Town to successfully manage a large property acquisition like the Davis land. A few people based their concerns on the confusion surrounding the construction of the new Police Station as well as about the Blinn property which the Town acquired but for which it has no apparent planned use. Others mentioned the Coventry Hall property purchased for a new Town Hall but still not being used by the Town. These doubts would seem to reflect a lack of confidence in Town government. Whether these doubts mean that the Town, therefore, should not exercise its right of first refusal was not determined.

Recommendations

Based on the three events that took place in October and November; given the dozens of question and answer exchanges, the numerous conversations between and among individuals; and considering the four small group discussions we witnessed, we have some recommendations to offer.

- 1. The Town should pay for a formal, professional appraisal to determine the market value of the property.** Until this issue is resolved, the question of how the town might benefit from its use (as housing or as open space or as something else) can not be answered. In addition to having the land appraised from a financial standpoint, an ecological/environmental assessment also be of value to citizens of the town. It would be helpful to look into the character and quality of the trees as well as about other flora and fauna found there. This type of work was recommended by the Town Manager for inclusion in the FY2014 budget but this was cut in the budget development process.
- 2. The Town should explore whether the May 2014 date for deciding whether to buy the land is a firm or flexible decision point.** It was suggested that some “earnest money” — \$25,000 - \$50,000 was suggested at the forum — offered to the Family would represent a show of good will on the part of the Town, considering that the time frame for conducting an assessment of the land’s worth would be

We need to think seven generations into the future when we make decisions about natural resources.

Torbert MacDonald



unlikely to happen in time for the looming referendum on the question.

- 3. The Town should partner with the York Land Trust to acquire a conservation easement directed toward conservation of this pristine land in the heart of the Town's development district.** The Land Trust has acquired a great deal of experience with preservation of open space. It is a logical partner for the Town of York. An easement might be acquired for only a portion of the property. See Recommendation #4.
- 4. Town should explore Public-Private-Partnership opportunities.** It was noted several times that the future of this land is not necessarily an either/or situation. The Town's acquisition of it would not necessarily mean conservation nor does private purchase necessarily mean housing. Many possibilities exist for a joint public-private venture or even a three-tiered partnership involving the Town, the Land Trust and a developer. It was suggested that the Town's acquisition would not necessarily or automatically mean "conservation." The Town could acquire the land and simply hold it for some future (unspecified) uses.
- 5. The Town should discuss with the Davis Family whether there is room to negotiate a lower cash price.** Perhaps some form of exchange involving cash and an opportunity for a sizable charitable donation by the family would make a transaction possible. It is clear from what the Town was told by Malcolm Davis that estate planning is a driving force for the family at this point. We understand that it is likely to be easier to reach an agreement with the three Maine-based Davis brothers than it will be with a larger and more geographically dispersed group of descendants.
- 6. Further opportunities for public review and discussion should be offered.** Considerable interest about the future of this centrally-located land exists in Town. Whenever a decision is made to put the question to a May referendum, there should be provision for transparency and open meetings about the question and what is learned as the Town moves toward a vote. The YCD would be happy to assist the BOS in this regard.

Conclusion

The Davis Family has owned this property for approximately 120 years. Mary McIntyre Davis was a generous citizen of the Town of York. This point was expressed clearly by multiple people who spoke at the October 11 meeting. The Davis Family has made land available to the Town for athletic fields at the Village Elementary. They have conveyed land to Central Maine Power in order that power could be brought to the Harbor. They have facilitated the Agamenticus-to-the-Sea project by transferring land to the York Land Trust on the Western side of York.

Although members of the Davis family did not attend any of the three events, they have been in communication with the Town and with the YCD. It is clear from those communications that the family is mindful of their mother's civic mindedness. It is also clear that they would like to come to some sort of agreement that is consistent with the "spirit and interest" of Mary McIntyre Davis. People attending the events in October and November would like to see a cooperative agreement struck between the Town and the family so that this resource will benefit all parties, marking another milestone in the legacy of the McIntyre-Davis families.

Both the Community Development Department and the York Community Dialogue came away from the events of October and November with a keen sense that those attending the programs understand that the Davis land provides an opportunity for the Town of York. Nowhere else in the Village is there so much undeveloped private property; property with potential to affect the quality of life in York for generations. This property represents a once-in-a-lifetime opportunity for the Town.

Submitted on behalf of the
Community Development Department and the
York Community Dialogue
November 26, 2013