



Farm fight ignites

Wayland developer sues town

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By Matthew Nadler
Clipper Editor



Jonathan Buchman, the Wayland-based real estate developer who had planned to build a multi-unit affordable housing development at 761 Temple St., has filed a lawsuit against the town in Plymouth Superior Court.

Also named in the lawsuit are Town Manager Rene Read and Nathan Harrington, who owned the property.

Harrington had an agreement to sell the historic 13-acre property to Buchman, who had plans to build a 40B affordable housing project on it. Opposition to the project was so great that at last August's Town Meeting, voters approved spending \$2.5 million to use the town's eminent domain powers to buy the land. Duxbury took ownership of the property in November.

The complaint states that Read "intentionally interfered with Plaintiff's advantageous business relations" with Harrington by using improper means, interfering with contractual relationship between Harrington and Buchman, and abusing the legal process in order to interfere with the sale of the property. Read and Harrington are accused of conspiring "to injure the Plaintiff by nullifying the Purchase and Sale Agreement," between Buchman and Harrington "in an unlawful and unfair manner." Harrington is also accused of breach of contract. The Town is also accused of refusing to provide documents Buchman requested.

The lawsuit accuses the town and Read of violating his civil rights by interfering with Buchman's rights through "threats, intimidation or coercion." The lawsuit argues that a Jan. 13 letter from Read to Harrington that states that the town "undertake an examination of the actions of the owner, and others, surrounding this transaction..." is a threat that interfered with Buchman's right to buy the property. Read, Buchman's lawyer Steven Sharaf said, was "basically threatening" Harrington when dealing with the lawyer handling the sale for Buchman.

Read declined to comment on the lawsuit, saying he had not officially been served the papers as of Monday. However, he did notify town counsel Jeffrey Blake of KP Law when became aware of the lawsuit. According to Sharaf, Buchman emailed a copy of the complaint to the Clipper before it had been served to the defendants.

The letter, as described at a January 2020 Board of Selectmen's meeting, accused Harrington of inflating the price and reducing the acreage listed as agricultural land under state law. Under state law, a town has the right of first refusal for any piece of property being sold that has been listed as agricultural under Chapter 61 of state law. Under it, taxes on it were deferred until it was put up for sale. When that happened, the Board of Selectmen had the right to purchase the land at the sale price.

Read and Harrington are also accused of conspiring to thwart Buchman's purchase, and acting in a deceptive manner in their dealings with Buchman.

The number of houses Buchman planned on building varied at different times. At a meeting with the Affordable Housing Trust, he said he wanted to build 44 units of housing. At another point he said he could build up to 65 if the property was classified as 55 and older housing.

At a meeting of the Historical Commission, Member Sheila Lynch-Benttinen said Buchman had told her and her fellow Commission members he would be building 120 rental apartments on the site, a number he flatly denied at a hearing. He then clarified his position and said, "If we go the apartment route, we're going to file at 250 with Mass Housing." Buchman claimed that was the maximum he could build under state law. Sharaf claims Read told Buchman that he wasn't going to be allowed to do a 40B affordable housing development in town. "Then they turn around and they're doing a 40B. There's something not kosher."

According to the complaint, in early March 2020, Harrington and Buchman reached an agreement to compensate Buchman for the money he had already spent on developing the property, Sharaf said. The agreement was rendered null and void, according to the lawsuit, because the Town Meeting where the eminent domain taking was supposed to happen never took place.

Sharaf called the lack of an appraisal for the land "awfully suspicious." The complaint notes that in the Jan. 13, 2020 letter, the town claims the proposed \$2.2 million sale price was inflated and that the town's own appraisals show the property to be worth far less. However, the town then paid almost the same amount, "with no supporting appraisals for that price," despite the claim that it was worth less. In order to do the eminent domain taking, the town needed a valid appraisal, Sharaf said. He argued that, while the town claimed the assessed value of the property was far less than what Buchman offered Harrington, the town eventually bought it for \$2.2 million, only \$50,000 less than what Buchman offered.

In November 2019, the entire property, including the 17th century house and barn, was assessed for \$456,100, according to the Duxbury Assessing Department's online information. At a March 2020 Finance Committee Meeting, Read said the price of the land had been set at \$2.25 million by the purchase and sales agreement between Buchman and Harrington.

Sharaf said he had an issue with documents he claims the town is not willing to provide. "It seems the town is hiding something here."

Buchman, according to court records, is asking for \$1.3 million, a number arrived at as the amount of profit he would have expected had he been allowed to put up seven houses on the land, as allowed under town bylaw

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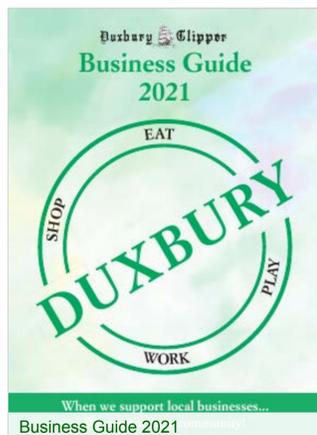
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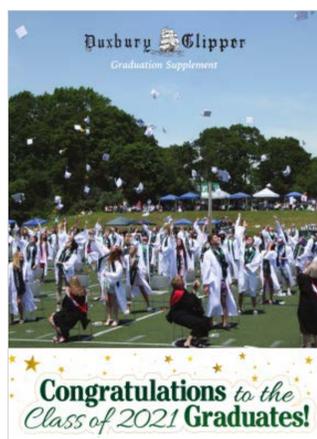
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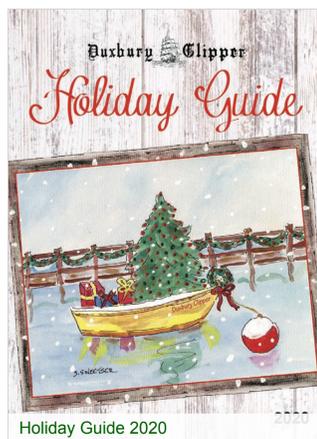
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