



# Real Property Reuse Committee Report

## City of Newton In City Council

**Thursday, November 3, 2016**

Present: Councilors Albright (Chair), Lennon, Brousal-Glaser, Gentile, Crossley, Danberg, Fuller, and Kalis

Also present: Councilors Harney and Yates

City staff present: Marc Welch (Director of Urban Forestry), Bob DeRubeis (Commissioner of Parks & Recreation), James Freas (Deputy Director Planning & Development), and Ouida Young (Associate City Solicitor)

**#258-16      Discussion of the proper use of city owned land at 38 Elliot Street**

COUNCILOR YATES requesting a discussion of the proper use of city-owned property at 38 Elliot Street. [07/01/2016 @ 2:57 PM]

**Action:      Real Property Reuse No Action Necessary 7-0 (Kalis not voting)**

**Note:**      Councilor Yates explained that he docketed this time after receiving a call from a constituent regarding the use of 38 Elliot Street. Councilor Yates has spoken with Director of Urban Forestry Marc Welch and understands that the Parks and Recreation Department Forestry Division is using the site for storage of removed trees, wood, and vehicles for its in-house operations. Mr. Welch was present and stated that the Forestry Division has been at that location for close to four years. He has spoken with neighbors regarding the wood storage and has worked to reduce the woodpiles and move the trees from the site as quickly as possible. There was some thought that the wood may be able to be sold but that is not the case because wood mills will not take street trees for wood. Mr. Welch added that some Public Building Department vehicles are also parked on the site.

Commissioner of Parks and Recreation Bob DeRubeis informed the Committee that the Parks and Recreation Maintenance Division would be moving to Elliot Street in the future. The Commissioner is in discussions with the Public Buildings Commissioner and the Public Works Commissioner to plan the move but space is tight in the yards and the move will take a lot of planning. There was suggestion that it would be beneficial to develop a site plan and long-term plan for all the City properties on Elliot Street. The sites offer opportunities for more state of the art facilities for City operations moving into the future.

There was a question regarding whether the current use by the Forestry Division required any action on the part of the Committee. Associate City Solicitor Ouida Young explained that it is fine for another department to use property that is in the custody of another department; however, if control were to be transfer, the Committee would need to approve the transfer.

Councilor Yates is fine with no action necessary on the item. With that, Councilor Crossley moved no action, which carried unanimously.

**#360-16      Reuse of the Stanton Avenue water tower site**

DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 7, 2016 a letter stating that the water tower site located at Stanton Avenue declared surplus by the COMMISSIONER OF PUBLIC WORKS on September 15, 2016, should be declared unnecessary for municipal purposes pursuant to Ordinance Section 2-7. [10/10/16 @ 10:48 PM]

**Action:**      **Real Property Reuse Held 7-0 (Brousal-Glaser not voting)**

**Note:**      Deputy Director of Planning & Development James Freas reviewed the request to declare city owned property located at Stanton Avenue available for third-party lease or sale. The site has a decommissioned water tower located on it. There are some limiting factors for uses on the site as it is landlocked. The best use of the site is likely housing and there is interest on the part of a direct abutter, the Golda Meir House, to use the property to expand their affordable housing units. The Planning Department is recommending that the Committee move forward expeditiously and waive the formation of a Joint Advisory Planning Group. The water tower also presents a concern because it is empty and less stable than when filled.

The Committee members asked for the assessed value of the property and whether an appraisal for the property was done. Mr. Freas can provide the assessed value but an appraisal has not happened at this point. It was pointed out that an appraisal may not be worthwhile, as the 17,000 sq. ft. property is landlocked and would require an easement for access to the street. The City does currently have an easement for the property but it is only for the purpose of accessing the site for maintenance of the water tower. Braeburn Country Club gave the City the easement. If an easement is possible, the property could be worth close to \$1 million.

There is currently a docket item before the Council requesting reallocation of funds to remove the Stanton Avenue water tower and the Winchester water tower at a cost of approximately \$700,000. There is an additional cost, as the City's antennas currently attached to the Stanton Avenue water tower will need to be relocated. It may make sense for the City Council to hold the funding request and create a Reuse Council Order that states the purchaser of the Stanton Avenue property would be responsible for removal of the water tank and would work with the City on relocation of the antennas. The water removal is time sensitive but if the Council moves expeditiously on the declaration, the Council Order could also state that the tank must be removed within six months of taking ownership of the property. The City already has the removal specifications, which would be shared with the purchaser. There was some concern that including this language would limit interest in the site. It was stated that the minimum price for the property could be the cost of the removal of the water tower.

Ward Four Councilors have met with representatives of the Gold Meir House regarding the possible expansion and the upcoming 24-month major renovation of their property. As part of the

renovation, Golda Meir House is willing to add two sections on its highest building point for the City's antenna.

Committee members asked whether there was any discussion with ArborPoint and Braeburn Country Club, which are also abutters of the property, about purchasing the property. Mr. Freas spoke with Braeburn Country Club who expressed interest in putting a caretaker's building on the property. The Administration has not spoken with ArborPoint but could. Councilors felt that it was important to reach out to ArborPoint to understand some of the different options for the site. If the City releases the property for sale or lease, a Request for Proposals (RFP) is developed and advertised and any interested party could respond.

Associate City Solicitor Ouida Young advised the Committee that they could make an initial determination to declare the property available for third-party lease or purchase, waive the formation of the JAPG, and hold the item in Committee. The Committee will also need to hold a public hearing, which the City Council assigns.

As the Committee members agree that the site is most appropriate for housing, Councilor Crossley made motion to make an initial determination to declare the property available for sale or lease, to waive the formation of the JAPG, and to hold a public hearing. The Committee supported all motions unanimously. The Committee voted unanimously to hold the item in committee for public hearing.

**#92-16      Amendments to the Real Property Reuse Ordinance**

COUNCILORS ALBRIGHT AND KALIS requesting amendments to Chapter 2, Section 7. Sale or lease of city owned real property, of the City of Newton Revised Ordinance, 2012 (The Real Property Reuse Ordinance) to clarify how properties are classified in regards to purpose, use, and ownership; the procedure to handle reused properties; and to address any other changes that might be needed. [02/17/16 @ 12:04 PM]

**Action:**      **Real Property Reuse Held 7-0 (Brousal-Glaser not voting)**

**Note:**      Associate City Solicitor Ouida Young joined the Committee for review of the proposed amendments to the Real Property Reuse Ordinance. The draft ordinance is attached to the meeting agenda. Ms. Young informed the Committee that she continues to work on the language in the ordinance related to the wireless communications and solar provisions. The process for both provisions is similar and the provisions could be combined. In addition, the Committee should make a determination whether if requests for standard utility easements on City property are more appropriate for referral to the Public Facilities Committee for discussion.

The Committee reviewed the proposed changes and came to agreement on the following proposed amendments:

- The Mayor submits decision related to any real property and docket any Real Property Reuse items.

- Add an option for an initial public hearing before any recommendation is made related to the property.
- Change the requirement that within 30 days the Director of Planning and Development shall submit a written report to the Clerk of the Council with recommendations related to the property to 45 days.
- Change language to allow for the option for a second public hearing once the Committee makes a recommendation for the property.
- A nine member JAPG – 5 appointed by the City Council and 4 appointed by the Mayor. Include language stating that the Committee determines what the appropriate skillsets are for any JAPG formed for a property.
- Include language stating that deadlines are subject to waiver by the Committee
- Language stating that the Committee has the ability to reverse its initial determination
- The City Council's vote on the recommendation requires a 2/3 vote

Ms. Young will update and continue to work the draft ordinance for the next Committee meeting.

Councilor Kalis also provided a draft updated real property reuse process flow chart, which is attached. The Committee reviewed the flow chart first and came to the conclusion that the flow chart was not the best way to describe the reuse process and what would be better is a decision tree chart. Councilor Kalis agreed to work on drafting the new chart with ordinance language provided by Ms. Young for the Committee's next meeting.

A Committee member asked if it would be possible to add language to the Real Property Reuse Ordinance to require a vote of the Council for licensing of the City's property. Ms. Young explained that licensing is an Executive function and is not considered an interest in real estate; therefore, it could not be included in the ordinance. The only way to change that is to have a Charter amendment specific to licensing.

City residents Carol Summers, Simon French and Kathleen Kouril-Grieser were in attendance and raised their concerns related to the Mayor's proposal for the reuse of the Newton Centre Library. It was stated that if the proposal for housing were to move forward, it would require special permit approval by the Council. There was concern that the Mayor was not following the Council's recommendation related to the property. It was explained that it is only a recommendation and the Mayor does not have to follow it.

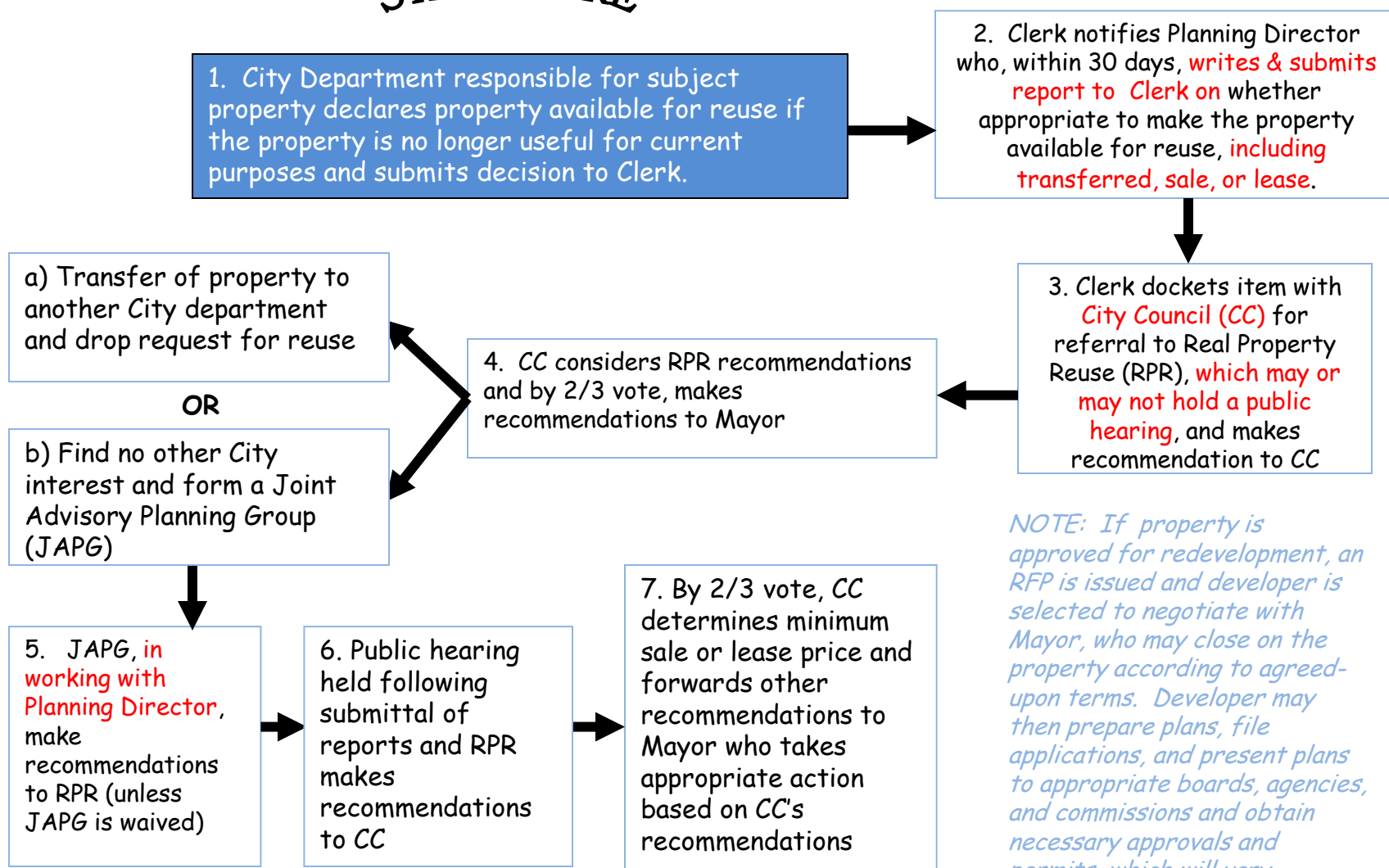
Councilor made a motion to hold the item, which carried unanimously and the Committee adjourned at 9:15 PM.

Respectfully submitted,

Susan S. Albright, Chair

# "STEP-BY-STEP" REAL PROPERTY REUSE PROCESS

**START HERE**



*NOTE: If property is approved for redevelopment, an RFP is issued and developer is selected to negotiate with Mayor, who may close on the property according to agreed-upon terms. Developer may then prepare plans, file applications, and present plans to appropriate boards, agencies, and commissions and obtain necessary approvals and permits, which will vary depending on the nature of the proposal.*

**END HERE**