

CITY OF NEWTON

IN BOARD OF ALDERMEN

REAL PROPERTY REUSE COMMITTEE REPORT

TUESDAY, MARCH 29, 2011

Present: Ald. Danberg (Chairman), Ald. Merrill, Crossley, Linsky, and Baker; absent: Ald. Fischman, Gentile, and Salvucci; also present: Ald. Lennon
City personnel: Robert Rooney (Chief Administrative Officer), Robert DeRubeis (Commissioner of Parks & Recreation) Candace Havens (Director of Planning & Development), Linda Finucane (Assistant Clerk of the Board)

A public hearing was held on the following item:

#33-11 COMMISSIONER OF PUBLIC WORKS declaring surplus for sale or lease a city-owned right-of-way located at 145-147 Chapel Street, Nonantum.

ACTION: WAIVER OF FORMATION OF JOINT ADVISORY GROUP APPROVED 4-0
(Alderman Baker not voting)
ITEM HELD 5-0

NOTE: In 1957 the City acquired a parcel adjacent to 145-147 Chapel Street for a municipal parking lot. The City also purchased a 15'x55' (825 square feet) right-of-way located at 145-147 Chapel Street. It may have been the City's intention to use the right-of-way to access the parking lot, but lot has two means of access/egress. The right-of-way was probably never used by the City, since it erected a stone wall on a portion of it.

In 2007 a building permit was issued to construct two by-right townhouses at 145-147 Chapel Street. The survey plans submitted for the building permit show the right-of-way with a note that it is to be removed. The new structure is one foot into the right-of-way. Approximately a year ago the City was contacted by an attorney for the owners of the condominiums at 145-147 Chapel Street, who wish to clear the title to the property.

In accordance with Section 2-7, the ordinance which governs the sale or lease of city owned property, a public hearing was opened and closed this evening. There was no public testimony. Attorney Brian Spillane, 300 Washington Street, Brookline, spoke on behalf of his clients, the condominium owners. Mr. Spillane said that a previous attorney had erroneously informed his clients that the right-of-way was extinguished by a previous owner; however, the previous owner could not have extinguished it because it is the City's right-of-way.

The Planning Department memorandum dated March 25, 2011 provided figures from the Assessing Department that the value of 825 square feet of land in Nonantum is roughly \$3,300. Section 2-7 authorizes the Board of Aldermen to set the *minimum* sale price, leaving final negotiation to the Mayor.

Mr. Spillane was dubious about whether the City had the right to charge his clients for the right-of-way. A discussion ensued about whether this right-of-way or easement was actually real

property. Since the Law Department had not been invited to the meeting this evening, the Committee voted to hold the item pending clarification from the City Solicitor. The Committee did however upon a motion by Alderman Crossley vote 4-0 (Baker not voting) to waive the formation of a Joint Advisory Planning Group.

#90-11 BOARD OF LIBRARY TRUSTEES declaring the former Boys & Girls Library and attendant land located at 126 Vernon Street, Newton Corner, surplus, and recommending that the building and land be transferred to the Parks & Recreation Department.

ACTION: HELD 5-0

NOTE: Chief Administrative Officer Bob Rooney and Parks & Recreation Commissioner Bob DeRubeis joined the Committee. This proposed interdepartmental transfer of property is governed by the provisions G.L. c. 40 §15A, which simply requires a two-thirds vote. No public hearing, no Joint Advisory Planning Group, etc. are required. The City is concerned about the building remaining vacant and attracting vandalism. The YMCA had explored with the City the possibility of a long-term lease, but that did not come to fruition.

The Parks & Recreation Department has been at 70 Crescent Street for 41 years. The building is very cramped, not handicapped accessible, needs a new boiler, and has very high utility costs (\$44,000 a year). The intention is to house administrative and program staff (15-17 members) in the library building. The library building at 6,138 square feet is almost double the office space at Crescent Street. It is more energy efficient with a new boiler and roof, and is handicapped accessible. For now maintenance and Forestry would remain at Crescent Street. Eventually, maintenance operations may be moved to Crafts Street or Elliot Street. Alderman Linsky said it was hard to envision a separation of administrative and maintenance uses. It was pointed out that the Department of Public Works has different sites for its operations.

When asked about a timeline, Mr. DeRubeis said he would like to move sometime this fall. Mr. Rooney explained that the city is receiving a \$70,000 reimbursement from FEMA for money spent out of the Public Buildings budget after the flooding in city hall last March. These funds can be used to prepare the library building, which includes plastering walls and sanding floors. The historic facets of the building will be respected. Alderman Baker asked if the building will need to be sprinklered. It is unlikely since this transfer doesn't involve an addition of any size.

Alderman Baker asked about the parking provisions. Mr. DeRubeis said there are usually 15-20 cars at Crescent Street. The library lot is not striped, but it can probably accommodate 6-10 cars. There was some concern about the lack of parking. Can citizens be accommodated as well as staff? How many people come to the office for program information or to purchase swimming passes? Mr. DeRubeis said the number of people who come to the department has dwindled because so much is done on-line, perhaps 30-40 people a month actually come to Crescent Street. There is parking available in the Richardson Street municipal parking lot which is across the street. The Committee asked that a parking plan be prepared to show how many spaces there really are at the library.

Although this was not a public hearing, the Committee asked if there was anyone present who wished to speak. Maryann Amaral, 64 Park Street, Newton Corner, said that although she

wanted the building occupied to prevent additional vandalism, she was afraid this transfer represents the disappearance of an opportunity to bring it back to a library or community center. She believes there is a deed restriction that limits the building's use.

The Committee thanked Ms. Amaral for her community involvement. Alderman Merrill praised her civic responsibility in caring for the flower beds around the library, park, and the Peace Garden.

Mr. Rooney said the City purchased the house for \$22,600 in 1930; from the early 1940's until the new main library was built in the 1980's it was the Boys & Girls Library; then it became the Newton Corner branch library. The deed has no restrictions.

Steve Carter, 48 Eldredge Street, echoed Ms. Amaral's preference for a library, but acknowledged that isn't going to happen, and although traffic is already a nightmare, he wants the building occupied.

Alderman Crossley said she wished to move forward so as not to delay this transfer, but felt that the issues raised this evening need to be addressed. The Committee has relinquished its April meeting to budget, but tentatively scheduled Thursday, April 14, to meet. She felt a visit to the library would help put this proposal in context.

The Committee voted 5-0 to hold the item, pending receipt of an analysis/comparison for operating costs and a parking plan proposing accommodation for staff and the public.

Respectfully submitted,

Victoria Danberg, Chairman