



Real Property Reuse Committee Report

City of Newton In City Council

Wednesday, March 24, 2021

Present: Councilors Danberg (Chair), Markiewicz, Greenberg, Albright, Kelley, Downs and Bowman

Absent: Councilors Kalis and Laredo

City staff Present: Associate City Solicitor Andrew Lee, Director of Planning and Development Barney Heath, Chief Operating Officer Jonathan Yeo, Chief Planner Neil Cronin

#393-20 Reuse of former water tower site on Countryside Road

DIRECTOR OF PLANNING & DEVELOPMENT submitting on September 10, 2020 a letter recommending that the former water tower site, a 16,900 sq. ft. parcel of land on Countryside Road, Ward 8, Newton Centre, known as Property ID: 83036 0003A be made available for sale or lease pursuant to Ordinance Section 2-7.

Action: **Real Property Reuse Held 7-0**

Note: At the Real Property Reuse meetings on October 20, 2020, and February 24, 2021, the Committee discussed reuse of the parcel (former water tower site) on Countryside Road. At those meetings, the Committee requested additional analysis of possibilities for the site from the Planning Department. Planning and Development Deputy Director Jen Caira presented an overview of the site and potential opportunities for use of the land. A copy of her presentation is attached to the end of this report. The 16,900 sq. ft. site is located in a Public Use district. A water tower previously occupied the site and was removed in 2020 at a cost of approximately \$366,210. The parcel is landlocked by three abutters; a single-family residence at 197 Countryside Road (zoned SR1), the Charles River golf course at 483-655 Dedham Street (zoned SR1) and The Gables condominiums at 421 Dedham Street (zoned MR1). The subject property has no frontage on Countryside Road as the land owned by 197 Countryside Road is located between the subject parcel and the street. Previously the City had a use easement on this portion of the site to access the water tower through the property at 197 Countryside Road.

Ms. Caira noted that in the SR1 district, the property is considered unbuildable due to the lack of frontage and the lot size (a new lot requires 25,000 sq. ft.). In the MR1 district, the site has sufficient square footage, but lacks frontage. To make the property buildable, variances would be needed for the relevant zoning deficiencies. Ms. Caira noted that approval of a variance requires findings relative to soil, shape or topography of the lot. With respect to the Committee's questions regarding feasibility of locating a monopole, Ms. Caira explained that locating a monopole requires a setback of 125'. As the site measures 130' x 130', locating a monopole would not be feasible without a variance. Ms. Caira noted that the parcel is under a conservation restriction and explained that

lifting the conservation restriction would require approvals at the local and state levels. Committee members noted that taking frontage by eminent domain is not the preferred option.

If the appropriate variances were sought and received for the parcel rezoned to SR1, the property could be combined with 197 Countryside Road and later converted into two buildable lots *or* it could allow for by-right expansion of the existing single-family home up to 11,000 sq. ft. If variances were sought for the parcel rezoned to MR1, a single-family or two-family would be allowed by right and attached dwelling units would be permissible by a special permit. Combining with the Gables property would require an amendment to the Special Permit. Ms. Caira noted that any multi-family development would be significantly different than what currently exists in the neighborhood. Additionally, any development of this portion of the land would be subject to the conservation restriction.

The City may retain the property as Public Use or rezone to open space. Ms. Caira noted that the Planning Department's recommendation is to set a minimum price at fair market value to allow the City to assess proposed uses as submitted when negotiating a sale price. The Chair explained that the Committee must determine whether the property should be made available for sale or lease, determine whether a JAPG should be waived and hold a public hearing.

Committee members noted that taking no action would leave the property zoned as Public Use with no access. Councilors noted that there may be other city-owned landlocked parcels zoned public use. Noting that the cost to remove the water tower was \$366,000, Councilors suggested that setting a minimum sale price of \$366,000 would encourage a fair return. The Committee asked the Planning Department to determine what the tax increase would be if it were attached to the property at 197 Countryside Road.

Public Comment

Atty. Alan Schlesinger, with law offices at Schlesinger and Buchbinder, 1200 Walnut Street represented Mr. Nima Shokrollahi, the property owner at 197 Countryside Road. Atty. Schlesinger noted that the property owner at 197 Countryside Road is open to the city retaining the property for open space, purchasing the property for open space or purchasing the property for the possibility of developing a single-family home. Atty. Schlesinger noted that the property owner would be willing to purchase the parcel at a rate that is fair for the use.

Steve Silk, 195 Countryside Road, expressed support for using the property in a manner consistent with the expectations for the property owner at 197 Countryside Road.

Scott Rodman, noted that he is hoping to build a net zero passive house. He noted that he would be interested in the parcel if there were no obstacles but agreed that the property owner at 197 Countryside Road should have some input.

Alan Greenbaum, 185 Countryside Road, abuts 197 Countryside Road, he noted that the neighbors are supportive of seeing the property remain as conservation land and open space.

Joseph Lang, noted that 25,000 is the minimum square feet on every lot on Countryside Road. He noted that development on a parcel less than 25,000 sq. ft. is inconsistent with the neighborhood and will devalue other properties on Countryside Road.

Barry Samuels, 140 Countryside Road, questioned why a multi-family would be permitted in a single-family zone. He also questioned whether the neighbors have any outcome in the decision.

Neil Glazer, 413 Dedham Street, questioned why the access to the property was discontinued.

Ms. Caira explained that the access to the property was by way of an easement through the property at 197 Countryside Road. As the easement was limited to the water tower use, when the water tower was taken down, the easement was eliminated.

The Committee noted that as there is no building on the site, there is no need to form a Joint Advisory Planning Group (JAPG). Associate City Solicitor Andrew Lee explained that the Committee can choose to make an initial determination to make the property available for sale or lease. He explained that this determination is not binding and is not a formal recommendation of the Committee. The City may still choose to retain the property. Councilor Downs motioned to make an initial determination that the property be made available for sale or lease. The Committee voted unanimously in favor of making an initial determination that the property is made available for sale or lease. Councilor Downs motioned to waive the formation of a Joint Advisory Planning Group and the Committee voted unanimously to waive the JAPG. The Chair confirmed that a public hearing will be held after April 19. The Committee asked that the Planning Department provide tax information for the next meeting. Committee members expressed some support for both leaving the parcel as open space and/or for use by the property owner at 197 Countryside Road.

With that, the Committee voted 8-0 in favor of a motion from Councilor Laredo to hold the item and hold a public hearing to be scheduled 30 days after submission of the Planning Department report issued March 19, 2021. The Committee adjourned at 8:00 pm.

Respectfully submitted,

Victoria Danberg, Chair

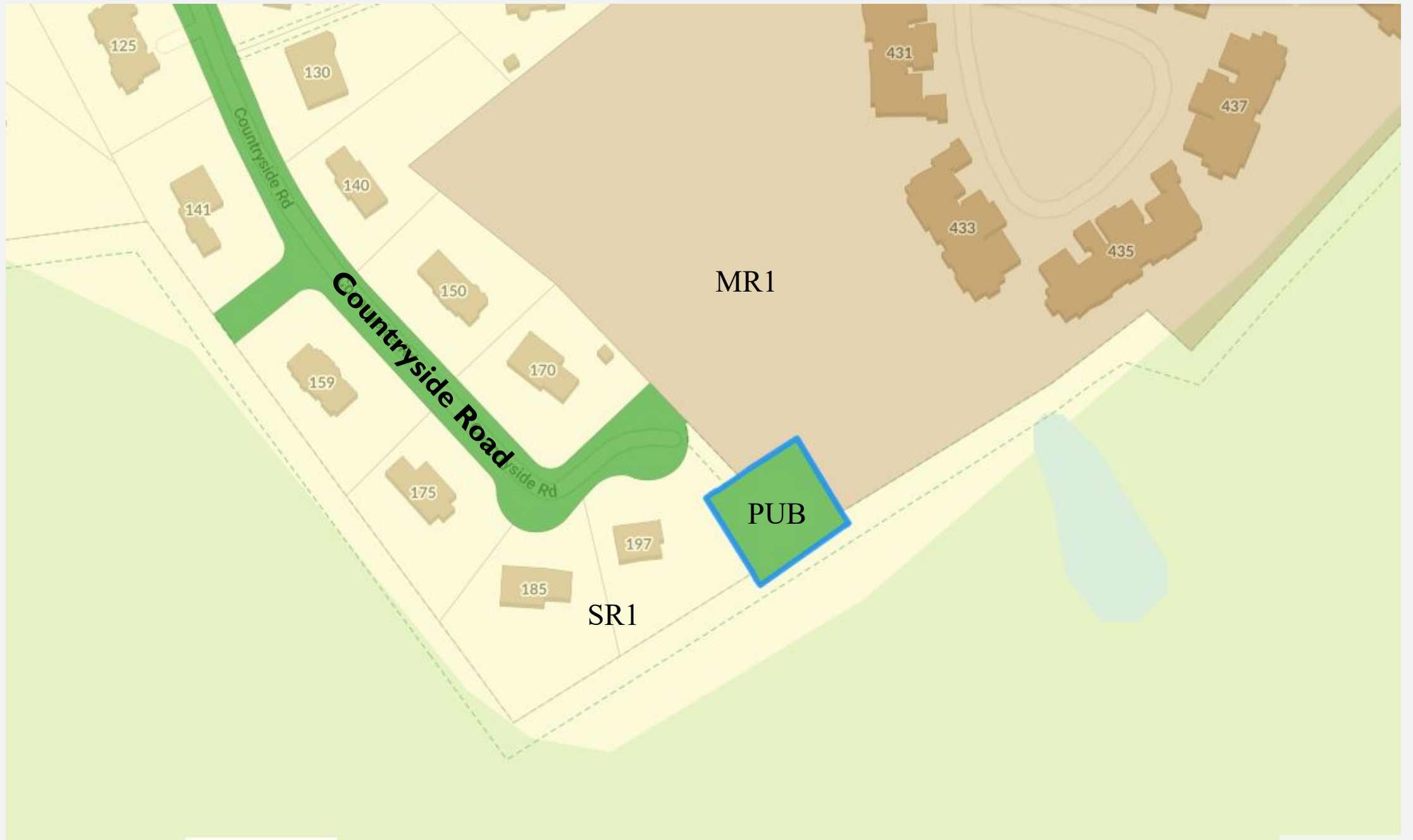


BALDPATE WATER TOWER

Real Property Reuse
Department of Planning and Development
March 24, 2021



Countryside Road



CITY COST TO REMOVE WATER TOWER

- Total cost of \$366,210
- Construction: \$296,610
- Engineering: \$69,600

SITE CHALLENGES

- Lot size: 16,900 sf
 - SRI minimum: 25,000 sf
 - MRI minimum: 10,000 sf (15,000 sf for single family attached)
- Frontage: 0 ft
 - SRI minimum: 140 ft
 - MRI minimum: 80 ft

SITE CHALLENGES

- Variances from the ZBA would be needed to waive the minimum lot size and frontage requirements
- Variance requires findings relating to soil conditions, shape, or topography.

SITE CHALLENGES

No access to water tower parcel

Neighboring property at 197 Countryside would need to grant access

The Gables property to the north has a conservation restriction



DEVELOPMENT POSSIBILITIES

WIRELESS COMMUNICATION MONOPOLE

- Minimum setback – 125 ft from property line
- Parcel is 130 ft x 130 ft

REZONE TO SRI AND CREATE NEW BUILDABLE LOT

- Requires variances for lot area and frontage
- Requires a neighboring parcel to grant access
- Maximum floor area of 5,070 sf

REZONE TO SRI AND COMBINE WITH 197 COUNTRYSIDE

- Combined parcel would contain 160 ft of frontage and 42,778 sf of lot area
- Variances for lot area and frontage required to create two buildable lots
- Would allow for by-right expansion of existing single-family home – maximum floor area of 11,122 sf

REZONE TO MRI AND CREATE BUILDABLE LOT

- Variance needed for frontage
- Access would need to be granted by neighboring property
- Single family or two family allowed by-right
- Single family attached allowed by Special Permit

REZONE TO MRI AND COMBINE WITH ADJACENT PROPERTY AT 421 DEDHAM

- Could be combined with the Gables property, however any changes to that property would likely require amending the Special Permit
- Conservation restriction is unlikely to be amended to allow for development or a road or driveway

OPEN SPACE

- Retain the property with either PUB zoning or rezone to Open Space/Recreation District

RECOMMENDATION

- Impossible to predict if variances and access will be granted
- Set minimum price at fair market value to allow the City to assess the proposed use of the parcel when negotiating a sale price

NEXT STEPS

- Determine whether the property should be made available for sale or lease
- Determine whether JAPG should be waived
- Schedule a public hearing