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M E M O R A N D U M

To: Councilor Danberg, Chair of the Reuse Committee
Members of Reuse Committee

From: Barney S. Heath, Director of Planning & Development
Jennifer Caira, Deputy Director
Neil Cronin, Chief Planner

Date: June 24, 2021

Subject: Public Hearing on Reuse of Parcel ID 83036 0003A on Countryside Road

CC: Andrew Lee, Assistant City Solicitor
Jonah Temple, Assistant City Solicitor

The subject property is the site of the former Baldpate Water Tower on Countryside Road (the "Water Tower Parcel"). The Water Tower Parcel was declared available for sale or lease on September 10, 2020, the item was heard by the Real Property Reuse Committee (the "Committee") on October 20, 2020, February 24, 2021, and on March 24, 2021. At those meetings, the Committee discussed whether the Water Tower Parcel is a buildable lot, whether the site could be used for a wireless facility, the challenges of developing the parcel, and whether the parcel should remain as open space.

At the March 24th meeting, the representative for the owner of 197 Countryside Road suggested the owner would be interested in purchasing the property for open space or for the development of a single-family home. At that meeting the Committee also requested information regarding the tax implications of combining the Water Tower Parcel with 197 Countryside Road for either the expansion of a single-family home or the preservation of open space.

The Water Tower Parcel contains 16,900 square feet, has no frontage, and is located within the Public Use district (the "PUB zone"). The Water Tower Parcel abuts the Single Residence 1 zone (the "SR-1 zone") to the west and south and the Multi Residence 1 zone (the "MR-1 zone") to the north. Accordingly, these adjacent zones are improved with a single-family dwelling at 197 Countryside Road, a golf course use at 483-655 Dedham Street, and a multi-family use at 421 Dedham Street. As a response to the Committee's discussion regarding potential uses, the Planning Department has analyzed the Water Tower Parcel's development possibilities regarding zoning for residential uses and wireless facilities within the PUB, SR-1, and MR-1 zones.

Potential Development Scenarios

If the Water Tower Parcel remains within the PUB zone:

- Residential development is not possible because residential uses are not allowed within the PUB zone.

- Wireless communication equipment in the form of a monopole or a tower is allowed by special permit. Such facilities are limited to 100 feet in height and must be set back 125 feet from the property line. Given the required setbacks and the Water Tower Parcel's dimensions, approximately 130 feet by 130 feet, a tower or monopole is impracticable.

If the Water Tower Parcel was rezoned to the SR-1 zone:

- To allow residential development, the Water Tower Parcel would require variances from the Zoning Board of Appeals (the "ZBA") for lot size and for frontage because 25,000 square feet and 140 feet, respectively are required for a new lot within the SR-1 zone.
 - If the variances were granted, there is the practical problem of access. Because there is no frontage, one cannot access the Water Tower Parcel without crossing adjacent private property.
 - If the variances were granted and access was created (would most likely need to be from 197 Countryside), a single-family dwelling with a floor area ratio ("FAR") of 5,070 square feet would be allowed as of right.
- A tower or monopole would be allowed by special permit with the same dimensional standards required in the PUB zone.
- It is unlikely that a new buildable lot could be created, or a monopole erected under this scenario given the need for variances and access.

If the Water Tower Parcel was rezoned to the SR-1 zone and combined with the adjacent parcel at 197 Countryside Road (the "Combined Parcel"):

- The Combined Parcel would contain 160 feet of frontage and 42,778 square feet of lot area. The Combined Parcel could not be subdivided without variances for lot area and frontage from the ZBA to create two separate buildable lots.
- The total allowable FAR would increase from the currently allowed 6,728 (at 197 Countryside Road) to 11,122 square feet.
- If the parcels are combined and the house at 197 Countryside is not expanded the increase in assessed value would be \$142,200, resulting in a tax increase of \$1,530.
- An alternative discussed at the March 24, 2021 meeting was combining the parcels and placing a conservation restriction on the area that was the water tower parcel. If the existing home is not expanded and the land currently constituting the water tower parcel is placed under a conservation restriction the assessed value would increase by \$68,500 instead of \$142,200. In this scenario the tax increase would be \$737.

If the Water Tower Parcel was rezoned to the MR-1 zone:

- The Water Tower Parcel would comply with the lot area requirement of 10,000 square feet for a new lot within the MR-1 zone.
- The Water Tower Parcel would require a variance from the ZBA for frontage because 80 feet is required for a new lot within the MR-1 zone.
 - If the variance was granted, there is the practical problem of access (which again, would most likely need to be provided by 197 Countryside).

- If the variance was granted and access was created, a single-or two-family dwelling would be allowed as of right, with an FAR of 7,774 square feet, or three dwelling units in the form of Single-Family Attached Dwellings would be allowed by special permit.
- While the adjacent parcel at 421 Dedham Street is zoned MR-1 and has minimal frontage at the end of Countryside Road, there are not currently any multifamily homes on Countryside Road. The multifamily buildings at 421 Dedham Street are accessed from Dedham Street and separated from Countryside Road by dense vegetation that is part of a conservation restriction.

If the Water Tower Parcel was rezoned to the MR-1 zone and combined with the adjacent parcel at 421 Dedham Street:

- The adjacent parcel at 421 Dedham Street (the “421 Dedham Street Parcel”), a multi-family use known as “The Gables”, is governed by a special permit and that portion adjacent to the Water Tower Parcel is subject to a conservation restriction held by the Conservation Commission. Any improvement to the 421 Dedham Street Parcel in the form of a road or driveway would likely require review from the City Council for changes to the approved site plan and approval from multiple bodies to amend the conservation restriction.

In addition to the above scenarios, the Committee could also decide to retain ownership of the Water Tower Parcel and leave the parcel in the PUB zone or rezone the property to the Open Space/Recreation District akin to other City parcels.

Development Challenges

There are significant challenges to developing the Water Tower Parcel. The only development option, without any regulatory approval, would be to combine the Water Tower Parcel with the adjacent parcel at 197 Countryside Road to allow for a larger single-family dwelling or just to increase the size of the parcel. All other identified scenarios require variances from the ZBA which, per Mass. Gen. Laws Chapter 40, Section A, require findings relating to soil conditions, shape, or topography. It is difficult to predict how the ZBA may act on such a request, but there is certainly no guarantee that variances would be granted.

In addition to the variances needed to create a buildable lot, the issue of access is also a significant barrier. The adjacent property owner at 197 Countryside would need to combine the two parcels and subdivide (with variances) to create two parcels with frontage or grant an easement across 197 Countryside Road. The Gables development at 421 Dedham Street could grant an easement, which would require petitioning the City Council to amend their site plan and would need to amend the conservation restriction, which is unlikely to be approved. The conservation restriction does not permit the building of a driveway or other structures. An amendment would require approval by the Conservation Commission as well as the Executive Office of Energy and Environmental Affairs (EEA) and EEA’s policy is to only approve amendments that strengthen the conservation restriction or have a neutral impact. This land is also protected by Article 97 and would need approval under this act.

Recommendation

Creating a buildable lot at the Water Tower Parcel would likely require numerous discretionary actions from multiple boards/commissions as well as actions by private property owners. Given that development hinges upon these decisions, most importantly variances from the ZBA, and the granting of access from an adjacent property owner, the Planning Department recommends the Water Tower Parcel be sold at 'fair market value'. If the goal is to receive the highest price, a Request for Proposals would be tailored to require submissions that describe the planned use for the parcel and the plan for the development of the parcel, if any. Since the feasibility of development is currently unknown, the City Council could recommend setting the minimum price at the fair market value. Fair market value accounts for a parcel's development potential and would require the City to assess what the parcel would be used for in negotiating the price for sale. Such a recommendation is the minimum amount the City would be required to accept for sale of the parcel.

Next Steps

At the March 24th meeting the Committee voted to make an initial determination to make the property available for sale or lease and voted to waive the Joint Advisory Planning Group (JAPG). Following the public hearing the Committee will need to take a vote to make a recommendation to the City Council, which includes whether to authorize the Mayor to sell the Water Tower Parcel, as well as minimum financial terms for such sale.