



# Real Property Reuse Committee Report

## City of Newton In City Council

Thursday, June 24, 2021

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

**#236-21      Reuse of parcel of land behind 50 Stearns Street**

DIRECTOR OF PLANNING & DEVELOPMENT submitting on May 6, 2021 a letter stating that the a 8,800 sq. ft. City owned parcel of land known as Section 62 Block 23 Lot 15A at 50 Stearns Street, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

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

**Note:**      Chief Planner Neil Cronin presented an overview of the request to reuse a parcel of land known as Section 62 Block 23 Lot 15A. The 8,800 sq. ft. property is zoned SR3 and is landlocked with 0' of frontage, abutted by six residential properties. The recommendation is that the parcel is made available for sale or lease by an abutter. Mr. Cronin presented a comparison of possible lot and floor area(s) for the six abutting parcels based on the added land.

**Public Comment**

Zenaida Orduna, 144 Clark Street, noted that she one property with access to the parcel. She noted that the City has used her property to access the parcel to clean up debris after storms. Ms. Orduna emphasized her concerns relative to erosion from a neighboring parcel.

Sally Sveda, questioned why the land was designed this way and why the reuse of this parcel is coming up now?

Swapna Mehta, 50 Stearns Street, noted that she reached out to the City after seeing developments around the neighborhood. She noted that the neighborhood is supportive of maintaining open space at the parcel and avoiding the possibility of another development at the site. Ms. Mehta expressed her hope that the trees and green space can be preserved.

Jay Mehta, 50 Stearns Street, emphasized his intention to maintain the plot of land behind 50 Stearns if possible. He noted that neighbors have often had to clean debris on the parcel after storms and expressed support for maintaining the parcel as open space. He noted that children in the neighborhood regularly play in the parcel.

Steven West, 158 Clark Street, expressed support for holding a conservation restriction on the parcel. He noted that there are very few ways to access the property and would not want to see someone spend a lot of money to develop the parcel.

James Berquist, 38 Stearns Street, noted that the lots in the neighborhood were originally owned by individual property owners until multiple parcels began to be purchased together for the purpose of developing them. Mr. Berquist expressed support for maintaining the property as conservation land.

Karen Bray, 38 Stearns Street, expressed excitement about the Mehta family possibly purchasing the property and noted that they have been carefully cleaning out and maintaining the parcel.

Olivia Engel, 56 Stearns Street, expressed support for maintaining the parcel as open space.

Sarah Kahn, 47 Stearns Street, expressed support for the Mehtas' ability to purchase the property to be maintained as open space.

Jonathan Silverman, 11 Sunhill Lane, questioned whether the lots be combined after purchase?

Director of Planning and Development Barney Heath noted that the parcel could be combined with another lot but that the city could place a condition on the sale that the property must be maintained as green space and cannot be counted toward additional floor area. Committee members were supportive of maintaining the property as open space.

Councilor Albright motioned to make the property available for sale and or lease. The motion carried 7-0. Councilor Albright motioned to waive a Joint Advisory Planning Group (JAPG) and the Committee voted 7-0 in favor of waiving formation of a JAPG. Councilor Downs motioned to ask the Planning Department to explore a Conservation Restriction on the property, to explore whether the property can be restricted to a second lot for zoning purposes (not a combined lot). The Committee voted 7-0 in favor of the motion. Councilor Kelley motioned to hold the item which carried unanimously. Atty. Lee noted that the Planning Department will issue a report and the Committee will then schedule a public hearing. After the public hearing, the Committee can vote and make a recommendation on the disposition of the property to the Council.

**#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 Approved 7-0; Public Hearing Closed 06/24/2021**

**Note:**      Chief Planner Neil Cronin presented details of the Countryside Road water tower parcel as shown on the attached presentation. The subject parcel is within the Public Use zone, and has three abutters; the golf course at 467 Countryside Road, a single family residential use at 197 Countryside Road and the multi-family use (The Gables) at 421 Dedham Street. The property is

16,900 sq. ft. and has no frontage on Countryside Road. In order to develop the property, the parcel would need variances from the Zoning Board of Appeals for lot size and/or frontage requirements.

Mr. Cronin noted that there is no access to the parcel from Countryside Road and explained that access to the parcel would need to be granted by the abutter at 197 Countryside Road. There is an existing Conservation Restriction governing the Gables' property which would not permit the construction of a driveway through their site. An amendment to the Conservation Restriction is unlikely. The City could also choose to retain the property in the PUB use district or rezone it to Open space. Although the Planning Department investigated the option of leasing the space for a cell tower, the setbacks would not make locating a cell tower at the site feasible. Mr. Cronin noted that unbuildable vacant lots are typically valued between \$4 and \$10 per square foot totaling \$67,600-\$169,000. If the parcel was combined with the abutting parcel at 197 Countryside Road, the assessed value would increase by \$142,000 resulting in a tax increase of \$1,530. If the lot was combined with 197 Countryside Road with a Conservation Restriction, the corresponding tax increase would be \$737 representing a \$68,500 tax assessment. The Planning Department's recommendation is that the Council sets a minimum price of "fair market value" to allow the City to assess the proposed use(s) of the parcel when negotiating a sale price.

The Public Hearing was opened.

Atty. Alan Schlesinger represented Nima Shokrollahi, 197 Countryside Road, Atty. Schlesinger noted that the Committee's decision relative to the minimum sale price will ultimately depend on the type of use desired for the site. He noted that the lot could be combined with the parcel at 197 Countryside Road to be used as an MR1 property without a variance.

Fred Chanowski, noted that the neighborhood is concerned about any redevelopment on the site. He questioned whether there are any other streets zoned SR1 where MR1 would be allowed. Mr. Chanowski noted that constructing a multi-family on the site is not desired by the neighborhood.

Steven Silk, 175 Countryside Road, questioned why a street would be a private street? He noted that allowing MR on this street would be uncharacteristic in the SR neighborhood.

Joseph Lank, 95 Countryside Road, emphasized that the property should be used as Conservation land. He questioned whether it can be maintained as conservation in perpetuity.

Atty. Lee responded to questions regarding the Conservation Restriction. He explained that the process to lift the Conservation Restriction is incredibly onerous. He stated that approvals would need to be granted at both the state and local level. Further, Atty. Lee noted that the City could choose to structure a conservation restriction so that it must be maintained as open space or so that recreational structures (pools, gazebos, tennis courts) may be constructed. Councilors were supportive of maintaining the land as open space. The Committee noted that it would be difficult to develop the parcel and acknowledged the neighborhoods preference for open space. The Committee agreed that the parcel does not offer any use to the city and noted that placement of a conservation restriction can offer strong protection for the city and neighborhood.

The Committee took a straw poll 7-0 in favor of selling the property. The Committee took a straw poll 7-0 in favor of selling the property for use as open space with a conservation restriction. The committee reviewed the draft Council Order. Councilor Markiewicz motioned to sell the property for a minimum sale price of "fair market value". The motion carried 7-0. Councilor Kalis motioned to approve the reuse of the parcel to be sold for conservation space at "fair market value". The motion carried unanimously.

With that, the Committee adjourned at 9:00 pm.

**Respectfully submitted,**

**Victoria Danberg, Chair**

**STEARNS STREET REAR  
SBL: 62 23 15A**

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



## SITE DETAILS

- Zoning: Single Residence 3
- Lot size: 8,800 sf
- Frontage: 0 ft
- Abuts six properties which are also within the SR-3 zone and which are improved with single-family dwellings

## RECOMMENDATION

- City has no use for the property, staff recommends the property be made available for sale or lease to an abutter.

## DEVELOPMENT OPPORTUNITIES

Address	Existing Lot Area	Existing Allowable Floor Area	Proposed Lot Area	Proposed Allowable Floor Area
50 Stearns Street	8,475	3,814	17,275	6,565
44 Stearns Street	8,750	3,850	17,550	6,669
56 Stearns Street	10,819	4,436	19,619	7,455
136 Clark Street	9,870	4,047	18,670	7,095
42 Sunhill Lane	22,170	8,203	30,970	11,149
144 Clark Street	13,815	5,388	22,615	8,368



# BALDPATE WATER TOWER

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



Countryside Road





125

130

140

141

150

159

170

175

197

185

431

433

435

437

MR1

SR1

PUB

Countryside Rd

Countryside Road

side Rd

## SITE DETAILS

- Lot size: 16,900 sf
  - SRI minimum: 25,000 sf
  - MRI minimum: 10,000 sf
- Frontage: 0 ft
  - SRI minimum: 140 ft
  - MRI minimum: 80 ft

## SITE CHALLENGES

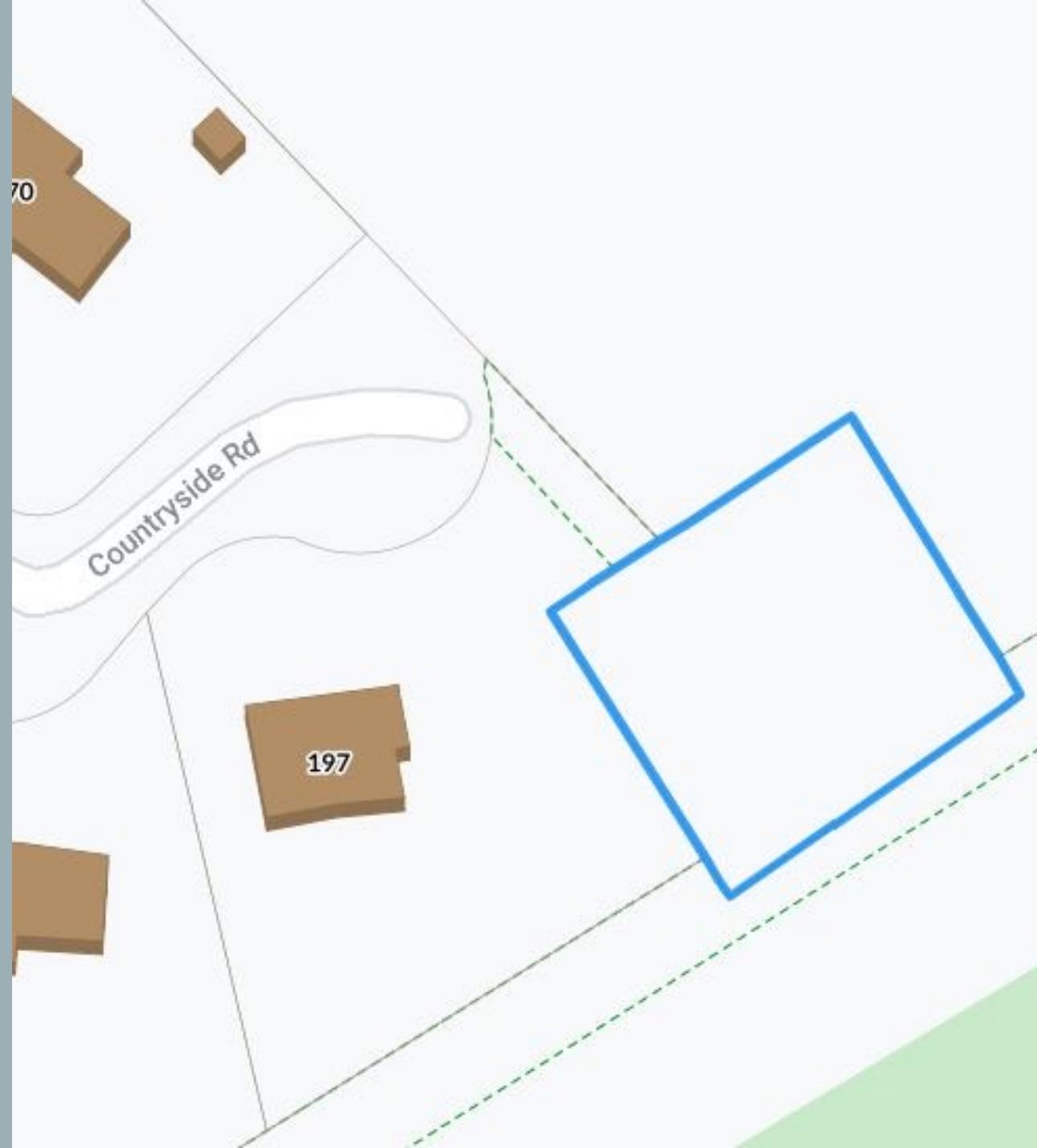
- Variances from the ZBA would be needed to waive the minimum lot size and frontage requirements
- Variance requires findings relating to soil conditions, shape, or topography.

## 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



## CONSERVATION RESTRICTION

- Conservation Restriction at the Gables does not currently permit the building of a driveway
- An amendment is unlikely and would require approval from Conservation Commission and Executive Office of Energy & Environmental Affairs
- EEA's policy is to only approve amendments that strengthen the conservation restriction or have a neutral effect
- This is also Article 97 protected land and would need approval under this act

## OPEN SPACE

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

## TAX IMPLICATIONS

- Unbuildable vacant lots are valued between \$4 and \$10 per square foot, resulting in a value of between \$67,600 and \$169,000 for the parcel
- If parcel is combined with 197 Countryside without any new development the assessed value of 197 Countryside would increase by \$142,200, resulting in a tax increase of \$1,530. If a conservation restriction is placed on the Water Tower Parcel portion the assessed value would increase by \$68,500, with a tax increase of \$737.

## 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

- Vote to make a recommendation to City Council on whether to authorize Mayor to sell the parcel and minimum financial terms for sale