



Public Facilities Committee Agenda

City of Newton In City Council

Monday, November 1, 2021

The Public Facilities Committee will hold this meeting as a virtual meeting on Monday, November 1, 2021 at 7:00 pm. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/84234811933> or call 1-646-558-8656 and use the following Meeting ID: 842 3481 1933

Item Scheduled for Discussion:

#343-21(2) Disposition of an easement for 39-41 Terrace Ave

HER HONOR THE MAYOR requesting the disposition of an easement on City property adjacent to 39-41 Terrace Ave for the purposes of allowing the owner of 39-41 Terrace Ave to allow connection to the public sewer system in accordance with Section 2-7 of the City of Newton Ordinances.

Respectfully submitted,

Alison M. Leary, Chair

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

343-21
Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit this docket item to this Honorable Council requesting the disposition of an easement on City property adjacent to 39-41 Terrace Ave for the purposes of allowing the owner of 39-41 Terrace Ave to connect to the public sewer system.

The owners at 39-41 Terrace Avenue wish to abandon their existing septic system and wish to connect to the city's public sewer system. The last manhole of the existing public sewer main in Terrace Ave is shallow, and it stops short of their property due to the existence of bedrock ledge. Extending the public sewer main up Terrace Ave to this property is not feasible due the requirement to remove the ledge by blasting and/or rock hammering. Also, the proposed sewer extension is too shallow, and does not have the proper slope. The owner proposes to connect to another existing city sewer main that exists behind their property. However, the sewer connection must cross city property. An easement is required.

On December 18, 1950, the City acquired the property adjacent to 39-41 Terrace Ave by a tax taking. The land is not under the control of any specific department and thus is under the control of the Mayor in accordance with M.G.L. c. 40, Section 3. For the city to grant an easement to the owner of 39-41 Terrace Ave., the easement area must be declared available for disposition and go through the re-use process under Section 2-7 of the Ordinances.

The Health Dept. will also provide support for the sewer connection through city property. The owner's wish to abandon the septic system and the sewer connection is preferable from a public health perspective.

The property owner will provide the necessary easement plan and any technical plans and drawings required by DPW. The Law Department will draft and record an easement instrument along with a Mylar plan after the grant has been approved. The Council must authorize the Mayor to grant the easement.

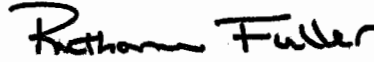
DPW does not believe that the granting of this sewer easement will have a current or future service impact on the city's property.

RECEIVED
AUG 30 PM 4:54
CITY CLERK
NEWTON, MA. 02459
August 30, 2021

Please see the attached memo from for DPW Commissioner James McGonagle and City Engineer Lou Taverna for additional information.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Ruthanne Fuller". The signature is written in a cursive style with a large initial "R".

Mayor Ruthanne Fuller

City of Newton

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Ruthanne Fuller
Mayor

Date: July 19, 2021

To: Jonathan Yeo, Chief Operating Officer
Maureen Lemieux, Chief of Staff

From: James McGonagle, Commissioner of Public Works
Louis M. Taverna, P.E., City Engineer

Subject: Request for Grant of Sewer Easement
39-41 Terrace Avenue and Adjacent City Property

The owners at 39-41 Terrace Avenue wish to abandon their existing septic system and wish to connect to the city's public sewer system. The last manhole of the existing public sewer main in Terrace Ave is shallow, and it stops short of their property due to the existence of bedrock ledge. Extending the public sewer main up Terrace Ave to this property is not feasible due the requirement to remove the ledge by blasting and/or rock hammering. Also, the proposed sewer extension is too shallow, and does not have the proper slope. The owner proposes to connect to another existing city sewer main that exists behind their property. However, the sewer connection must cross city property. An easement is required.

On December 18, 1950, the City acquired the property adjacent to 39-41 Terrace Ave by a tax taking. The land is not under the control of any specific department and thus is under the control of the Mayor in accordance with M.G.L. c. 40, Section 3. For the city to grant an easement to the owner of 39-41 Terrace Ave., the easement area must be declared available for disposition and go through the re-use process under Section 2-7 of the Ordinances.

The declaration that the land is available for the disposition as an easement must technically come from the Mayor. However, since the Mayor's involvement is only by virtue of the land's status and the purpose of the disposition is for an easement for a sewer connection, the DPW will work with the Mayor's office to initiate and work through the Section 2-7 process.

The Health Dept. will also provide support for the sewer connection through city property. The owner's wish to abandon the septic system and the sewer connection is preferable from a public health perspective.

The property owner will provide the necessary easement plan and any technical plans and drawings required by DPW. The Law Department will draft and record an easement instrument along with a Mylar plan after the grant has been approved. The Council must authorize the Mayor to grant the easement.

It is my opinion that such granting of this sewer easement does not have a current or future service impact on the city's property.

cc: A. Guliani, Law Department
A. Lee, Law Department
N. Khan, City Clerk
S. Sullivan, DPW Chief of Staff

VTP
ASSOCIATES
INC.

LAND SURVEYORS-CIVIL ENGINEERS
MORTGAGE INSPECTION
SPECIALISTS

TEL (617) 332-8271
TELEFAX (617) 969-2330
EMAIL: vtp@vtpassociates.com

132 ADAMS STREET
2ND FLOOR, SUITE 3
NEWTON, MA 02458

July 23, 2021

39-41 Terrace Avenue, Newton (217204)

Sewer Easement (3,039±SF)

Beginning at a point eleven and 22/100 feet (11.22') east of the Northwesterly rear lot corner of land now or formerly of 39-41 Terrace Avenue, LLC, and running:

North60°46'26"Westerly, thirty and 11/100 feet (30.11') to a point, then running;

North63°42'20"Westerly, ninety-two and 15/100 feet (92.15') to a point, then running;

North54°04'20"Westerly, twenty-nine and 64/100 feet (29.64') to a point, then running;

North30°36'40"Easterly, fifteen and 8/100 feet (15.08') to a point, then running;

South63°42'20"Easterly, one hundred and twenty and 75/100 feet (120.75') to a point, then running;

South60°46'26"Easterly, thirty-eight and 66/100 feet (38.66') to a point, then running;

South51°06'40"Westerly, twenty-one and 55/100 feet (21.55') to the point of beginning.

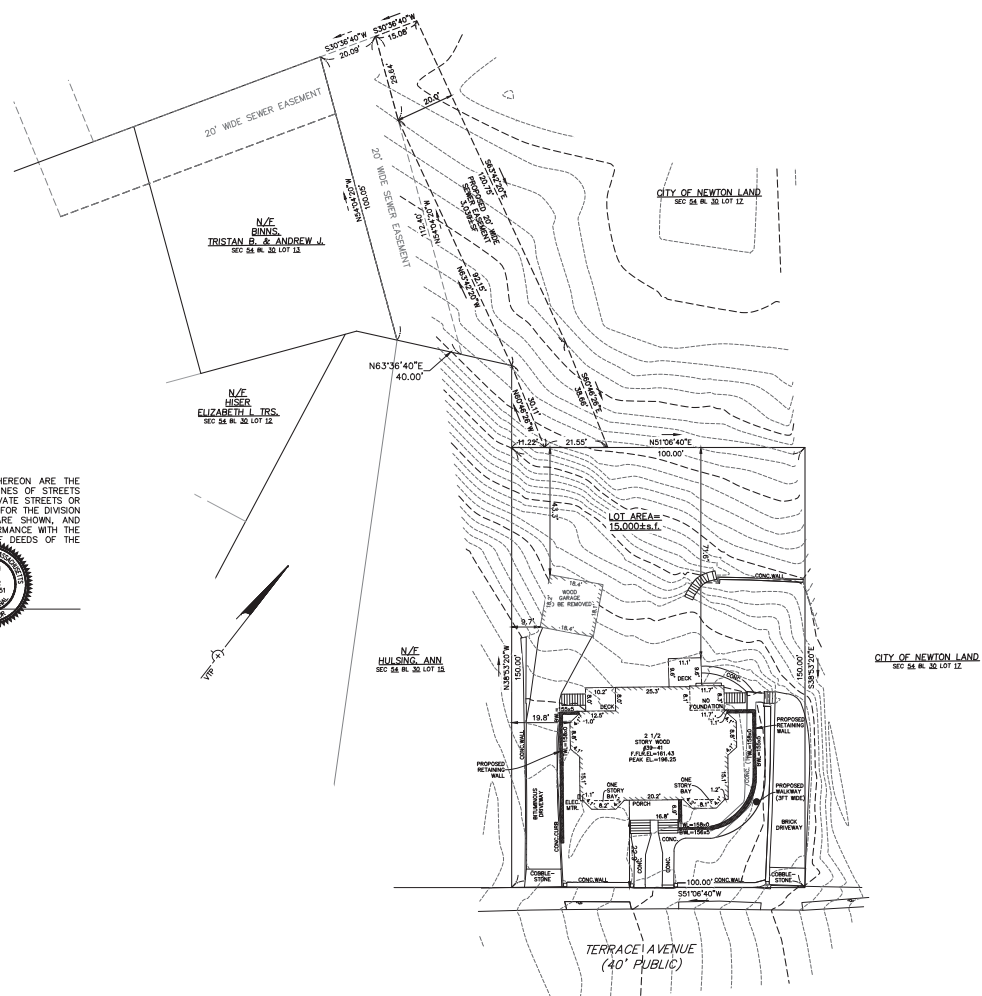
217204_easement1.dwg (1/2019)

MIDDLESEX REGISTRY OF DEEDS

DEED REFERENCE
BOOK 64888 PAGE 391

OWNER OF RECORD
OCEAN REALTY PARTNERS, LLC

RESERVED FOR REGISTRY USE



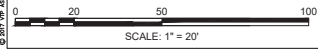
I CERTIFY THAT THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIP, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN, AND THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Joseph R. Porter
JOSEPH R. PORTER PLS



LEGEND

BUILDING	
PROPERTY LINE W/ BEARING DISTANCE	S81°16'34"E 116.23'
CONTOUR	70
STOCKADE FENCE	
CHAINLINK FENCE	
PICKET FENCE	
UTILITY POLE	
LIGHT POLE	
DECIDUOUS TREE	DEC. 22"
CONIFEROUS TREE	CON. 12"



EASEMENT PLAN
NEWTON, MASSACHUSETTS
SHOWING PROPOSED EASEMENT AT
#59-41 TERRACE AVENUE
SCALE: 1in.=20ft. DATE: JANUARY 31, 2019;
REVISED: JANUARY 25, 2019
PROJECT: 217204



LAND SURVEYORS - CIVIL ENGINEERS, 132
ADAMS STREET, 2ND FLOOR, SUITE 3
NEWTON, MA 02458
(617) 332-8271
SHEET 1 OF 1



826 BOYLSTON STREET
CHESTNUT HILL, MA 02467

(617) 731-4644

(617) 332-8700

(617) 566-8379

RE: Proposed Sewer Easement Encumbering Parcel 54-30-17 for the benefit of 39-41 Terrace Avenue

To Whom It May Concern:

My name is Karen Kennedy, and I am a licensed real estate broker in the Commonwealth of Massachusetts. I have been practicing real estate for 30 years in the Newton and Brookline area. I have worked at Hammond Residential since they opened and am proud to say they have had the highest market share in Newton and Brookline for the past decade. My team (The Kennedy Lynch Team) have a long track record in offering unparalleled attention to detail, analysis of property values and market trends in our marketplace. We rank among the top 5 most productive teams in the Newton and Brookline area.

I have been asked to provide my opinion of the value of a proposed sewer easement encumbering property owned by the City of Newton known as Parcel 54-30-17, for the benefit of property known as 39-41 Terrace Avenue, Newton. I note the following related to Parcel 54-30-17:

1. The parcel consists of 26876 square feet of vacant, wooded land and is situated directly behind 39-41 Terrace Avenue. Other abutters include residential dwellings on Terrace Avenue and other vacant, wooded land owned by the city.
2. The parcel is landlocked excepting a strip of land with 20 feet of road frontage on Terrace Avenue. Said strip is impacted by steep topography, precluding direct access to Terrace Avenue.
3. As shown on the attached plan the parcel is encumbered by two existing sewer easements:
 - a. Along the northwesterly edge, a twenty-foot-wide easement running approximately 170 feet. This easement contains a city sewer main that services dozens if not hundreds of homes in the neighborhood. This is the same sewer main to which 39-41 Terrace is seeking to connect.
 - b. Along the southwesterly edge, a second twenty-foot wide easement runs approximately 110 feet. This easement contains a sewer connection between a residence known as 47 Terrace and the above City sewer main.

These existing easement areas total approximately 5600 square feet of land. It is important to note that these easement areas are not distinguishable when walking the land, as the sewer lines are under ground and the entire parcel is vacant and wooded.

4. I understand the proposed easement for 39-41 Terrace will be twenty feet wide and run approximately 150 feet for a total area of approximately 3000 square feet of land. I understand the location of the proposed easement will be directly adjacent to the existing easement now benefiting 47 Terrace.

Based upon the information which was given to me by the owner of 39-41 Terrace, it is my opinion that at Parcel 54-30-17 is not buildable but still has significant value as a wooded land buffer. Provided the proposed sewer connection for 39-41 Terrace is installed underground, the proposed easement will have minimal if any negative effect on the overall appearance or value of Parcel 54-30-17. In particular, as two sewer easements already encumber the property, the impact of the proposed easement is negligible.

If I can provide any additional information, please let me know.

Very Truly Yours,

DocuSigned by:

970DA3D3B954498...

10/25/2021

Karen Kennedy
Senior sales associate
Hammond Residential
thekennedylynchteam@hammondre.com
617-699-3564