



Ruthanne Fuller
Mayor

#272-22

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney S. Heath
Director

M E M O R A N D U M

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

From: Barney S. Heath, Director of Planning & Development
Jennifer Caira, Deputy Director for Planning & Development
Katie Whewell, Chief Planner

Date: June 6, 2022

Subject: Reuse of Parcel ID 44 14 60 on Whitlowe Road

CC: Carol Moore, City Clerk
Andrew Lee, Assistant City Solicitor
Jonah Temple, Assistant City Solicitor

The prior memorandum, issued April 5, 2022, contained a typographical error in the range given for the resulting value of the land. Planning Staff reached out to Assessors to confirm the correct value. This memorandum has been revised to reflect the correct value of the land.

The subject property is City-owned vacant land fronting Whitlowe Road and James Street. The property contains 1,157 square feet and is located within the Single Residence 3 zone (the "SR-3 zone") in West Newton (the "Parcel"). The Parcel has two abutters: 42 Whitlowe Road; and 46 James Street. Both properties are located within the SR-3 zone and are improved with single-family dwellings.

The Executive Office declared the Parcel "surplus" because the Parcel has no present or future use. The city acquired the Parcel in 1971 due to non-payment of taxes (**Attachment A**). In its condition, the Parcel is unbuildable because of its lot size.

Given the Parcel's location within the SR-3 zone and the size of the parcel, the Planning Department recommends that the Reuse Committee waive the Joint Advisory Planning Group (JAPG) and that the parcel be made available for sale to an abutter. To inform the Reuse Committee's deliberations, the Planning Department spoke with the Assessing Department who stated the Parcel, would be valued at between \$4 and \$10 per square foot, resulting in a value of between **\$4,628 and \$11,570**.

ATTACHMENTS:

ATTACHMENT A: Abutter Request for Sale of City-Owned Property

Terrence P. Morris, Esq.
Law Offices of Terrence P. Morris LLC
57 Elm Road
Newton, MA 02460
617 202-9132

January 21, 2021

By electronic transmission: jmcgonagle@newtonma.gov

James McGonagle, Commissioner
Department of Public Works
1000 Commonwealth Avenue
Newton, MA 02459

Re: Whitlowe Road: Assessors S/B/L 44-14-60 (the "Locus")
Request For Sale of City-Owned Property

Dear Commissioner McGonagle:

I represent Michael and Holly Umina of 46 James Street, which has been owned by the Umina family since 1935. Mr. Umina acquired title to the property in 1994, for use as his family residence. The Umina property is a 14,567 square foot lot with approximately 40 feet of frontage on the north side of James Street. It abuts a smaller vacant piece of land containing 1,157 square feet, shown on the attached 1963 Subdivision Plan. The City of Newton acquired title to the smaller parcel on September 28, 1971 with the disposition of a Tax Lien case (see attached documentation). Although the Locus has frontage on James Street, the City Assessors records currently show the land with a Whitlowe Road address, because it had been historically owned by the owner of 42 Whitlowe Road from 1929 until the 1971 taking.

On March 2, 2016, you were gracious enough to meet with Mr. Umina personally to discuss his long-standing interest in acquiring the Locus. At the time he informed you that the land had been landscaped, watered and maintained by his family as far back as the early 1930s. He himself had been maintaining it up to then, since 1991. Some months after that meeting he was advised by Terry Crowley, currently DPW Construction Coordinator, that sale of the property was subject to Section 2-7 of the Newton municipal ordinances, which would likely require the land to be offered for sale publicly with a sealed bid. This of course could not happen without the Department of Public Works declaring the land available for sale and a confirmatory vote of the City Council.

Facing the prospect of a seemingly daunting task or for whatever reason, Mr. Umina, did not have the wherewithal to pursue the matter further at that time.

Over time several large trees on the property have deteriorated to the point of becoming a safety hazard, having dropped significant limbs on automobiles parked on the Umina property. This and other reasons have re-kindled the Uminas' interest in acquiring the Locus. Accordingly, the purpose of this letter is to initiate the process under Section 2-7 of the City Ordinances, whereby the land would be declared surplus and be made available for sale.

I look forward to hearing from your office at the earliest opportunity.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Terrence P. Morris". The signature is written in a cursive style with a large initial "T".

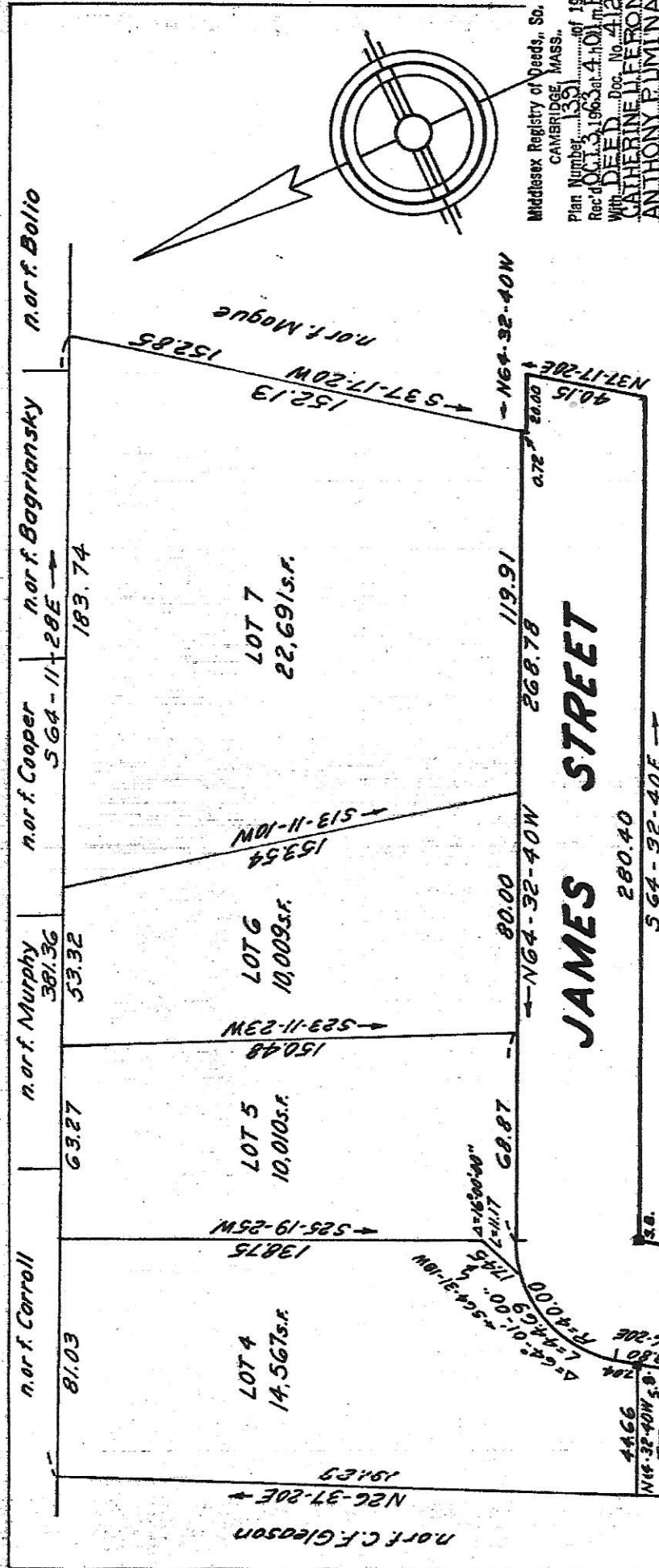
Terrence P. Morris

Attachments (2)

Cc: Barney Heath, Director of Planning and Development, *via email*
Shawna Sullivan, Executive Assistant, *via email*
Terry Crowley, DPW Construction Coordinator, *via email*
Leonard J. Gentile, Councilor at-large - Ward 4 *via email*
Michael J. Umina, *via email*

145 145

1391



#272-22

Middlesex Registry of Deeds, So. District
 CAMBRIDGE, MASS.
 Plan Number 1391 of 1963
 Rec'd 01-13-1963 at 4:40 P.M.
 With DEED Doc. No. 412
 CATHERINE LIFERONE
 ANTHONY PUMINA
 Recorded, Book 10313, Page 260
 Attest

James P. Quinlan
 REGISTER

APPROVAL OF THIS PLAN UNDER
 THE SUBDIVISION CONTROL LAW
 IS NOT REQUIRED.

Date July 26 1963

Walter J. Thompson
 CITY-NEWTON PLANNING BOARD



FEES 3.00
 BY T.R.

PLAN OF LAND
 IN
 NEWTON ~ MASS.

SCALE: 1 IN = 40 FT.
 JULY 23, 1963
 EVERETT M. BROOKS CO. CIVIL ENGRS.
 NEWTONVILLE • WAYLAND • W. ACTON ~ MASS.

JAMES ST.
 WHITLOWE ROAD

7802

3 w/p



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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rfuller@newtonma.gov

March 28, 2022

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 initiation of the re-use process for a 1,157 square foot parcel on Whitlowe Road (Property ID: 44-14-60) acquired by the City through a taking for non-payment of taxes in 1971.

In accordance with Section 2-7 of the Revised Ordinances of the City of Newton ("Sale or lease of city owned real property"), I have determined that this property is available for sale or lease. The property is not currently used by the City and there are no recorded easements or license agreements pertaining to such property. The property is not connected to any City parcel.

Thank you for your consideration of this matter.

Sincerely,
Ruthanne Fuller
Mayor Ruthanne Fuller

RECEIVED
2022 MAR 28 PM 4:32
CITY CLERK
NEWTON, MA 02459

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Ruthanne Fuller

Mayor

To: Honorable Ruthanne Fuller, Mayor

From: James McGonagle Commissioner DPW

Subject: Notice of Intent to Sell or Lease
Section 2-7, Newton Revised Ordinances

Date: March 28, 2022

Please be advised that in accordance with Section 2-7 of the Revised Ordinances of the City of Newton ("Sale or lease of city owned real property"), I have determined that the 1,157 square foot piece of property on Whitlowe Road (Property ID: 44-14-60) acquired by the City of Newton through a taking for non-payment of taxes in 1971 is available for sale or lease. The property is not currently used by the City and there are no recorded easements or license agreements pertaining to such property. The property is not connected to any City parcel.

Accordingly, please notify the Director of Planning and Development of this determination in order to commence the re-use process.

James McGonagle
Commissioner

Telephone: (617) 796-1009 • Fax: (617) 796-1050 • jmcgonagle@newtonma.gov

DEC-6-71 AM 9.54 OISE**400



COMMONWEALTH OF MASSACHUSETTS
LAND COURT

CASE NO. 41301

NOTICE OF DISPOSAL IN TAX LIEN CASE

This is to certify that the petition of
City of Newton

vs.

Bridget Gleason,

to foreclose its tax lien under a certain deed for non-payment of taxes, given
by the Collector of Taxes for the City of Newton
in the County of Middlesex and said Commonwealth,
dated June 27, 1961 and duly recorded in Book 9868
Page 095

was filed in this Court on December 26, 1963
Thereafter due proceedings under said petition were instituted according to law,
and finally on September 28, 1971 a decree forever foreclosing and barring
all rights of redemption under said deed was entered, and this notice of final disposition of said
petition is directed to be recorded in the Registry of Deeds
for the South District of Middlesex County, pursuant
to Section 74 of Chapter 60 of the General Laws.

By the Court, (SILVERIO, J.)
Attest:

Margaret M. Daly
Recorder

Dated September 28, 1971

fc