



# Real Property Reuse Committee Report

## City of Newton In City Council

**Wednesday, June 15, 2022**

**Present:** Councilors Laredo (Chair), Oliver, Albright, Kalis, Kelley, and Markiewicz

**Absent:** Councilors Danberg and Downs

**City staff Present:** Associate City Solicitor Andrew Lee, Chief Planner Katie Whewell

**#272-22      Reuse of parcel of land on Whitlowe Road**

DIRECTOR OF PLANNING & DEVELOPMENT submitting on April 5, 2022 a letter stating that the 1157 sq. ft. City owned parcel of land known as Section 44 Block 14 Lot 60 on Whitlowe Road, should be made available for sale or lease, pursuant to the City of Newton Ordinances Section 2-7.

**Action:**      **Real Property Reuse Held 5-0 (Councilor Markiewicz not voting)**

**Note:**          Attorney Terry Morris, with offices at 57 Elm Road, Newton, noted he was appearing on behalf of an interested abutter, Mr. Michael Umina.

Mr. Morris noted that Mr. Umina reached out to the DPW in January 2021 to determine whether the parcel might be considered surplus. Mr. Umina has lived next to the property for 28 years and has made efforts during this time to maintain it and is interested in acquiring the parcel. Atty Morris noted that if the land is found not developable, and is simply to be acquired, his hope is that the value would be assessed closer to the lower end of the \$4-10 per sq. foot range.

Mr. Umina echoed Mr. Morris' statements, noting he has done several plantings over the last few decades and installed an inground sprinkler and lighting system to help the plants grow. Some trees on the parcel have fallen on his property and some on his vehicles over the years. If he were to acquire the property, he would likely hire an arborist to maintain them. Mr. Umina is hoping the parcel would be reasonably priced (i.e. value adjusted) in light of his maintenance efforts over the years.

Mr. Umina noted he has consulted with abutting neighbors who are in favor of his acquisition of the parcel.

Chief Planner Katie Whewell presented an overview of the parcel located at SBL 44 Block 14 Lot 60. The 1157 sq. ft. property is zoned SR3, is landlocked with 0' of frontage and abuts two residential properties on Whitlowe Road and James Street. The Executive Office declared the parcel surplus because the parcel has no present or future use. The Planning department recommends the Reuse Committee waive the joint advisory planning group (JAPG) and at the parcel be made available for

sale to an abutter. Ms. Whewell confirmed that the parcel would be valued between \$4 and \$10 per sq. foot, resulting in a value between \$4,628 \$11,570.

Assistant Solicitor Andrew Lee presented an overview of the reuse process, as shown in the attached presentation. Mr. Lee noted that the attached summary is fairly specific to the Whitlowe Road parcel. It applies to smaller, unbuildable properties that do not have buildings on them.

The first four segments of the chart have already been completed.

During this meeting, the Reuse committee can make an initial determination to either keep the property or find the property be made available for sale or lease.

Assuming the Committee votes to make the initial determination that the property be available for sale or lease under the ordinance, it requires that a JAPG be created.

One provision of the ordinance is that when a property does not have any buildings on it, the Committee can waive the requirement for a JAPG.

If the JAPG is waived, the Committee can consider the recommendations of the Director of Planning that were previously submitted. Alternatively they can request an additional report from the Planning department.

No additional report: Public Hearing to be held within 60 days from the date the JAPG is waived.  
Additional report: Public Hearing must be held between 30-60 days from the submission date of the report.

Once the public hearing is held and closed, the Committee is tasked with voting on a recommendation to the full City Council to make the property available for sale or lease and setting a minimum sale price.

The full City Council vote must occur within 60 days of the Committee's recommendation.

Councilor Comments and Questions:

Q: At what point do we assess the parcel's value?

A: After the public hearing is held and when the real property reuse committee is voting on the recommendation to the full City Council.

Q: Who is allowed to bid on the property?

A: When the property value is under \$35,000, then the city doesn't have to do a formal procurement. If it is over \$45,000, pursuant to chapter 30B of the state statute, we're required to put it out to bid. But what the city has conventionally done and the law department does recommend this as good wisdom is, even if the property value is less than \$35,000, you send a notice

or an invitation for bids to the abutters. And that's what we've done in past practice. And that's what we would suggest with this property as well.

Committee members were supportive of setting the public hearing date as well as taking a final vote and setting the parcel's price in the same meeting.

Committee members requested further information and analysis on pricing the parcel from the Law and Planning departments to help the Committee narrow down the price range.

Mr. Lee noted he would work with the Assessing department. Mr. Lee noted that it is up to the Committee to determine whether a reduction in the price (based on Mr. Umina's request) can be factored into consideration. That is an issue that will need to be taken up at the public hearing.

### Committee Actions

#### Initial Determination:

Councilor Kalis motioned for an initial determination to make the Whitlowe Road parcel available for sale. The Committee voted in favor approval 5-0 (Councilor Markiewicz not voting).

#### Waive requirement for creation of JAPG:

Councilor Albright motioned to waive the creation of a joint advisory planning group. The Committee voted in favor approval 5-0 (Councilor Markiewicz not voting).

#### Determination to request an additional report:

Councilor Kelley motioned to waive the request for an additional report from the Planning department. The Committee voted in favor approval 5-0 (Councilor Markiewicz not voting).

#### Set Public Hearing date:

Councilor Kelley motioned to set the public hearing date to occur on July 11, 2022 at 6:30pm. The Committee voted in favor approval 5-0 (Councilor Markiewicz not voting).

With that, the Committee voted 5-0 in favor of holding the item with a motion from Councilor Kalis.

The Committee adjourned at 7:27 pm.

**Respectfully submitted,**

**Marc Laredo, Chair**

# REAL PROPERTY REUSE PROCESS

CITY OF NEWTON – WHITLOWE ROAD

JUNE 15, 2022

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The City Department responsible for subject property submits to the Mayor a written record of the decision to declare property available for sale, lease or for a different municipal purpose.



The Mayor docketed written record with the Clerk and the Clerk notifies the Director of Planning and Development.



The Director submits a written report to the Clerk recommending whether the property should be transferred to a different department or declared available for sale or lease.



The Clerk docketed the item with the City Council for referral to real property reuse committee (the "Reuse Committee").



Reuse Committee makes an initial determination that either: (a) City should retain property—in the custody of the same or different department; or (b) property should be made available for sale or lease.

- ❖ Reuse Committee has discretion to hold a public hearing prior to making initial determination



Initial Determination = Sale/Lease

# Initial Determination –Sale/Lease

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Joint Advisory Planning Group is created

The Reuse Committee may vote to waive the requirement for a JAPG for land without buildings

# The Report – JAPG Waived

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The Reuse Committee has two options:

1. Consider the recommendations in the previously provided report from the Director of Planning and Development; or
2. Request the department of Planning and Development prepare an additional report
  - a. the additional report must be filed within 180 days from the date the JAPG is waived.

# Public Hearing

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- No Additional Report
  - Public hearing held within 60 days from date the JAPG is waived
- Additional Report Requested
  - Public hearing held between 30-60 days from the submission date of the report.



# REUSE COMMITTEE RECOMMENDATION

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The last step for the Reuse Committee after the close of the public hearing is to vote on a recommendation to the full City Council.

- ❖ Recommend that the property be sold or leased
  - ❖ *Set minimum sale price*
  - ❖ *Specific use characteristics of the property*
- ❖ Recommend that the property be retained by the City for an identified purpose

# FULL CITY COUNCIL VOTE

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Within 60 days of the Reuse Committee's recommendation, the full City Council is required to vote on a resolution to the Mayor for the disposition and future use of the property.

- ❖ 2/3<sup>rd</sup> vote required.

- ❖ Resolution may authorize the Mayor to lease or sell all or a portion of the property and set minimum financial terms.

The Mayor then takes appropriate action based on the Council's recommendation

# Summary of Potential Actions

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- Make an Initial Determination
- Waive Requirement of JAPG
- Determine Whether to Request Additional Report
- Set Public Hearing Date