



Real Property Reuse Committee Report

City of Newton In City Council

Thursday, November 3, 2022

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

Absent: Councilor Danberg

City staff Present: Associate City Solicitor Andrew Lee, Director of Planning and Development Barney Heath and Associate City Engineer John Daghlian

#481-22 Reuse of parcel of land on Jackson Street

DIRECTOR OF PLANNING & DEVELOPMENT submitting on October 6, 2022 a letter stating that the 57 sq. ft. City owned parcel of land known as 181-183 Jackson Road, 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: Barney Heath, Director of Planning and Development explained that this is a request for an easement where the Laundry Brook Culvert runs under the yards on Jackson Road. He noted that John Daghlian, Associate City Engineer was present to discuss the engineering side of the project. Mr. Heath explained that the actual easement is 917 sq ft and that the City has provided an easement in this area before to allow for a driveway. Andrew Lee, Associate City Solicitor noted that this request to sell the easement.

Mr. Daghlian explained that this is a 50 ft wide easement that was granted in the 1800s. The culvert measures about 14 ft wide and ranges between 1 to 1 ½ ft deep at various points. The Engineering Department would require a test pit to see how far down the driveway would go. He also noted that the Engineering Department supports the petition. Atty. Lee explained that any damage done to the culvert it is the responsibility of the homeowner. This is similar to the prior easement that was allowed next door. He noted that he can provide a copy of that easement at a later date.

Committee members asked the following questions:

Q: Regarding the previous easement, did the Real Property Reuse Committee set a fee or did they set a nominal fee?

A: Atty. Lee explained that he believes it was a nominal fee and can look to see what the minimum price was set at.

Q: Regarding the attached memo, Councilors asked for clarification on the evaluation of the property?

A: Attorney Adam Schector, representative for the homeowner explained that they have tried to get appraisers to go look at this property and they have all said that this type of easement does not have any value to anyone except to the homeowner. The memo does show an assessed value but there is really only nominal value. Atty. Lee noted that the memo was required under the real property reuse process.

Q: How would the City know if the culvert got damaged?

A: Mr. Daghlian explained that there will be an inspector on site to review the process.

Q: This area is near a school and pulling out from the proposed driveway could raise safety concerns. How will the City address these concerns?

A: Mr. Daghlian first noted that there will be a police officer on site when the construction is happening and will have a detour for pedestrians on the sidewalk. He also noted that there is good visibility in that area and the City maintains the grass on both sides to ensure that there will not be any additional plantings.

Committee Actions:

Initial Determination:

Councilor Kelley motioned for an initial determination to make the Jackson Road parcel available for sale. The Committee voted in favor of approval 7-0.

Waive requirement for creation of JAPG:

Councilor Kelley motioned to waive the creation of a joint advisory planning group. The Committee voted in favor approval 7-0.

Determination to request an additional report:

Councilors requested that they receive a copy of the past Board Order for the easement that was granted next door on Jackson Road. They would also like to receive a sketch/plan for this property.

Set Public Hearing date:

Councilor Oliver motioned to set the public hearing date to occur on December 8, 2022 at 7 p.m. The Committee voted in favor approval 7-0

Councilor Markiewicz motioned to hold the item which passed unanimously.

The Committee adjourned at 7:24 pm

Respectfully submitted,

Marc Laredo, Chair