

CITY OF NEWTON

IN BOARD OF ALDERMEN

REAL PROPERTY REUSE COMMITTEE REPORT

TUESDAY, MAY 17, 2005

Present: Ald. Lipof (Chairman), Ald. Salvucci, Danberg, Harney, Samuelson, and Schnipper;  
absent: Ald. Albright and Gerst; also present: Ald. Merrill

City staff: Michael Kruse (Director of Planning & Development) and Linda Finucane (Chief Committee Clerk)

Public Hearings were held on the following items, after which the committee held a working session:

#41-05(2)      GINGER CHAPPELLE, 105 Hyde Street, offering to purchase a parcel of city-owned land declared surplus, containing approximately 1760 sq.ft., with no street frontage, located between Hyde Street and Floral Place, more particularly described as Section 52, Block 38, Lot 5, in Newton Highlands

**ACTION:**      HEARING CLOSED and MINIMUM SALE PRICE APPROVED

**NOTE:** Ms. Chappelle was represented by attorney Mark White who explained the reuse process actually began two years ago for this parcel taken by the city in tax title in 1971. Ms. Chappelle has lived at 105 Hyde Street for twenty-four years and until recently thought the 1760 sq. ft. belonged to her. (Mr. White said looking at a plan can be deceptive, but Ms. Chappelle is the only abutter.) The terrain at the rear of Ms. Chappelle's property drops off approximately 20 feet. There is no demarcation natural or otherwise to indicate a property line, and she has used it as part of her backyard improving it with landscaping. (Photographs of the backyard were submitted and Ms. Chappelle was complimented on her garden.)

There was no public comment, and the hearing was closed.

Working Session

Discussion ensued about the Board's charge in determining the minimum sale price. The Chairman had from the Assessing Department a list of private sales of property, pieces of land purchased from abutters to increase the square footage of an individual's property, for which the average price per square foot was five to six dollars. Ald. Schnipper pointed out that private sales don't necessarily increase tax revenue, whereas putting useless city-owned land on the tax roll does. Other members reiterated that the ultimate sale price is decided by the Mayor.

After a brief discussion, the committee agreed and voted 6-0 that one dollar per square foot, the minimum sale price in similar cases in the past, is a fair minimum price. It also resolved to His Honor the Mayor asking that the lots be combined; no building on the new lot; no increase in floor-area ratio on any combined lot; and, no further future subdivision of the combined lot.

#42-05(2) ARJE & ELIZABETH LATZ, 6 Grove Street, Auburndale offering to purchase a .07 acre of city-owned land declared surplus adjacent to 6 Grove Street.

ACTION: HEARING CONTINUED

NOTE: Since neither the petitioners nor a representative were present, the hearing was continued.

#43-05(2) MILLARD HARMON, 15 Evergreen Avenue, Auburndale offering to purchase a .03 acre portion of a .13 acre parcel of city-owned land declared surplus at the intersection of Auburn and Evergreen Streets, Auburndale.

ACTION: HEARING CLOSED and MINIMUM SALE PRICE APPROVED 6-0

NOTE: Attorney Stephen Buchbinder represented Mr. Harmon who purchased this land and built his home in 1948. After living in upstate New York for many years now-retired Mr. Harmon recently discovered his driveway and a portion of his front yard, approximately 1400 sq. ft., are on city-owned property. When the house was built it was assumed his property followed the existing contours of the land. (Permitting and plot plan requirements probably were not as strict as they are today.) There are no other abutters on that side and the property is useless to the city.

William Chaisson of 31 Evergreen Avenue, a lifelong resident, agreed that the narrow, steeply sloped site is useless to anyone else. As there was no other public comment, the hearing was closed.

#### Working Session

The committee agreed there is no other use for this approximately 1400 sq. ft. of property. The only question was if Mr. Harmon would be interested in purchasing the entire .13 acre, which he indicated he was not interested in at this time.

Again, the committee agreed and voted 6-0 that one dollar per square foot is a fair minimum price. It also resolved to His Honor the Mayor asking that the lots be combined; no building on the new lot; no increase in floor-area ratio on any combined lot; and, no further future subdivision of the combined lot.

Respectfully submitted,

Richard Lipof, Chairman