

CITY OF NEWTON

IN BOARD OF ALDERMEN

REPORT OF JOINT MEETING

REAL PROPERTY REUSE AND COMMITTEE ON COMMUNITY PRESERVATION
COMMITTEES

TUESDAY, FEBRUARY 28, 2006

Real Property Reuse Committee members present: Ald. Gentile (Acting Chairman), Ald. Salvucci, Samuelson, Baker, Johnson, Weisbuch, and Danberg; absent: Ald. Lipof (Chairman)

Committee on Community Preservation members present: Ald. Linsky (Chairman), Ald. Yates, Hess-Mahan, Lappin, Lennon, Parker and Vance; absent: Ald. Sangiolo

City staff: Eileen McGettigan, Associate City Solicitor and Linda Finucane, Chief Committee Clerk

Also present: Community Preservation Committee member Andrew Stern

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION & AND REAL
PROPERTY REUSE COMMITTEES**

#161-05(2) ALD. YATES requesting an amendment to the Real Property Reuse Ordinance to protect the investment of Community Preservation Act funds in historic city properties.

ACTION: REAL PROPERTY REUSE APPROVED AS AMENDED 5-1-1 (Salvucci opposed; Gentile abstaining)
COMMITTEE ON COMMUNITY PRESERVATION APPROVED AS AMENDED SUBJECT TO second CALL 4-0-2 (Ald. Lennon and Parker abstaining; Lappin not voting)

NOTE: Alderman Yates explained that the Community Preservation Committee has expressed reservations about funding historic preservation projects for city-owned properties with community preservation money without some insurance that the intended preservation of the subject properties will continue for the benefit of the public. The Community Preservation Committee feels strongly that community preservation funds generated through public investment should not be lost if the city sells a property. (Currently, the committee is holding applications for funding projects for city-owned buildings, e.g., Brigham House, because the members wish to resolve this issue.) As an example, Community Preservation Committee member Andrew Stern pointed out that in return for receiving community preservation funds for new windows the YMCA voluntarily placed a preservation restriction in perpetuity on the outside of its building.

Section 2-7 of the city ordinances regulates through the Board of Aldermen the sale or lease of city-owned surplus property. That process includes a provision for the formation of a Joint Advisory Planning Group whose function is to identify alternatives for the future use of a surplus property. The proposed amendment would require through the existing reuse process the placement of a perpetual historic preservation restriction on any city-owned property in the event of its sale if community preservation funds were used to rehabilitate or restore its historic resources.

Joint Meeting Report
Real Property Reuse and Committee on Community Preservation Committees
February 28, 2006

Alderman Parker raised the theoretical sale of a city-owned building that had received funding for interior renovations only, e.g., the lights in City Hall. He suggested instead that the amount of community preservation funds expended trigger whether or not a preservation restriction is placed on a property and that only the feature of the property for which those community preservation funds were provided be subject to the restriction. Several members troubled by delaying much-needed repairs to city-owned properties disagreed with Alderman Parker. They pointed out that the purpose of a preservation restriction is to retain the character of the building and property and its context within the neighborhood in which it is located. Most, if not all, applications seeking community preservation funds pertain primarily to the outside of a building. Mr. Stern added that a property has to have obvious historic merit just to apply. Several other members said they wished to think about Alderman Parker's viewpoint.

Alderman Baker was concerned about the holder of the preservation restrictions. He said that although the Massachusetts Historic Commission must approve restrictions the city holds them. Pointing out that time sensitive renewals are often a requirement of such restrictions, he initially suggested tracking in the proposed amendment the language in G.L. c. 40C relative to the entity that will hold the proposed restrictions, but ultimately agreed "the city or its designee" would do so.

In Real Property Reuse Committee the proposed amendment to Section 2-7 was approved as amended 5-1-1, with the understanding that a minor suggestion by Mr. Stern and clarification as to who will hold the restriction be incorporated into the final draft. (Aldermen Baker, Danberg, Johnson, Weisbuch, and Samuelson voted in the affirmative; Aldermen Salvucci voted in opposition; Alderman Gentile abstained.)

In the Committee on Community Preservation Alderman Parker motioned to hold the item, which motion failed with only Alderman Parker voting in the affirmative and Alderman Lennon abstaining.

Alderman Parker then offered an amendment that the preservation restriction "shall only apply to features for which community preservation funds have been expended." The amendment failed 2-2-1 (Aldermen Parker and Linsky voted in the affirmative; Aldermen Hess-Mahan and Yates voted in opposition; Aldermen Lennon abstained).

Alderman Yates moved approval of the item as amended, subject to second call to allow review of the draft ordinance with the amendments incorporated. The motion to approve passed 4-0-2 (Aldermen Hess-Mahan, Linsky, Vance, and Yates voted in the affirmative; Aldermen Lennon and Parker abstained). Alderman Lappin was present for most of the discussion, but had to leave to attend another meeting.

Respectfully submitted,
Leonard J. Gentile, Acting Chairman

Attachment: draft ordinance #161-05(2)