

CITY OF NEWTON

IN BOARD OF ALDERMEN

REAL PROPERTY REUSE COMMITTEE REPORT

TUESDAY, NOVEMBER 28, 2006

Present: Ald. Lipof (Chairman), Ald. Weisbuch, Baker, Samuelson, and Gentile; absent: Ald. Danberg, Johnson, and Salvucci

City staff: Michael Kruse (Director of Planning & Development), Eileen McGettigan (Assistant City Solicitor), Linda Finucane (Chief Committee Clerk)

#346-06 COMMISSIONER OF PUBLIC WORKS declaring surplus a parcel of land containing approximately 1,065 sf of land known as Section 63, Block 33, Lot 21, located in Chestnut Hill, that contains a city-owned footpath that connects Middlesex Road with the Chestnut Hill MBTA Green Line Station for which the Brimmer & May School proposes swapping an in-kind portion of land and improving it with a new sidewalk.

ACTION: PUBLIC HEARING CLOSED; HELD 5-0

NOTE: A public hearing on this item opened and closed with no public comment. Present were Planning Director Mike Kruse, Attorney Frank Stearns of Kirkpatrick, Lockhart, Nichols & Graham, representing the Brimmer & May School, and William O'Brien, representing Longwood Covered Courts

The Brimmer & May School plans to alter and expand its existing parking facility to provide additional on-site parking (15-20 spaces). To do so it will require a special permit that Attorney Stearns said he hopes to file for a January hearing. Brimmer & May wishes for financial reasons to complete the work in two phases, the land swap and the special permit. The first phase is to acquire a portion of land containing 979 sf from Longwood Covered Courts, swap that portion for the surplus city-owned parcel containing 1,065 sf, and relocate and improve the existing footpath from Middlesex Road to the Chestnut Hill MBTA station currently located on the city-owned parcel to the land acquired from Longwood Covered Courts. The proposed new footpath would be concrete, not asphalt, with improved lighting and signage, and ADA compliant with a clearly defined pedestrian crossing. Some landscaping is proposed.

Issues raised by committee members included installation of additional landscaping along the footpath and further dialogue between Brimmer & May and its Newton neighbors. There was a question whether the reconfigured crossing would result in a loss of parking for the post office, creating a different problem. After further discussion, much of which related to special permit issues, and after Attorney Stearns and Mr. O'Brien said acquisition of the parcel from Longwood Covered Courts is contingent on Brimmer & May obtaining all necessary permits, the committee agreed to hold the item and either take it up concurrent with or after the working session for the special permit petition.

#383-06 ALD. LIPOF proposing that subsection 27-5 of **Section 2-7., Sale or Lease of city owned real property**, be amended to allow the public hearing, discussion, and waiver of the formation of a Joint Advisory Planning Group to be held concurrently in the case of city owned real property without buildings thereon.

ACTION: APPROVED 5-0

NOTE: This item was docketed by the Chairman because of items like #346-06 above and a number of other small surplus parcels that have come before the committee in the past few years. Historically, the Board's practice has been to waive formation of Joint Advisory Planning Groups (JAPG) for small parcels of vacant surplus land. The problem is the existing provisions of Section 2-7 create an additional meeting and month's delay for those parcels often acquired by abutting property owners. This amendment does not preclude the formation of Joint Advisory Planning Groups, but will allow the option of holding a public hearing, a decision concerning the JAPG, and substantive discussion to occur on the same night if a majority of the committee concurs. The public hearing advertisement/notice will note that a vote relative to formation of a JAPG is part of the hearing. A draft ordinance is attached.

Respectfully submitted,

Richard A. Lipof, Chairman