

The meeting of the **Committee on City Property** was held on Tuesday October 22, 2019, in the Memorial Middle School Library, 615 Rollstone St, Fitchburg, MA and was called to order by Anthony Zarrella (Chair) at 6:05pm.

Committee Councilors Present: Zarrella (Chair), Beauchemin, Squailia, Fleming | Councilor Green absent

Recording: Councilor Sam Squailia

Petitions taken out of order to allow Atty O’Neil time to attend, also allowing public to speak after each petition.

228-19 Robert Thompson, owner of 69 and 70 Greenhurst Avenue, Fitchburg; to acquire the street right of way between the two lots as outlined in the enclosed Petition

Public Comment: Claire Caron, 52 Greenhurst Ave; neighbor that lives on Greenhurst was wondering what the owner was planning on doing.

Robert Thompson, petitioner, replies: “Nothing, possibly building a house. I have two lots of land I’ve been paying taxing on for 47 years and I’d like to be able to recoup some of my money”

Tom Donnelly, Councilor, Notes that Mr. Thompson has wanted to do this for some time, and questioned the Public Works committee decision to give it leave to withdraw.

Robert Thompson, introduces petition, that he has two lots that are not buildable, and if he could acquire the street right of way in the middle, then he could recoup his investment (by building a house or selling it as a house lot) or at least break even on his years of tax payments.

Councilor Zarrella reads a statement by Solicitor Pusateri:

“Dear Councilor Zarrella, I have reviewed several deeds in the chain of titles regarding the property for the city property committee known as 69 and 70 Greenhurst Ave, they appear to be one continuous lot in common ownership for many years, across the center of the lot, the city maintains rights of ways and other restrictions of record. I have not determined exactly what these rights are, nor have I conducted a complete title examination of the property. However, it appears the property owner owns the entire area in question, subject to the rights referred to above. I also examined the parcels of land behind to determine if any parcel would be left landlocked should these restrictions be deeded away, I noted that parcel 206-18 appears to have frontage on Pierce Avenue, that 209-19 has frontage on Pierce Ave...however based on the city’s GIS this decision does not to appear to leave any other parcels landlocked. *Should your committee approve the sale of these rights, I would recommend referring the same to the side yard sales committee and declaring the same surplus property.*”

Councilor Squailia notes this went through the Public Works Committee, noting the DPW Commissioner looked into this and read the minutes: “Commissioner Bosonetto reported that Greenhurst Avenue was never accepted as a city street and therefore there is no public way to discontinue.” She then noted we decided to withdraw the petition because there is no need for it--as Commissioner Bosonetto described he owns both pieces of property and there is no actual public right of way because the city never accepted it as a city street, so there was no reason for the Public Works Committee to take any action.

Zarrella notes, that in his understanding with discussion with Solicitor Pusateri, that is true for Public Works, there is no Public way to be discontinued, however the city has deed restrictions on the property with the registry of deeds which the city needs to release or sell off in order to disencumber the petitioners deed.

Squailia notes she would be in favor of approving this petition for City Property and **moves as such, Beauchemin second.** Zarrella notes he is also in favor; he has received no information to indicate that this would cause any difficulty to the city. **Approved, 4-0 Unanimous**

239-19 Anne M. Cervantes, Treasurer, to declare as excess the following properties and designate to the Side Yard Sales Program:

- 0 Daniels Street · 64-38-0
- 202 Water Street 69-18-0

Public Comment: Anne Cervantes, Treasurer, notes that she had requests from others to put these to the side yard sales. Councilor Beauchemin bringing 0 Daniels St and the Community Development Office bringing 202 Water St, noting there is a lack of parking and the abutters could benefit from having parking here. She notes in the excess needs survey, that there was a comment from Commissioner Bosonetto saying that he'd like to use that area for construction purposes---noting then that the committee might want to wait to take action on this to allow the DPW to use it.

Zarella notes we have either no comments from most departments or a note that they have no use for the properties, with the one exception being 202 Water St, per Commissioner Bosonetto: *“Please retain 202 Water St for use as construction staging and storage area for upcoming bridge and sewer separation projects; the city can release the property after construction ends in about 2-3 years”*

Beauchemin moves to give 202 Water St leave to Withdraw, Squailia second. Approved, 4-0 Unanimous

Beauchemin moves to approve 0 Daniels St to go to the Side Yard Sales Committee, Fleming Second. Approved, 4-0 Unanimous

227-19. Deloge Heights, Inc., represented by Atty. Donald J. O'Neil, to accept a portion of Tibbett Circle as a public way as outlined in the enclosed Petition.

Atty Donald J O'Neil present, he notes he filed this petition on behalf of the developer, that it was approved by the Planning Board, and it has been inspected and found to be constructed as it should be and they are looking for approval to accept it as such.

Squailia notes when the matter was before the Public Works Committee, Commissioner Bosonetto recommended this section of roadway be accepted, he reviewed all the documents and found that it does meet the standard of a city street and that we should accept it.

Beauchemin notes that a few years ago we accepted part of Tibbett Circle, and then we had to go back up there and do work as the water catching in front/with big puddles where cars could lose control. He notes as long as there is no issue of water gathering, he will vote for this...

Atty O'Neil, notes it is a new section, it has been inspected, assumes if there were issues it would have come up, and those inspecting it would have knowledge of what had previously happened.

Public Comment allowed: Donnelly, notes he thinks it is the councilors job to accept the recommendations of the Engineering Department, usually they do the inspection and then we take their word.

Fleming moves to Approve the petition, Squailia second.

Zarella notes that he agrees if the city engineering dept says this is a goove move, then we really don't have the expertise to contradict that, and going through the city property committee is mostly a formality after acceptance by Public Works. **Unanimous 4-0.**

Meeting adjourned 6:25pm

Minutes prepared by Councilor Squailia, Clerk, City Property Committee. Submitted 11/12/19.