

Feb 2017

Many thanks to you and the other folks in the neighborhood trying to revive PBNA.

I'll try to keep this clear and relevant, if not short. I've visited every historical archive possible and think I have gotten to the truth.

Here's the sewer/alley background for this neighborhood:

Boston Water Power filled the land we live on in the 1860s. In the original deed for EVERY lot sold before 1867 it was stated that they would build and maintain a common sewer until it was accepted by the City.

Sometime later the idea of public alleys was introduced (Mass Laws Chapter 323) and already established alleys could petition to be public, just as they can now, but it was way easier then. Alleys that didn't go that route remained private.

Here's the breakdown of alleys and sewers in PBNA

- In Private Alley 529, between Rutland Square and West Newton Street, the City was granted an easement for the sewer in a 1946 Land Court Title Registration; the sewer was rebuilt in 1988, (private alley, public sewer made possible by the easement)
- In Alley 527, between West Newton and Pembroke, the sewer was built in 1859 and is shown on a BWSC map as "BWP sold to City." I'm not sure but I think the BWP built sewer in the alley is no longer in use but whatever remains of that sewer is owned by BWSC. (private alley, public sewer)
- There was a sewer taking in Alley 525, between Pembroke and West Brookline, in 1930, coincidentally the same year BWP dissolved. This part is confusing: Alley 525 does not appear in the City street book but BWSC labels it as a Public Alley. If it's Public it should be in the street book. (Unknown alley status, public sewer)
- In Alley 521, between West Brookline and West Canton, the sewer is in part public and in part considered private by BWSC. (Private alley, sewer 25% public, 75% private).

Our alley was never 'designated' in any way - a bureaucratic anomaly from the past. After two years and a lot of help from Michelle Wu the alley was finally designated by the City (August, 2015) as "private, open to public travel" thus making the residents eligible to apply for the Betterment Policy which we did in May 2016. Our battle is over about 300 feet of sewer. Thirty property owners would be responsible for 75% of the replacement cost as the policy stands today. A drainage system would also be required at abutters expense and drainage won't work without paving.

We accept that the alley is private. We dispute the allegation that the sewer is private. It was owned by Boston Water Power with the intention of the City accepting it. BWP went out of business in 1930. Ownership should have passed to the state or the city, not to the abutters.

As the only way to move forward on this we petitioned for the Betterment Policy and were told that the engineering recommendations could take 2 years. Borings are being taken this week.

I intend to continue to fight the allegation that the sewer is private - there is nothing to support transfer of ownership to abutters. The sewer currently runs uphill due to blockage, one section near the church construction collapsed and we've had at least two sinkholes in the alley. It's a public health emergency waiting to happen and the project will be prohibitively expensive to be shouldered by 30 homeowners. Any support PBNA can give us would be more than welcome.

If you want all the gory details, you can read them here:

<https://privatealleyoops.wordpress.com/>

Thank you for your interest,

Etta