



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, July 12, 2023**
DATE: July 10, 2023
TO: Urban Design Commission
FROM: Shubee Sikka, Urban Designer
SUBJECT: **Additional Review Information**

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development’s intention is to provide a balanced view of the issues with the information it has at the time of the application’s review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit, Fence Appeal applications or Design Reviews.

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff’s recommendations for these items.

I. Roll Call

II. Regular Agenda

Sign Permits

1. 270-276 Centre Street – Mass General Brigham

PROJECT DESCRIPTION: The property located at 270-276 Centre Street is within a Business 1 zoning district. The applicant is proposing to replace and install the following sign:

1. One perpendicular principal sign, internally illuminated, with approximately 27 sq. ft. of sign area (6’-8 3/8” x 3’-11½”) on the western building façade perpendicular to Centre Street.

TECHNICAL REVIEW:

- UDC recommended approval of the following sign at its June meeting:
 - One wall mounted secondary sign, internally illuminated, with approximately 48 sq. ft. of sign area on the northern building façade facing the side parking lot.
- There were conflicting dimensions of the perpendicular sign in the drawings at the last meeting, hence UDC requested the applicant to submit the correct dimensions of the perpendicular sign and come back to the next meeting.
- The proposed perpendicular principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 75 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding. As per §5.2.3 of the Zoning Ordinance, *“A perpendicular wall sign shall be attached at a right angle to the wall of a building; it shall have no more than 2 faces; and it shall not project in any linear dimension more than 6 feet, subject to the provisions of Revised Ordinances Chapter 26, Sections 26-1 to 26-6. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.”* Sign is approximately 10 feet from the building corner.

STAFF RECOMMENDATION: Based on the information submitted in the sign permit application and staff’s technical review, staff recommends approval of the proposed perpendicular principal sign.

2. 119 Central Avenue - Verizon

PROJECT DESCRIPTION: The property located at 119 Central Avenue is within a Business 2 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, non-illuminated, with approximately 6 sq. ft. of sign area on the southern building façade facing Washington Street.
2. One wall mounted directional sign, non-illuminated, with approximately 1 sq. ft. of sign area on the southern building façade facing Washington Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 200 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed directional sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, directional signs of up to 3 sq. ft are allowed, which the applicant is not exceeding.

STAFF RECOMMENDATION: Based on the information submitted in the sign permit application and staff's technical review, staff recommends approval of the principal sign and directional sign as proposed.

3. 89-97 Wyman Street – White Lion Baking Company

PROJECT DESCRIPTION: The property located at 89-97 Wyman Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 29 sq. ft. of sign area on the western building façade facing Wyman Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 223 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Based on the information submitted in the sign permit application and staff's technical review, staff recommends approval of the principal sign as proposed.

Comprehensive Sign Package

1. 612 Washington Street – Comprehensive Sign Package

PROJECT DESCRIPTION: The property located at 612 Washington Street is within a Business 2 zoning district. The applicant is proposing to create a comprehensive sign package for the following six businesses at this location:

- 7/11
- FulFilled Goods
- Dancers Image
- C'est Privie Lingere
- IREM
- Clean Joe

7/11:

There are currently two existing signs for 7/11 and applicant is not making any changes to them:

1. One wall mounted principal (existing) sign, internally illuminated, with approximately 16 sq. ft. of sign area on the northern building façade facing Washington Street.
2. One wall mounted secondary (existing) sign, internally illuminated, with approximately 10 sq. ft. of sign area on the southern building façade facing the rear parking lot.

FulFilled Goods:

There are currently two existing signs for FulFilled Goods and applicant is proposing to change the sign facing the rear parking lot:

1. One wall mounted principal (existing) sign, internally illuminated, with approximately 48 sq. ft. of sign area on the northern building façade facing Washington Street.
2. One wall mounted secondary (proposed) sign, internally illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing the rear parking lot.

Dancers Image:

There are currently two existing signs for Dancers Image and applicant is not making any changes to them:

1. One wall mounted principal (existing) sign, internally illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing the rear parking lot.
2. One wall mounted principal (to be removed) sign, internally illuminated, with approximately 17 sq. ft. of sign area on the northern building façade facing Washington Street. Applicant is proposing to remove this sign.
3. One wall mounted secondary (existing) sign, internally illuminated, with approximately 14 sq. ft. of sign area on the eastern building façade facing the driveway. This sign is not included in the list provided by applicant but shown in drawings.

C'est Privie Lingere:

There are currently three existing signs for C'est Privie Lingere and the applicant is proposing to remove the sign facing the rear parking lot:

1. One wall mounted principal (existing) sign, internally illuminated, with approximately 31 sq. ft. of sign area on the northern building façade facing Washington Street.
2. One awning (existing) sign, non-illuminated, with approximately 5 sq. ft. of sign area on the northern building façade facing Washington Street.
3. One wall mounted secondary (to be removed) sign, internally illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing the rear parking lot. Applicant is proposing to remove this sign.
4. One wall mounted secondary (existing) sign, internally illuminated, with approximately 14 sq. ft. of sign area on the eastern building façade facing the driveway. This sign is not included in the list provided by applicant but shown in drawings.

IREM:

There is currently one existing sign for IREM and applicant is proposing to replace it with a new sign:

- One wall mounted principal sign, internally illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing the rear parking lot.

Clean Joe:

The applicant is proposing the following signs:

- One wall mounted split principal sign, internally illuminated, with approximately 56 sq. ft. of sign area on the southern building façade facing the rear parking lot.
- One wall mounted split principal sign, internally illuminated, with approximately 92 sq. ft. of sign area on the southern building façade facing the rear parking lot.

Applicant has given two options for Clean Joe signs. Staff recommends applicant to chose one option from the two options given. Staff has included option #1 for staff review.

TECHNICAL REVIEW:

7/11:

- The existing principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 46 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The existing secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 46 feet, the maximum size of the sign allowed is 46 sq. ft., which the applicant is also not exceeding.

FulFilled Goods:

- The dimensions given by the applicant include a lot of the area that is typically not included in the sign area calculation. Staff has requested the applicant to provide the exact dimensions of the signs.

Dancers Image:

- The dimensions given by the applicant include a lot of the area that is typically not included in the sign area calculation. Staff has requested the applicant to provide the exact dimensions of the signs.

C'est Privie Lingere:

- The dimensions given by the applicant include a lot of the area that is typically not included in the sign area calculation. Staff has requested the applicant to provide the exact dimensions of the signs.

- The existing awning sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, awning sign that cover up to 20% of awning area are allowed, which the applicant is not exceeding.

IREM:

- The applicant has not provided façade frontage for this business hence the staff is not able to provide a recommendation. Staff has requested the applicant to provide the façade frontage for this business.

Clean Joe:

- Both the proposed wall mounted split principal signs appear to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two split principal signs are allowed, which the applicant is not exceeding, and on this façade of 59 feet, the maximum size of the total signage allowed is 100 sq. ft., which the applicant is exceeding. Per Zoning Ordinance §5.2.8, *“In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.”*
- *Staff recommends the applicant decrease the size of the signs, so the total area of both signs is less than 100 sq. ft.*

STAFF RECOMMENDATION: Staff will provide a recommendation about the sign package after receiving accurate sign dimensions.

Fence Appeal

1. 3-5 Potter Street (previously 274-276 Adams Street) Fence Appeal

PROJECT DESCRIPTION: The property located at 3-5 Potter Street is within a multi-Residence 1 district. The applicant has added the following fence:

- a) **Front Lot Line along Adams Street** – The applicant has added a fence, set at the front property line with a new fence, 49 inches tall solid vinyl. Applicant has not provided the exact length of the built fence and height of the fence from the gutter of the street elevation.

TECHNICAL REVIEW:

The inspection report says the following: *“Not sure how fence is anchored for the 8-foot sections per building code wind loads? Space fence along Adam Street does not appear to meet fence ordinance not part of UDC relief needs 25 feet from the intersection of Potter Street or less than 4 feet from the gutter of the street elevation to the top of fence?”*

Stop work order says the following: *“Correct the fence height along Potter Street to match Newton City Ordinance 5-30 (f) 7 or appeal this decision to UDC.”*

It is not clear from the application what relief is required (since height and length has not been specified). Planning Department recommends a survey of the installed fence for the property to determine what relief is required.

The proposed fence along the front property line appears to be not consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

According to §5-30(d)(1), “Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line.”

According to §5-30(f)(7), “Visibility on Corner Lots. No fence shall be erected or maintained on any corner lot as defined in Section 30-1 of the Revised Ordinances, as amended, in such a manner as to create a traffic hazard. No fence on a corner lot shall be erected or maintained more than four (4) feet above the established street grades within a triangular area determined by each of the property lines abutting each corner and an imaginary diagonal line drawn between two points each of which is located twenty-five (25) feet along the aforesaid property lines of said lot abutting each of the intersecting streets as illustrated in the diagram below. The owner of property on which a fence that violates the provisions of this section is located shall remove such fence within ten (10) days after receipt of notice from the Commissioner of Inspectional Services that the fence violates the provisions of this section and creates a traffic hazard in the judgment of the City Traffic Engineer.”

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City’s Fence Ordinance. The proposed fence, however, must be found to comply with the *“requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise.”* The UDC must also determine whether the *“desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good.”*

The applicant is seeking an exception to allow more than 4 feet tall solid vinyl fence with at the front property line for a length of less than 77 feet, where the ordinance would permit such a fence to be 4 feet tall from the established street grade.

The applicant’s stated reasons for seeking these exceptions are *“Applicant originally applied for a 6' fence along Adams St but committee asked for a 4' fence which committee members said was allowed at front which applicant agreed to do although Al*

Gifford says the 4' is measured from the street gutter not grade at fence and Al Gifford said the fence at the intersection of Potter St and Adams St needed to be removed for 25' along Adams St at intersection of Potter St & Adams St or I height dropped to under 4' as measured from gutter not sidewalk/property grade. POTTER ST IS A PRIVATE NON-PUBLIC STREET!!".

UDC reviewed this fence appeal application at it's June meeting and requested staff to check with the Traffic Engineer about the fence. Staff checked with the Traffic Engineer and his recommendation is *"Having the fencing along the front lot line not exceed the 4 foot height will help ensure safer sight lines for all Potter St residents in the future."*

Staff also checked with Commissioner of Inspectional Services Department about the fence height, and Commissioner says *"Section (f)(7) of the fence ordinance actually states; No fence on a corner shall be erected or maintained more than 4' above the established street grades within the triangular area."*

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application, Traffic Engineer's recommendation and staff's technical review, staff recommends the height is reduced to 4 feet as measured from the established street grade within the 25-foot corner triangular area.

III. Old/New Business

1. Approval of Minutes

Staff will provide meeting minutes before the meeting.