



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, **April 19, 2023** at 7:00 p.m. via Zoom
<https://us02web.zoom.us/j/82620739905>

Ruthanne Fuller,
Mayor

The Chair, Michael Kaufman, called the meeting to order at 7:03 P.M.

Barney Heath,
Director
Planning & Development

I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, Visda Saeyan, and Bill Winkler. Shubee Sikka, Urban Designer, was also present.

Shubee Sikka,
Urban Designer
Planning & Development

II. Regular Agenda

Sign Permits

Mr. Kaufman asked if the Commission felt there were any applications they could approve without discussion. The Commission agreed to approve the following signs without discussion:

Members
Michael Kaufman, Chair
Jim Doolin, Vice Chair
John Downie
William Winkler
Visda Saeyan

Sign Permits

4. 129-151 North Street – Newton Gardens

Proposed Signs:

- Reface one free-standing sign, non-illuminated, with approximately 12 sq. ft. of sign area perpendicular to Farewell Street.
- Reface one free-standing sign, non-illuminated, with approximately 12 sq. ft. of sign area perpendicular to North Street.

6. 200-220 Boylston Street – Beth Israel Lahey Health

Proposed Sign:

- One wall mounted split principal sign, internally illuminated, with approximately 162 sq. ft. of sign area on the northern façade of building A facing the parking lot.

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Staff sent the following email before the meeting to UDC members regarding this application:

“The applicant has sent information about the signs that are greater than 100 sq ft. There are currently five (5) principal wall signs that exceed 100 sf but are not greater than 200 sf, which complies with the six (6) such signs allowed under the special permit:

1. “Equinox” (153.5 sf)
2. “Medical Offices” (200 sf)
3. “Wegmans” (199 sf)

www.newtonma.gov

4. "Wegmans" (116.44 sf)
5. "Beth Israel Deaconess HealthCare" (199 sf) – to be replaced with proposed "Beth Israel Lahey Health" (162 sf)

The proposed sign is a face replacement of an existing principal sign previously approved by UDC. Staff recommends approval of the proposed reface of a principal sign."

7. The Finer Consigner

Proposed Signs:

- One wall split principal sign, non-illuminated, with approximately 3 sq. ft. of sign area on the northern building façade facing Langley Road.
- One perpendicular split principal sign, non-illuminated, with approximately 6.25 sq. ft. of sign area on the northern building façade perpendicular to Langley Road.

8. 1197-1203 Walnut Street – Shiva's Kitchen

Proposed Sign:

- One awning mounted principal sign, externally illuminated, with approximately 32 sq. ft. of sign area on the northeastern building façade facing Walnut Street.

MOTION: Mr. Kaufman made a motion to approve the signs at 129-151 North Street – Newton Gardens, 200-220 Boylston Street – Beth Israel Lahey Health, 47-61 Langley Road – The Finer Consigner, 1197-1203 Walnut Street – Shiva's Kitchen. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

1. 2-4 Los Angeles Street – Allee

Applicant/Representative: John Peterson, Metro Sign

Proposed Signs:

- Four-sided free-standing principal sign, internally illuminated, with approximately 15 sq. ft. of sign area on each side under the bridge between buildings 1A and 1B (location #1).
- One wall mounted secondary sign, internally illuminated, with approximately 22 sq. ft. of sign area on the southern building façade facing Midland Avenue (location #2).
- One perpendicular secondary sign, internally illuminated, with approximately 6 sq. ft. of sign area on the southern building façade of building 1 facing Midland Avenue (location #3).
- One perpendicular secondary sign, internally illuminated, with approximately 6 sq. ft. of sign area on the western building façade of building 2 perpendicular to Los Angeles Street (location #4).
- One perpendicular secondary sign, internally illuminated, with approximately 6 sq. ft. of sign area (location #5). Applicant has indicated that the exact location of this sign is not decided yet.

- One wall mounted directional sign (Parking sign), internally illuminated, with approximately 6.25 sq. ft. of sign area on the southern building façade of building 1 facing Midland Avenue (location #6).
- One wall mounted directional sign (Parking sign), internally illuminated, with approximately 6.25 sq. ft. of sign area (location #7). Applicant has indicated that the exact location of this sign is not decided yet.
- One wall mounted directional sign (Office sign), internally illuminated, with approximately 2 sq. ft. of sign area southern building façade facing Midland Avenue (location #8).
- One wall mounted secondary sign, internally illuminated, with approximately 22 sq. ft. of sign area on the western building façade of building 2 facing Los Angeles Street (location #14).
- One wall mounted directional sign (Resident Parking sign), non-illuminated, with approximately 6 sq. ft. of sign area on the western building façade of building 2 facing Los Angeles Street (location #15).
- One wall mounted directional sign (Resident Parking sign), non-illuminated, with approximately 6 sq. ft. of sign area (location #16). Applicant has indicated that the exact location of this sign is not decided yet.

Presentation and Discussion:

- The UDC reviewed all the proposed signs. UDC commented that a more accurate and clearer site plan is needed to review the proposed signage, the locations are not clear. Staff commented that there are multiple signs (sign locations #5, 7, and 16) that the applicant has not indicated locations for. Mr. Kaufman commented that UDC can't review signage without a location.
- The UDC requested the applicant to come back to the next meeting.

2. 870-880 Walnut Street – Orchid Cleaners

Applicant/Representative: Dan

Proposed Sign:

- One wall mounted principal sign, externally illuminated, with approximately 24 sq. ft. of sign area on the southern façade facing the parking lot.

Presentation and Discussion:

- Mr. Kaufman commented that the sign is externally illuminated and requested the staff to make that change in the recommendation letter.

MOTION: Mr. Kaufman made a motion to approve the sign with the stipulation that the sign is externally illuminated at 870-880 Walnut Street – Orchid Cleaners. Ms. Saeyan seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

3. 1173-1177 Walnut Street – Mimados Pet Grooming

Applicant/Representative: Sergio Guimaraes

Proposed Signs:

1. One wall mounted split principal sign, non-illuminated, with approximately 28 sq. ft. of sign area on the eastern building façade facing Walnut Street.
2. One wall mounted split principal sign, non-illuminated, with approximately 11 sq. ft. of sign area on the eastern building façade facing Walnut Street.
3. There is a third sign shown in the drawings. Staff has requested information about the sign but hasn't heard back from the applicant.

Presentation and Discussion:

- Staff sent the following email before the meeting-
“The applicant has sent information about all proposed signs. The applicant is proposing to install the following signs:
 - *One wall mounted split principal sign, non-illuminated, with approximately 28 sq. ft. of sign area on the eastern building façade facing Walnut Street.*
 - *One wall mounted split principal sign, non-illuminated, with approximately 11 sq. ft. of sign area on the eastern building façade facing Walnut Street.*
 - *One wall mounted secondary sign (digital print canvas panel made of aluminum composite material), non-illuminated, with approximately 50 sq. ft. of sign area on the southern building façade facing the driveway.*

Staff recommends approval of the two split principal signs as proposed. Staff seeks recommendation from UDC regarding the secondary sign (digital print canvas panel made of aluminum composite material).”

Mr. Kaufman commented that there is a proposed sign in a place that wasn't a sign band previously so UDC will need to discuss that. The Commission looked at Google Street view. UDC questioned the reason for two principal signs on the front façade. Mr. Winkler asked if the existing stone on the front façade is going to change? The applicant responded that existing stone is going to stay, they are just proposing to add a sign on it, nothing will be removed.

Mr. Kaufman asked why two signs are proposed on the front façade instead of just one sign in the sign band. The applicant responded that they think the sign on the stone wall will be more visible if you are walking on the sidewalk. The main sign in the sign band will probably be blocked by the tree in the front in the summer.

Mr. Doolin commented that the building has stone architecture on both ends. So normally, when UDC agrees to a split principal sign there's a good rationale for splitting the sign architecturally. There's a sign band established, so the signs should stay within that. And if there is additional pedestrian scale interest, it can be handled in the window or with a small blade sign. Mr. Kaufman commented there is also another secondary sign proposed which will be visible if you are coming from that direction. Mr. Kaufman suggested that maybe have the two M's up on top and make the name of the business larger and do a small perpendicular sign if the applicant would like to have pedestrian sign. Mr. Kaufman also commented that UDC shouldn't establish a sign band on the stone.

Ms. Saeyan commented that the secondary sign on the side is not adding anything to the building, not sure why it is needed. Mr. Kaufman suggested that the sign designed to go on the stone can be put at the location for the secondary sign and get rid of the canvas panel. Mr. Winkler agreed with Mr. Kaufman's suggestion. The applicant agreed to make the change.

MOTION: Mr. Kaufman made a motion to approve two signs with a condition at 1173-1177 Walnut Street – Mimados Pet Grooming. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

The UDC recommended the following two signs for approval:

- *One wall mounted principal sign, non-illuminated, with approximately 28 sq. ft. of sign area on the eastern building façade facing Walnut Street.*
- *One wall mounted secondary sign, non-illuminated, with approximately 11 sq. ft. of sign area on the southern building façade facing the driveway.*

The Commission recommended the two signs for approval on the **condition** that the sign moves to the southern façade at the same elevation as shown on the front façade. The applicant submitted a revised sign drawing on April 27 with this change.

The UDC recommended **denial** of the following sign:

- One wall mounted secondary sign (digital print canvas panel made of aluminum composite material), non-illuminated, with approximately 50 sq. ft. of sign area on the southern building façade facing the driveway.

5. 1261-1269 Centre Street – Embrace Orthodontics

Applicant/Representative: Wayne Arthur, Speedpro

Proposed Sign:

- One awning mounted principal sign, non-illuminated, with approximately 56 sq. ft. of sign area on the southern building façade facing Beacon Street.

Presentation and Discussion:

- Mr. Kaufman suggested to remove the website and phone number from the awning sign and recommended to put that information on the window. Staff requested the applicant to submit a revised sign with this change.

MOTION: Mr. Kaufman made a motion to approve the sign with a recommendation at 1261-1269 Centre Street – Embrace Orthodontics. Ms. Saeyan seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

The UDC recommended to remove the website and the phone number from the awning sign. The applicant submitted a revised sign drawing on April 28, 2023.

At 7:52 p.m., Mr. Kaufman suspended the Urban Design Commission, and enter the Commission in its role as Fence Appeal Board.

Fence Appeal

1. 33 Staniford Street – Fence Appeal

Homeowner: Sarah Rahman

Applicant/Representative: Regan Andreola, Beals & Thomas

Fence Appeal: The property located at 33 Staniford Street is within a Single Residence 3 district. The applicant is proposing the following fence:

- a) Side Lot Line – The applicant has revised the proposed fence since February submission and has added a fence, set at varying distance, 10 inches to 35 inches, from the side property line with a new solid fence, 6 feet 8 $\frac{3}{4}$ inches and 7 feet 9 $\frac{1}{2}$ inches tall posts, approximately 17 feet in length.

The proposed fence along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

Presentation and Discussion:

- Mr. Kaufman commented that UDC reviewed this fence appeal application at February meeting and UDC didn't have any major issues with the fence. The fence is a little taller than allowed and the only people it would affect are the neighbors. At the February meeting, UDC requested the applicant to either have the neighbor come or provide a letter saying that they have no objection to the fence, and it sounds like that up to this point, the homeowners have not been able to get anything in writing from that neighbor. Not sure why we couldn't get the neighbor to say they don't have any objections.
- Regan Andreola from Beals & Thomas (applicant) recapped the application and discussion at the February meeting. The fence is about a 17-foot length of fence along the side yard, it is eight- and three-quarter inches too high on the horizontal slats that were mistakenly constructed a little bit higher than allowed, that were in excess of the six-foot limit and the small section of fence is barely visible from the street. Now that trees are starting to leaf out, it is not going to be visible during summer months. And it is behind a large hedge between the applicants home and the abutting neighbor and can't be seen from the neighbor's property. There were two new photographs submitted from the street looking up the neighbor's driveway to show that the fence cannot be seen over the hedge. The homeowners have communicated multiple times through text, emails, conversations explained the situation to their neighbors. They were also notified as part of the fence appeal application as all abutters were and they were not in attendance at the last meeting nor was anyone objecting to the appeal. Not all neighbors are best friends and not that there's an issue but usually unless people are opposed to something that's usually when they're most vocal and the neighbors travel quite a bit and did not commit to showing up to the meeting or writing a letter. The homeowners offered if there were any concerns to please voice them and they would happily work with them on any concerns and they had none. So, the situation is the abutting neighbors were the only ones who this could impact and who could see it, but they can't see it from their property as you can see from the photos submitted and this does not impact the neighborhood or the city as a whole. So, the homeowners are just asking that the Commission consider this application and vote to approve, it is a minor infraction and does not impact anyone in the city.

- Mr. Winkler asked if all the planting shown on the proposal on the applicant's property? The applicant responded affirmatively; the hedge is on the homeowner's property.
- Mr. Kaufman commented that he is a little suspicious that the abutter can't agree that they have no problems with it, the homeowner had two months to ask for that and the abutters just had to write a letter saying they have no objections to this fence. Mr. Doolin responded that the abutters were notified and have not made any comment and UDC should take that into consideration. Mr. Kaufman responded that this is a specific fence that affects one abutter and UDC asked for a letter which has not been provided. Ms. Saeyan commented that the abutters were given the opportunity and the applicant has put enough time and effort and expense to try to follow up, sometimes you just can't help it if the neighbor doesn't want to call or say anything, but they were given the time.
- The applicant commented that there is a reason for this fence appeal process, so to say that it couldn't be approved for a neighbor who hasn't objected is not fair, the applicant can't control if the neighbor will write a letter or not.
- Mr. Doolin commented that UDC's task is to grant an appeal based on hardship, not whether the neighbors object, it is information, not dispositive about what UDC's decision is. He commented that a 17-foot-long fence exists, UDC could determine if that's a de minimis situation and since it was constructed, it could be granted.

Mr. Kaufman moved the motion to grant exception for the fence set at varying distance, 10 inches to 35 inches, from the side property line with a new solid fence, 6 feet 8 ¾ inches and 7 feet 9 ½ inches tall posts, approximately 17 feet in length because it is a de minimis violation of the ordinance. Mr. Winkler seconded the motion. All the members present voted, with a 4-0-1 vote, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor, none opposed, and Michael Kaufman abstained. The motion was granted.

At 8:02 p.m. the Commission adjourned the Fence Appeal Board portion of the meeting and reconvened as the Urban Design Commission.

III. Old/New Business

1. Meeting minutes

The Commission reviewed the minutes of February meeting.

MOTION: Mr. Kaufman made a motion recommending approval of the regular meeting minutes for February as submitted. Mr. Winkler seconded the motion. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed. The decision is hereby incorporated as part of these minutes.

The Commission moved the May 12 meeting to May 18.

IV. ADJOURNMENT

Mr. Kaufman made a motion to adjourn the meeting and there was general agreement among the members.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted by Shubee Sikka

Approved on July 12, 2023.