



Ruthanne Fuller
Mayor

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

#315-22
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

Public Hearing Date: June 14, 2022
Land Use Action Date: August 22, 2022
City Council Action Date: September 5, 2022
90-Day Expiration Date: September 12, 2022

DATE: June 10, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner

SUBJECT: **Petition #315-22**, for SPECIAL PERMIT /SITE PLAN APPROVAL to install a free-standing sign and to allow exceptions to the number and size of secondary signs at 1210-1230 Washington Street, Ward 3, Newton, on land known as Section 31 Block 04 Lot 13, containing approximately 79,093 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.2.13.A, 5.2.13.B of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



1210-1230 Washington Street

EXECUTIVE SUMMARY

The subject property consists of 79,093 square feet in the Business Use 1 (BU-1) zone in West Newton. The site consists of a multitenant commercial building and associated parking areas. The building has frontage on both Washington Street and Chestnut Street. The petitioner is seeking to install new signs. The petitioner's sign plan includes both signs that conform to the Ordinance and signs which require a special permit. The Planning Department has no concerns with the conforming signs and staff has focused this review on the relief requested for the five signs that are not allowed as of right and requires special permit relief.

The Planning Department is unconcerned with the one free standing sign facing Washington Street and the two wall-mounted signs within the site. The sign package is geared towards adding tenant and wayfinding signage. There are two signs that require special permit relief which front the Massachusetts Turnpike ("Mass Pike"). These signs were recommended for denial by the Urban Design Commission ("UDC") because the site cannot be accessed from the Mass Pike. While the UDC recommended the two Mass Pike facing signs for denial, there are other signs which advertise businesses on Washington Street visible from the Newton portion of the Mass Pike.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)
- The specific site is an appropriate location for the proposed signs that require waivers from the Sign Ordinance . (§7.3.3.C.1)
- The proposed signs that require waivers from the Sign Ordinance will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians; (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is in the BU-1 zone improved with a multitenant commercial building in West Newton. There are a mix of Business and Public Use zoning districts along the Washington Street corridor in West Newton (**Attachment A**). The area along Washington Street is comprised of commercial uses with a mixed-use parcel further west (**Attachment B**)

B. Site

The site consists of 79,093 square feet and is improved with a multi tenanted, brick, commercial building. The building maintains a consistent height and flat roof but varies between two and three stories due to the topography of the site. The lowest portion of the building at the 1210 Washington Street address is below street level. The site features surface parking as well as multilevel parking garage within the portion of the building closes to Chestnut Street. There is landscaping at the along most of the Washington Street frontage.

III. PROJECT DESCRIPTION AND ANALYSIS


A. Land Use

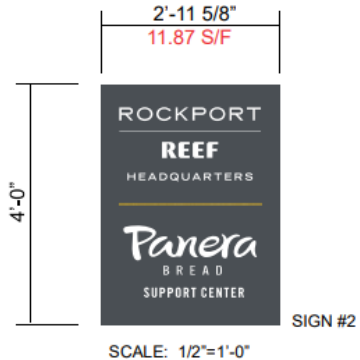
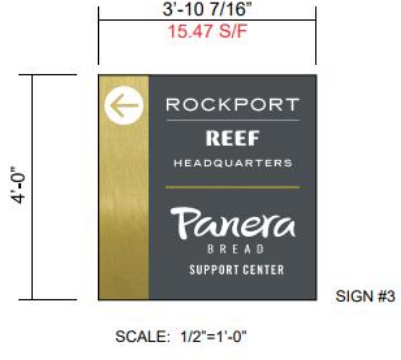
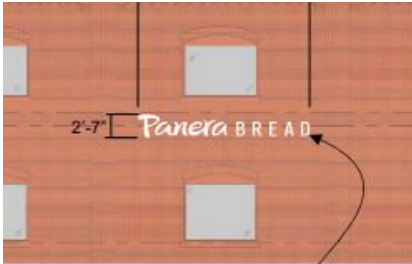

The principal use of the site is and will remain commercial.

B. Proposed Signs

The petitioner’s proposed signage requires waivers for free-standing directory signs and to allow exceptions to the number and size of secondary signs. The table below summarizes the type, size, and location of signs that require relief from the Ordinance. The sign images below are shown for illustrative purposes and the content of the sign shown below may not reflect the final illustration. A map of the site with the proposed sign locations is attached to this memorandum (**Attachment C**).

Figure 1. Signs that require Special Permit Relief

<u>Sign</u>		<u>Sign Type and Size</u>	<u>Sign Design</u>
1		One (1) Freestanding Directory sign, internally illuminated, 35 square feet	

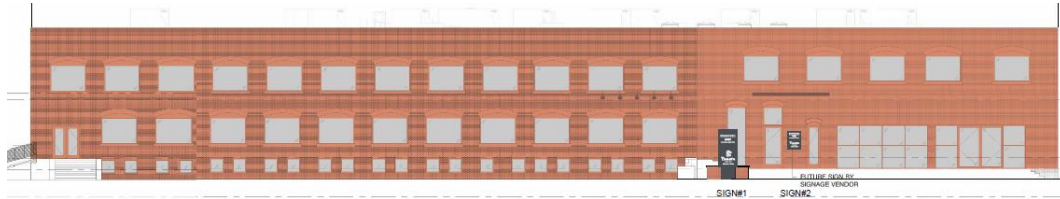
2		One (1) Wall Mounted sign, non-illuminated, 11.84 Square Feet	
3		One (1) Wall Mounted sign, non-illuminated 15.47 square feet	
4		One (1) wall-mounted sign, illuminated, 49.21 square feet Facing Mass Pike	
Not numbered on plans. For the purposes of the memo will call Sign 5		One (1) wall-mounted, sign, existing, 83.5 square feet Facing Mass Pike	

Free Standing Sign

The petitioner is proposing one freestanding sign (Sign 1) that measures 35 square feet in sign area. The free-standing sign will be visible from Washington Street and the Urban Design Commission (“UDC”) recommended this sign for approval due to

the deep setbacks of the building's entrances.

Proposed Front Elevation
*Sign 1 (free-standing) and
Sign 2*

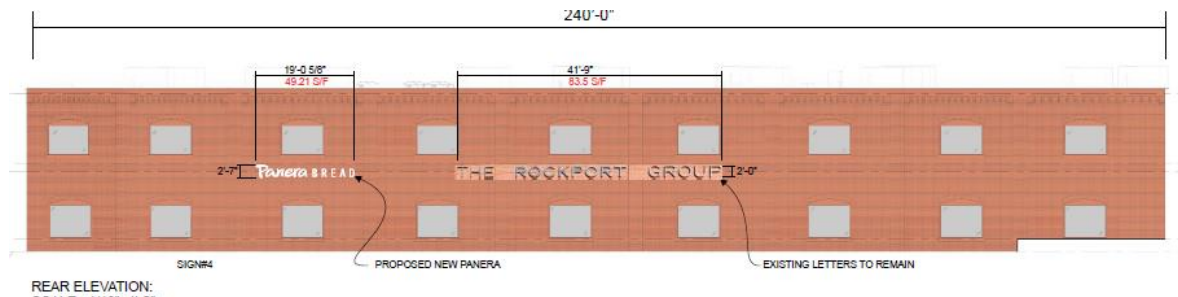


Wall Mounted Signs

The petitioner is proposing four wall-mounted signs that require a special permit (Signs 2, 3, 4 and 5). Two of the wall-mounted signs (Signs 2, 3) are located nearest the Washington Street frontage. Sign 2 faces Washington Street, while Sign 3 faces west and is located on the building's westerly edge as the building zig zags south towards the rear property line and the Mass Pike. The UDC recommended approval of both signs.

There are two signs proposed that face the Mass Pike. Sign 4 measures 49.21 square feet and Sign 5 measures 83.5 square feet in sign area. Sign 5 requires relief due to the size of the sign for a secondary wall sign exceeding 50 square feet. The UDC recommended denial of these signs because there is no direct access from the Mass Pike to the businesses. However, when observing other signs from the Mass Pike, there are signs located along Washington Street that are visible from the Mass Pike. Sign 5 currently exists on the rear elevation and now requires a special permit as a secondary sign, where it used to be the principal sign for the site.

Proposed Rear Elevation



Planning Analysis

The proposed signs require special permit relief for the type, number, and size of signs. Sign 1 requires relief for a free-standing sign, which always requires a special permit. Per the Ordinance, the free-standing sign is considered the principal sign. The remainder of the signs are considered secondary signs and require relief for the

number and size of secondary signs. Secondary signs are allowed a sign area of 50 square feet, and Sign 5 is proposed at 84 square feet, requiring a special permit for the size of this sign. All signs except for Sign 5 comply with the size limits set forth in the Ordinance for free standing and secondary signs.

The property has several tenants and the signs facing Washington Street, where pedestrians and visitors access the site, provide clear wayfinding as to the location of the tenants within the site. The signs do not appear to affect nearby communities which is in keeping with the objectives of Newton’s economic development element of the Comprehensive Plan. The UDC recommended denial of two signs facing the Mass Pike because there is no direct access from the Mass Pike to the businesses. However, when observing other signs from the Mass Pike, there are signs located along Washington Street that are visible from the Mass Pike. Sign 5 is existing and needs a special permit as a secondary sign, where it formerly was the principal sign for the site. Should the petition be approved, Sign 5 would no longer be the principal sign, as the free-standing sign (Sign 1) would be the principal sign.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the project regarding zoning (**ATTACHMENT D**). Based on the Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
Ordinance		Action Required
§5.2.13.A §5.2.13.B	To allow free-standing directory signs	S.P. per §7.3.3
§5.2.13.A §5.2.13.B	To allow exceptions to the number and size of secondary signs	S.P. per §7.3.3

B. Urban Design Commission Review:

The petitioner appeared before the UDC on November 10, 2021 and on December 8, 2021 (**ATTACHMENT E**). While the UDC was supportive of the signs facing Washington Street and within the site, they recommended denial for the signs facing the Mass Pike. The Inspectional Services and Law Departments determined that the Mass Pike serves as a street front, thus the signs proposed along the rear elevation facing the Mass Pike are subject to sections of the Ordinance that govern signs along street fronts. The UDC is supportive of Signs 1, 2 and 3, but recommended denial for Signs 4 and 5.

V. PETITIONER’S RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: Zoning Map

ATTACHMENT B: Land Use Map

ATTACHMENT C: Site Plan Showing Sign Locations

ATTACHMENT D: Zoning Review Memorandum

ATTACHMENT E: UDC Memorandum, dated March 17, 2022








ATTACHMENT F: DRAFT Council Order

ATTACHMENT A

Zoning

1210-1230
Washington Street
*City of Newton,
Massachusetts*


Zoning

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Public Use

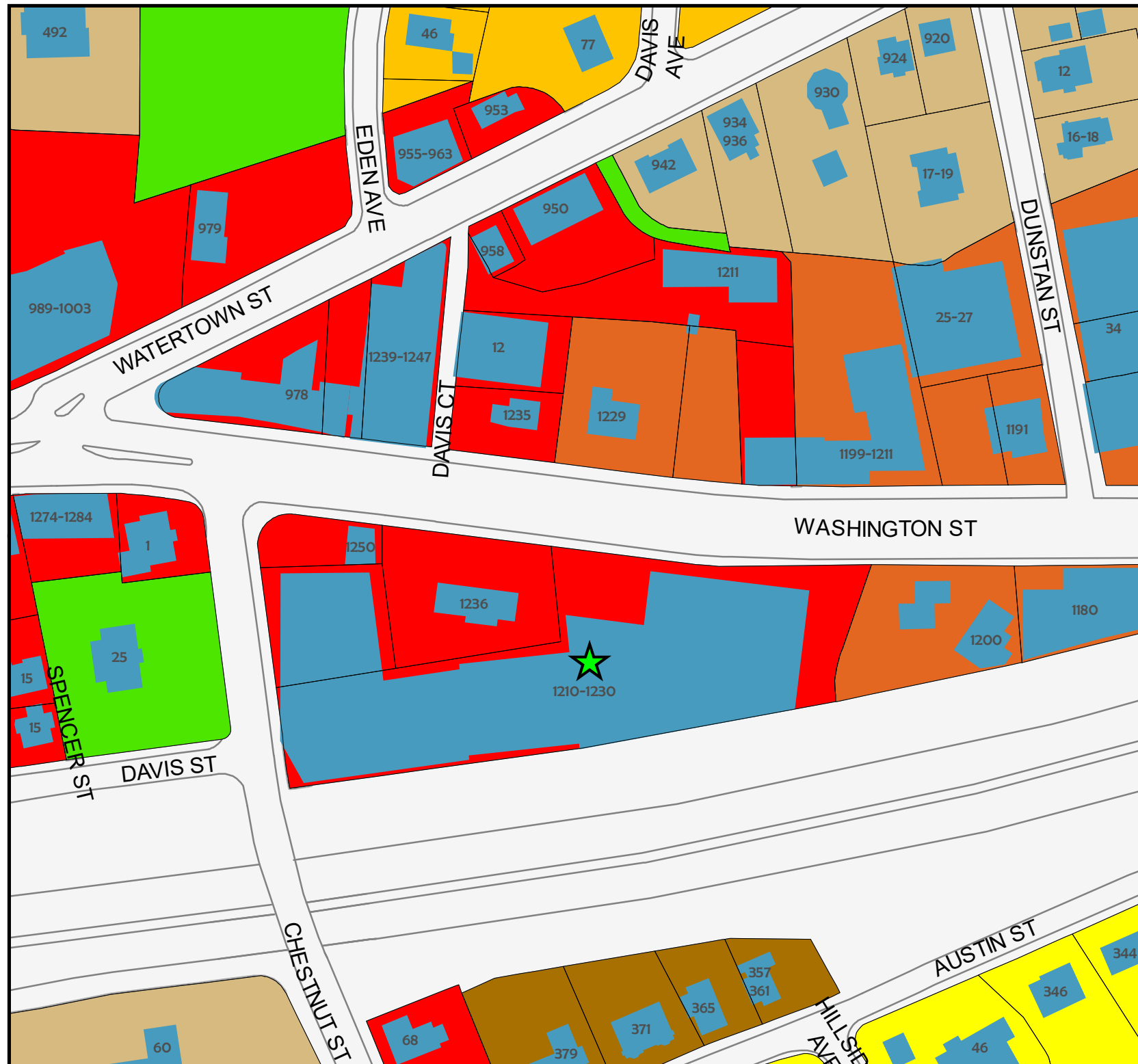


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175
 Feet

Map Date: June 03, 2022



ATTACHMENT B

Land Use

1210-1230

Washington Street

*City of Newton,
Massachusetts*

Land Use

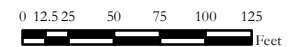
Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Nonprofit Organizations

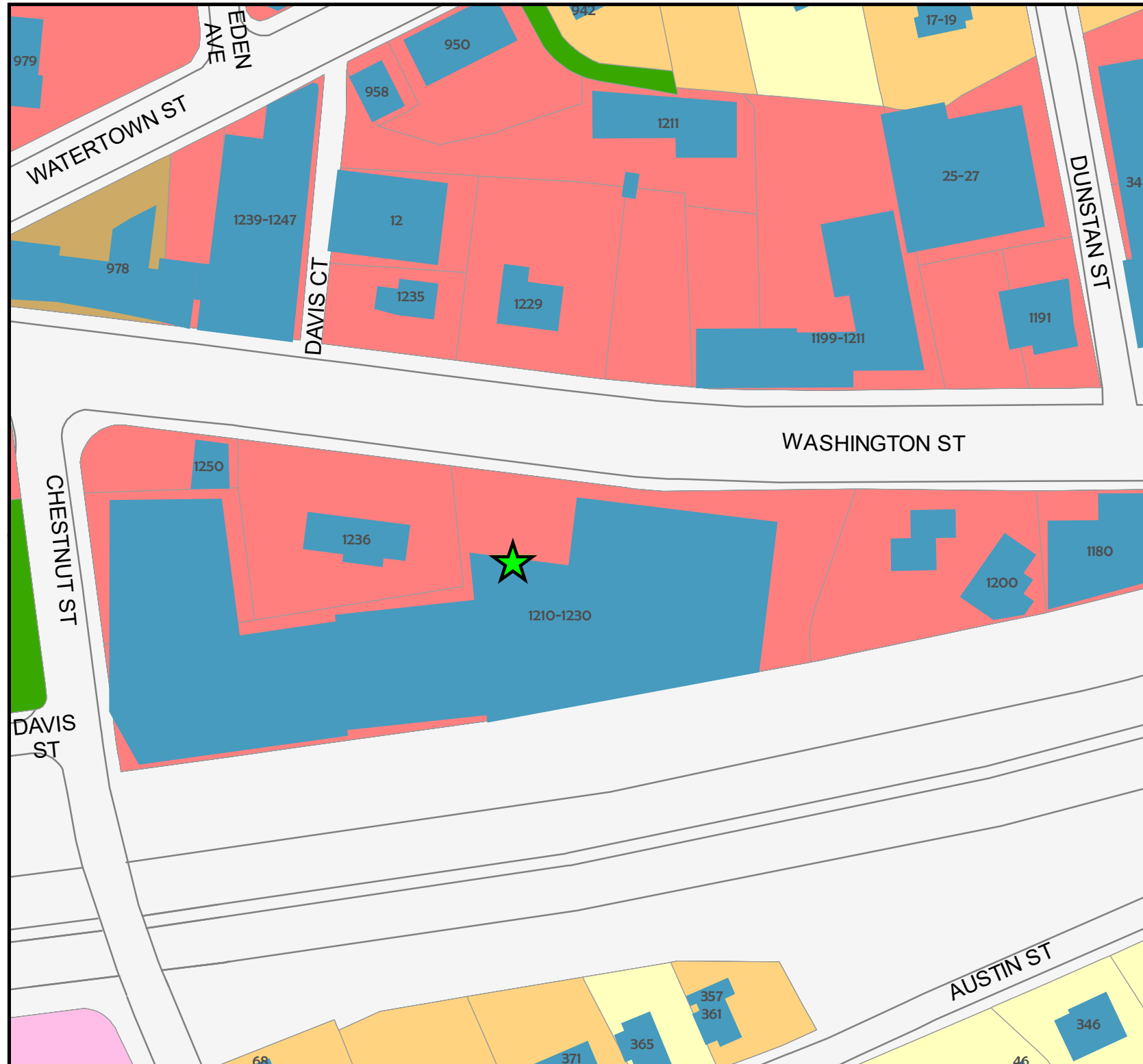


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

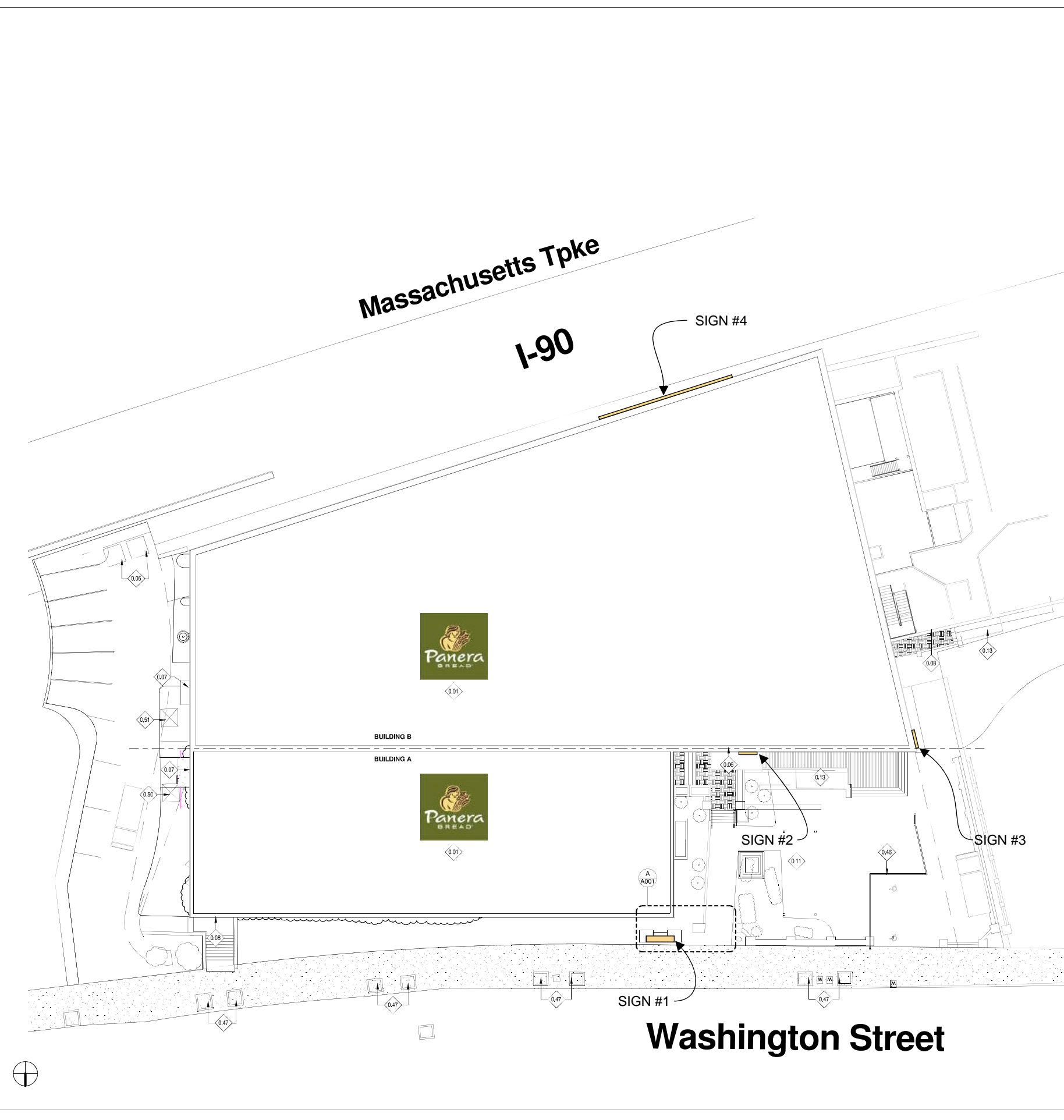
CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: June 03, 2022



30-09-2021 22:49:43

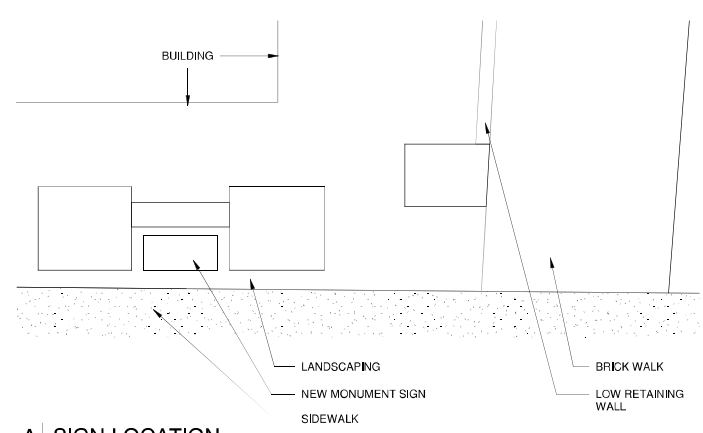


GENERAL NOTES:

- A. SITE PLAN PROVIDED FOR REFERENCE.
- B. ALL WORK SHALL COMPLY WITH THE REGULATION AND ORDINANCES OF WEST NEWTON, MA AND ANY OTHER APPLICABLE CODES.
- C. THE GENERAL CONTRACTOR (G.C.) SHALL CONTACT LOCAL UTILITIES TO VERIFY ALL SIZES, EXISTING LOCATIONS, AND CONNECTION POINTS FOR ALL UTILITIES AFFECTED.
- D. ANY CONNECTIONS, DISCONNECTIONS, AND INSTALLATIONS TO EXISTING LOCAL UTILITIES SHALL BE MADE IN ACCORDANCE WITH APPLICABLE CODES.
- E. EXTERIOR BUILDING SIGN FURNISHED AND INSTALLED BY OWNER'S SIGN VENDOR, G.C. TO PROVIDE POWER.
- F. G.C. TO VERIFY EXISTING SITE CONDITIONS PRIOR TO BID.

KEYED NOTES

- 0.01 PROPOSED PANERA OFFICE.
- 0.05 EXISTING DUMPSTER.
- 0.06 PRIMARY BUILDING ENTRANCE
- 0.07 HM SERVICE DOOR LOCATION; REFER TO FLOOR PLAN AND DOOR SCHEDULE FOR ADDITIONAL INFORMATION.
- 0.08 ENTRANCE TO VIDEO LINK.
- 0.11 EXISTING PATIO.
- 0.13 ACCESSIBLE RAMP.
- 0.46 EXISTING PATIO RAILING.
- 0.47 EXISTING TREE.
- 0.50 EXISTING ELECTRICAL BOX.
- 0.51 EXISTING TRANSFORMER CONCRETE PAD.



A | SIGN LOCATION
1/4" = 1'-0"

ARTWORK EXCLUSIVE PROPERTY OF
MANDEVILLE SIGN
making your mark.
 676 GEORGE WASHINGTON HIGHWAY
 LINCOLN, RI 02865-4255
 401-334-9100 401-334-7799
 PHONE FAX
 www.mandevillesign.com

APPROVALS
 Signatures Required Before Release to Production

Engineering	BY	DATE
Sales	BY	DATE
Estimating	BY	DATE
Production	BY	DATE
Quality Control	BY	DATE

PDF NAME

REVISIONS			
NO.	BY	DESCRIPTION	DATE
1	JM	added dimensions of brick and modified sign layout	10/22/21
2			
3			
4			
5			
6			
7			
8			
9			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

52678

CUSTOMER

STORE NUMBER **6221**

PANERA BREAD
 Support Center
 1210 Washington Street
 Newton, MA

LOCATION
 PROJECT MANAGER **JIM M**
 ARTIST **JM** DATE **08/05/21**

DRAWING NAME
NEWTON SUPPORT CENTER.pg10



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 S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 7, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Mandeville Sign
DIV Washington LLC, Petitioner
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a free-standing sign and modifications to existing signs

Applicant: DIV Washington LLC	
Site: 1210 Washington Street	SBL: 31004 0013
Zoning: BU1	Lot Area: 79,093 square feet
Current use: Offices	Proposed use: No change

Background:

The property at 1210 Washington Street is located in the Business 1 district and is improved with a multi-tenanted office building. The petitioner seeks to construct a free-standing sign and to replace and increase the number of secondary wall signs, requiring a special permit

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Mandeville Sign, dated 2/22/2022
- UDC Memo, dated 12/15/2021
- ALTA/ACSM Land Title Survey, signed and stamped by David W. Humphrey, surveyor, dated 10/30/2015
- Conceptual Signage, prepared by Mandeville Sign, dated 1/18/5/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner seeks to remove one wall sign from the front of the building and construct a 35 square foot internally illuminated free-standing sign facing Washington Street at the entrance to the building. Per section 5.2.13.A a special permit is required to allow a free-standing sign.
2. Per section 5.2.8, one secondary wall sign up to 50 square feet is allowed per entrance or frontage on a street or parking area. Inspectional Services and the Law Department have determined that for the purposes of the sign regulations, the Massachusetts Turnpike is considered a street front.

The petitioner proposes to construct one 11.67 square foot non-illuminated wall-mounted secondary wall sign on the front façade at the building entrance advertising both tenants within the building.

A 15.48 square foot non-illuminated wall-mounted secondary wall sign advertising both tenants is proposed on the western façade of the building facing an abutting property.

A 49 square foot internally illuminated wall-mounted secondary sign for Panera is proposed on the southern façade of the building facing the Massachusetts Turnpike.

An existing 84 square foot internally illuminated wall-mounted secondary sign for Rockport on the southern façade of the building facing the Massachusetts Turnpike is intended to remain. The sign was permitted as the principal sign, which is allowed to be up to 100 square feet. As a secondary sign, it exceeds the maximum square footage of 50 square feet.

A special permit per sections 5.2.8 and 5.2.13 is required to allow exceptions to the number of secondary signs and for a secondary sign exceeding 50 square feet.

3. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§5.2.13.A §5.2.13.B	To allow free-standing directory signs	S.P. per §7.3.3
§5.2.13.A §5.2.13.B	To allow exceptions to the number and size of secondary signs	S.P. per §7.3.3



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

DATE: December 15, 2021
TO: Neil Cronin, Chief Planner
Jane Santosuosso, Chief Zoning Code Official
FROM: Urban Design Commission
RE: 1210-1230 Washington Street
CC: Land Use Committee of the City Council
Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission (UDC) has reviewed and provides the following comments to the Department of Planning and Development and the Land Use Committee of the City Council regarding the free-standing sign and wall mounted signs at 1210-1230 Washington Street. The following members were present at the UDC meeting: Michael Kaufman, Jim Doolin, John Downie, Roberst Linsky, Carol Todreas, and William Winkler. The following information is intended to give advice on specific matters affecting the free-standing sign and wall mounted signs.

1210-1230 WASHINGTON STREET – FREE-STANDING AND WALL MOUNTED SIGNS

At its regularly scheduled meetings on November 10th and December 8th, the Urban Design Commission (UDC) reviewed the proposed Signage at 1210-1230 Washington Street for:

Free-standing Sign

- One free-standing principal sign, internally illuminated, with approximately 35 sq. ft. of sign area facing Washington Street.

Panera Support Center Signs

- One wall mounted secondary sign, internally illuminated, with approximately 49 sq. ft. of sign area on the southern façade facing Massachusetts Turnpike.
- One wall mounted secondary sign, non-illuminated, with approximately 6 sq. ft. of sign area on the northern façade facing Washington Street.
- One wall mounted secondary sign, non-illuminated, with approximately 8 sq. ft. of sign area on the western façade facing the neighboring property.

The Rockport Group Signs

- One wall mounted secondary sign, non-illuminated, with approximately 6 sq. ft. of sign area on the northern façade facing Washington Street.
- One wall mounted secondary sign, non-illuminated, with approximately 8 sq. ft. of sign area on the western façade facing the neighboring property
- One existing wall mounted secondary sign, with approximately 84 sq. ft. of sign area on the southern façade facing Massachusetts Turnpike.
- One existing wall mounted secondary sign, with approximately 41 sq. ft. of sign area on the northern façade facing the Washington Street.

Based on the signage submitted and the presentation by the applicant, the Urban Design Commission **recommended approval** of the following signs:

Free-standing Sign

- One free-standing principal sign, internally illuminated, with approximately 35 sq. ft. of sign area facing Washington Street.

Panera Support Center Signs

- One wall mounted secondary sign, non-illuminated, with approximately 6 sq. ft. of sign area on the northern façade facing Washington Street.
- One wall mounted secondary sign, non-illuminated, with approximately 8 sq. ft. of sign area on the western façade facing the neighboring property.

The Rockport Group Signs

- One wall mounted secondary sign, non-illuminated, with approximately 6 sq. ft. of sign area on the northern façade facing Washington Street.
- One wall mounted secondary sign, non-illuminated, with approximately 8 sq. ft. of sign area on the western façade facing the neighboring property.

The Urban Design Commission **recommended denial** of the following signs:

Panera Support Center Signs

- One wall mounted secondary sign, internally illuminated, with approximately 49 sq. ft. of sign area on the southern façade facing Massachusetts Turnpike.

The Rockport Group Signs

- One existing wall mounted secondary sign, with approximately 84 sq. ft. of sign area on the southern façade facing Massachusetts Turnpike.

This denial was recommended because UDC's point of view is that they don't comply with the Ordinance. The Ordinance mentions that it has to be either a street or a drive and unless you are driving a train, you cannot access the building from that side. There is no direct access to the businesses from Mass. Turnpike.

The Urban Design Commission made the above recommendations on the following **conditions**:

- The free-standing sign was recommended for approval. This location has unique circumstances because of the deep setback of the entrances and hence the free-standing sign should not be a precedent for other buildings on Washington Street.
- As indicated by the applicant, the existing 41 sq. ft. wall mounted sign for Rockport to be removed as part of this proposal.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to grant exceptions to the number, type, location and size of signs, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The exceptions to the number, size, location, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front three different public ways, contain pedestrian corridors, create a sense of place within the site and have multiple access points for vehicles and pedestrians; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the *2007 Comprehensive Plan*.
(§5.2.3, §5.2.8, and §5.2.13)
2. The site is an appropriate location for the proposed sign package due to the site's commercial nature, multiple tenants, and its location on Washington Street. (§7.3.3.C.1)
3. The proposed sign package will not adversely affect the neighborhood as the signs are well placed within the site. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians as the signs provide clear wayfinding for both modes of transport (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #315-22

PETITIONER: DIV Washington LLC

LOCATION: 1210-1230 Washington Street, on land known as Section 31, Block 4, Lot 13, containing approximately 79,093 square feet of land

OWNER: DIV Washington LLC

ADDRESS OF OWNER: 125 High Street
Boston, MA 02110

TO BE USED FOR: Signs

CONSTRUCTION: Signs

EXPLANATORY NOTES: To grant exceptions to the number, type, location and size of signs. (§5.2.13.A, §5.2.13.B §7.3.3)

ZONING: Business Use 1

Approved subject to the following conditions:

CONDITIONS

1. All Special Permit approved signs shall be located and constructed consistent with the following plans: "Newton Support Center", prepared by Mandeville Signs, dated 4/8/2021 and 8/5/2021, consisting of 16 sheets.
2. All signs shall be designed and installed to comply with applicable building codes.
3. No building/sign permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.

- b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building/sign permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection for a sign covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design professional that the signs have been installed to comply with applicable building codes.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by the sign installer.