



Ruthanne Fuller  
Mayor

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

**#497-22**  
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Barney S. Heath  
Director

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**MEMORANDUM**

Public Hearing Date: November 22, 2022  
Land Use Action Date: February 14, 2023  
City Council Action Date: February 20, 2023  
90-Day Expiration Date: February 20, 2023

DATE: November 18, 2022

TO: City Council

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

SUBJECT: **Petition #497-22**, for SPECIAL PERMIT /SITE PLAN APPROVAL to replace an existing sign facing the Massachusetts Turnpike with an oversized wall sign at 45 Crescent St, Newton, Ward 4, on land known as Section 44 Block 23 Lot 16, containing approximately 43,850 sq. ft. of land in a district zoned BUSINESS 2. Ref: 7.3.3, 7.4, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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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.



**45 Crescent Street**

## EXECUTIVE SUMMARY

The subject property consists of 43,850 square feet in the Business Use 2 (BU-2) zone in West Newton. The site consists of a commercial building and associated parking areas. The building has frontage on Crescent Street and the rear of the building faces the Massachusetts Turnpike ("Mass Pike"). The petitioner is seeking to replace an existing sign facing the Mass Pike with a similar sized sign with a different design. The petitioner's sign requires relief to allow an oversized principal wall sign.

The Planning Department is unconcerned with the proposed replacement sign that requires a special permit. While the sign was recommended for denial by the Urban Design Commission ("UDC") because the site cannot be accessed from the Mass Pike, ISD interprets the Mass Pike as a street front. The proposed sign is replacing a similarly sized sign and 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 oversized principal wall sign . (§7.3.3.C.1)
- The oversized principal wall sign 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-2 zone improved with a commercial building in West Newton. The rear of the building faces the Turnpike, and the site is located north of the Turnpike. There are a mix of zones in the area including BU-2, Manufacturing, Single Residence 3, and Multi-Residence 1. There are a mix of Commercial, Industrial, and residential uses in the area (**Attachments A and B**).

#### B. Site

The site consists of 43,850 square feet and is improved with a commercial building and associated surface parking. The building maintains a consistent height and flat roof, but the topography of the site represents a slight upwards grade difference

from east to west. There is landscaping at the Crescent 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 is seeking to replace an existing principal wall sign with an updated sign. Per section 5.2.8, a business on a corner lot is allowed two principal wall signs of 100 square feet each. The proposed principal wall sign exceeds the maximum square footage allowed, requiring a special permit per section 5.2.13.

#### Existing and Proposed Signage



Existing Sign  
191 sf



Proposed Sign  
190 sf

### 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
§5.2.8 §5.2.13	To allow an oversized principal wall sign	S.P. per §7.3.3

B. Urban Design Commission Review:

The petitioner appeared before the UDC on November 10, 2021 and on September 23, 2022 (**ATTACHMENT E**). While the UDC was supportive of the wall-mounted signs facing Crescent Street and facing the parking lot, they recommended denial for the sign 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.

V. PETITIONER'S RESPONSIBILITIES

The petition is complete at this time.

**ATTACHMENTS:**

- ATTACHMENT A:** Zoning Map
- ATTACHMENT B:** Land Use Map
- ATTACHMENT C:** Zoning Review Memorandum
- ATTACHMENT D:** UDC Memorandum, dated September 23, 2022
- ATTACHMENT E:** DRAFT Council Order

Zoning

45 Crescent Street

City of Newton, Massachusetts

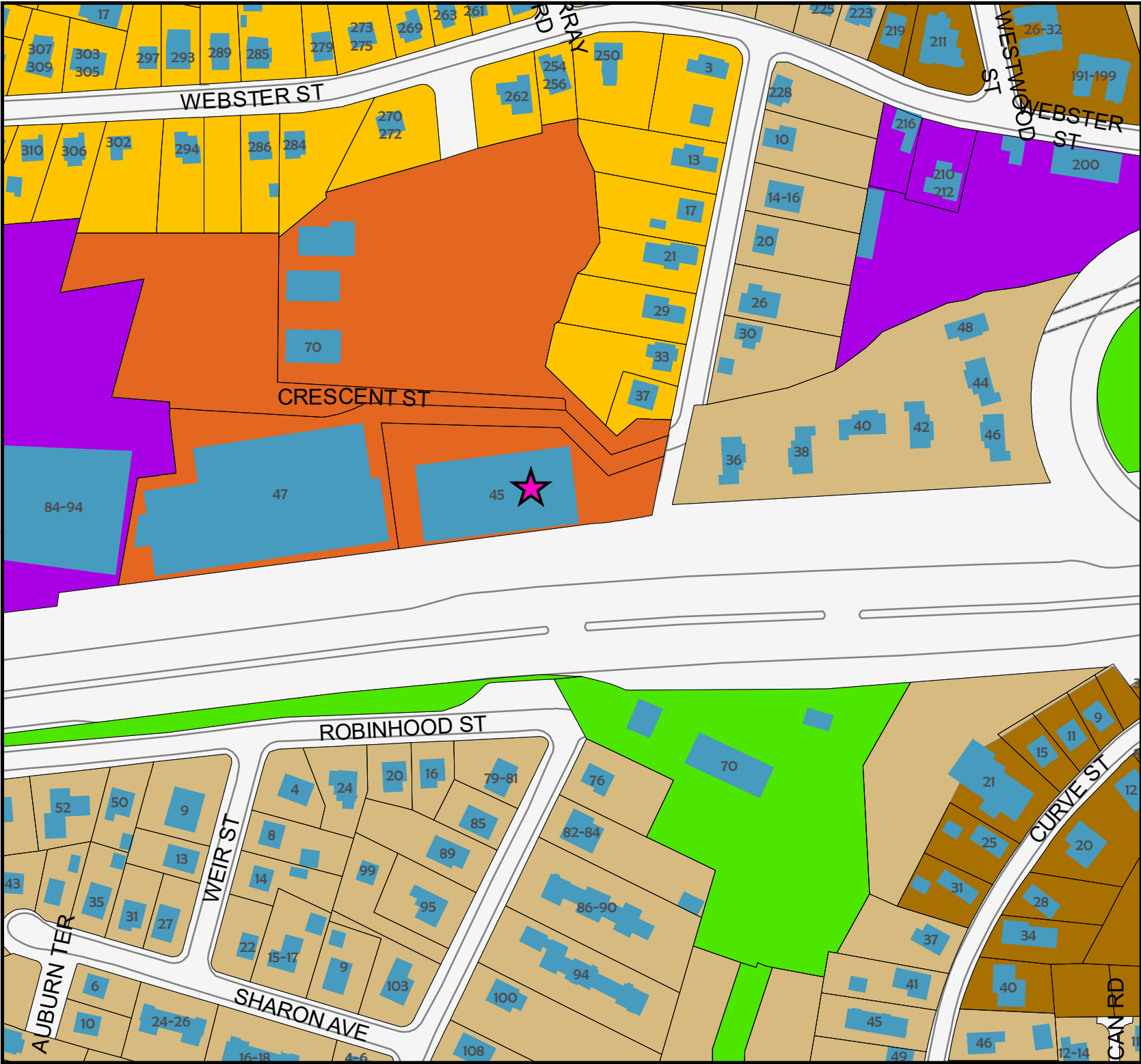
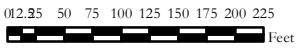
Zoning

- Single Residence 3
- Multi-Residence 1
- Multi-Residence 2
- Business 2
- Manufacturing
- 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



# ATTACHMENT B

## Land Use

### 45 Crescent Street

*City of Newton,  
Massachusetts*

#### Land Use

#### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Open Space
- Nonprofit Organizations
- Vacant Land

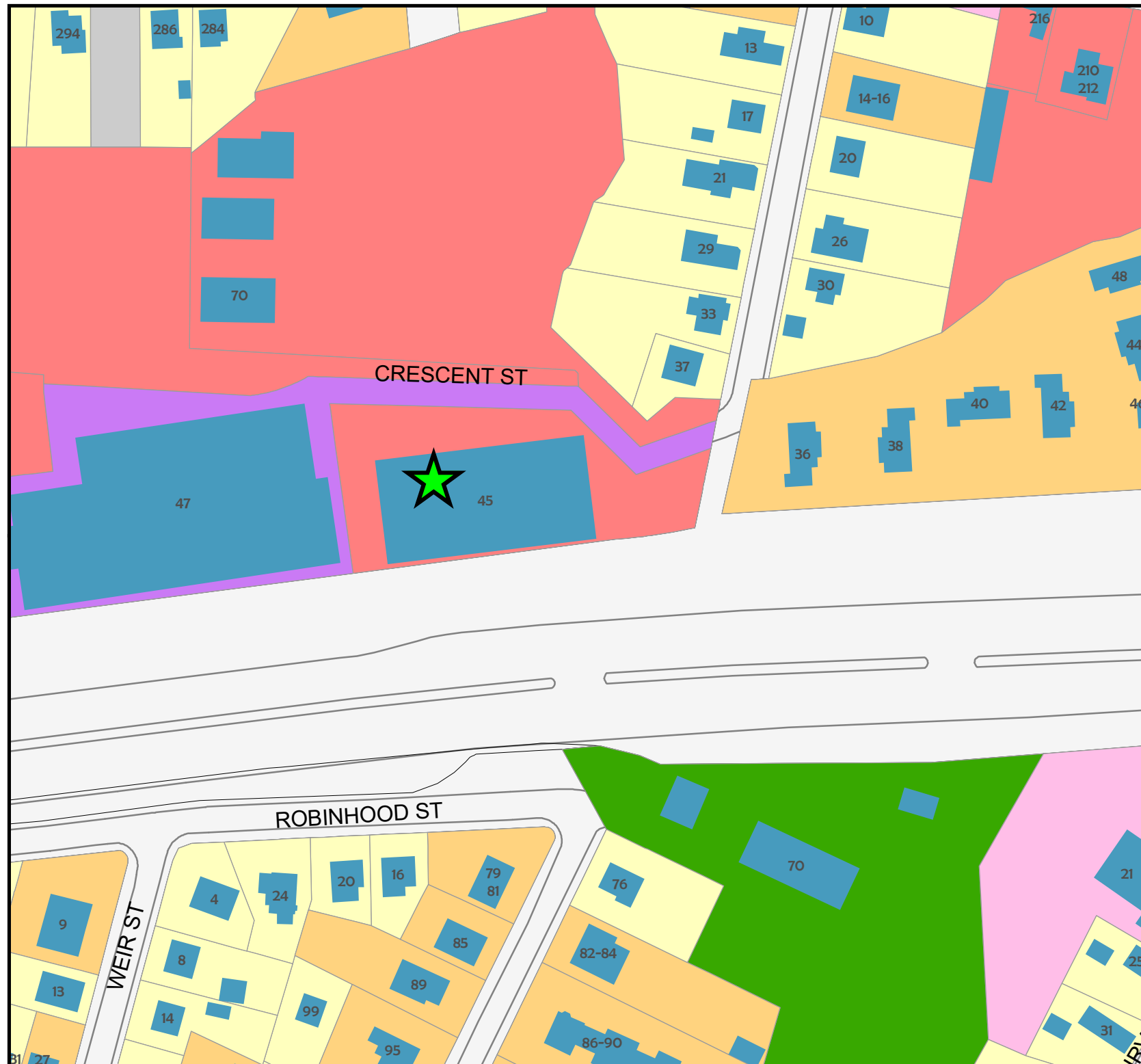


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.525 50 75 100 125 150 175 Feet

Map Date: November 16, 2022





Ruthanne Fuller  
Mayor

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**Barney Heath**  
Director

**DATE:** September 23, 2022  
**TO:** Katie Whewell, Chief Planner  
Jane Santosuosso, Chief Zoning Code Official  
**FROM:** Urban Design Commission  
**RE:** 45 Crescent Street  
**CC:** Land Use Committee of the City Council  
Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission 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 signs at 45 Crescent Street. The following members were present at the UDC meeting: Michael Kaufman, Jim Doolin, John Downie, Robert Linsky, Visda Saeyan, and William Winkler. The following information is intended to give advice on specific matters affecting the principal sign.

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**45 CRESCENT STREET – OVERSIZED WALL MOUNTED SIGN**

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At its regularly scheduled meeting on September 14<sup>th</sup>, the Urban Design Commission (UDC) reviewed the proposed Signage at 45 Crescent Street and **recommended approval** for:

- One wall mounted secondary sign, non-illuminated, with approximately 18 sq. ft. of sign area on the northern building façade facing Crescent Street.
- One wall mounted secondary sign, non-illuminated, with approximately 36 sq. ft. of sign area on the eastern building façade facing the parking lot.

Both the secondary signs are consistent with the ordinance and hence do not require a special permit.

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

- One wall mounted principal sign, internally illuminated, with approximately 187 sq. ft. of sign area on the southern building façade facing Massachusetts Turnpike.

The Commission recommended denial of the above-mentioned principal sign because of two reasons:

- UDC's point of view is that the sign doesn't comply with the Ordinance. The Ordinance mentions that it must be either a street or a drive and there is no direct access to the business from Mass. Turnpike.
- Sign is too big; ordinance allows a sign of up to 100 sq. ft.



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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

**Date:** November 2, 2022

**To:** John Lojek, Commissioner of Inspectional Services

**From:** Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

**Cc:** Andy Layman, Sign Art Inc.  
66 Rowe Street LLC, Petitioner  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE:** Request to allow an oversized principal wall sign

Applicant: 66 Rowe Street LLC	
<b>Site:</b> 45 Crescent Street	<b>SBL:</b> 44023 0016
<b>Zoning:</b> BU2	<b>Lot Area:</b> 43,850 square feet
<b>Current use:</b> Offices	<b>Proposed use:</b> No change

### Background:

The property at 45 Crescent Street is located in the Business 2 district and is improved with a commercial warehouse building, the rear of which faces the Massachusetts Turnpike. The petitioner seeks to replace an existing sign facing the Pike with a larger sign exceeding the maximum allowable square footage, requiring a special permit.

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

- Zoning Review Application, prepared by Andy Layman, Sign Art, dated 10/17/2022
- UDC Memo, dated 9/22/2021
- Sign Plans, prepared by Sign Art, dated 7/27/2022



**ADMINISTRATIVE DETERMINATIONS:**

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1. A building permit was issued in 1979 for a 90 square foot sign on the rear of the building facing the Pike. The sign was replaced in 2014 as authorized by a new building permit. The petitioner now seeks to replace the existing sign with a 187 square foot sign in the same location at the rear of the building. Per section 5.2.8, a business on a corner lot (or with two fronts in this case) is allowed two principal wall signs of 100 square feet each. The proposed principal wall sign exceeds the maximum square footage allowed, requiring a special permit per section 5.2.13.

The Urban Design Commission denied this application as it was their view that the Massachusetts Turnpike does not constitute a street. The Commissioner of Inspectional Services has determined that the Pike is a street, regardless of accessibility from the lot.

2. See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<b>Ordinance</b>		<b>Action Required</b>
§5.2.8 §5.2.13	To allow an oversized principal wall sign	S.P. per §7.3.3

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 proposed exceptions to the sign ordinance should be permitted and are appropriate and are in the public interest because the approved signs are consistent with the unique identity of the commercial property and will help brand and develop a sense of place, key components of the 2007 Comprehensive Plan. (§5.2.13)
2. The specific site is an appropriate location for the oversized principal wall sign because the proposed sign is replacing a similarly sized sign that has been there since 2014 and there are other oversized wall signs facing the Massachusetts Turnpike. (§7.3.3.C.1)
3. The oversized principal wall sign will not adversely affect the neighborhood because the proposed sign is replacing a similarly sized sign that has been there since 2014. (§7.3.3.C.2)
4. There will be a nuisance or serious hazard to vehicles or pedestrians; (§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: #497-22

PETITIONER: 66 Rowe Street LLC

LOCATION: 66 Rowe Street, on land known as Section 44, Block 23, Lot 16, containing approximately 43,850 square feet of land

OWNER: 66 Rowe Street LLC

ADDRESS OF OWNER: 30 Speen Street Suite 200  
Framingham, MA 01701

TO BE USED FOR: Signs

CONSTRUCTION: Signs

EXPLANATORY NOTES: To allow an oversized wall sign (§5.2.8, §5.2.13, §7.3.3)

ZONING: Business Use 2

Approved subject to the following conditions:

CONDITIONS

1. All Special Permit approved signs shall be located and constructed consistent with the following plans: "Fowler High Precision", prepared by SignArt, consisting of one sheet.
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 Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. 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 sign permit record a statement that the signs have been installed to comply with applicable building codes.
  - b. Submitted final as-built plans in digital format signed and stamped by the sign installer.