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Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, September 13, 2023**

DATE: September 11, 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. 417-427 Lexington Street – KDR Medspa + Wellness

PROJECT DESCRIPTION: The property located at 417-427 Lexington Street is within a Business 1 district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, non-illuminated, with approximately 32 sq. ft. of sign area on the eastern building façade facing Lexington Street.
2. One wall mounted secondary sign, non-illuminated, with approximately 12 sq. ft. of sign area on the northern building façade facing the side driveway.

TECHNICAL REVIEW:

- The proposed wall mounted 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 20 feet, the maximum size of the sign allowed is 60 sq. ft., which the applicant is also not exceeding.
- The proposed wall mounted 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 20 feet, the maximum size of the sign allowed is 20 sq. ft., which the applicant is also not exceeding.
- UDC requested the applicant to provide a picture of the sign shown on the building façade. The applicant sent an image later in the meeting to staff by email. Staff shared her screen with the pictures received but it still didn't show a picture of the signs on the building. Mr. Kaufman asked the applicant to come back to the next month's meeting with a complete application so everything is presented properly so the Commission can understand the application and vote on it.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign and secondary sign.

2. 93-105 Union Street – ET Fashion

PROJECT DESCRIPTION: The property located at 93-103 Union Street is within a Business 1 zoning district and has a comprehensive sign package authorized by a special permit via Board Order #138-18 (attachment A). The applicant is proposing to install the following sign:

1. One perpendicular principal sign, non-illuminated, with approximately 5.5 sq. ft. of sign area on the western building façade facing Union Street.

TECHNICAL REVIEW:

- The proposed wall mounted 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 14 feet, the maximum size of the sign allowed is 42 sq. ft., which the applicant is also not exceeding. The proposed sign is not consistent with the comprehensive sign package. As per condition #4 of the special permit, if the sign is not consistent with the comprehensive sign package, then it needs to be reviewed by Urban Design Commission.
- DPW requires a minimum of 7 feet (84 inches) clearance from the bottom of a sign to the sidewalk for ADA compliance. Applicant has indicated the height is 89 inches.

STAFF RECOMMENDATION: Staff seeks recommendation from the Commission regarding the proposed sign.

3. 456-460 Newtonville Ave - Dogish

PROJECT DESCRIPTION: The property located at 456-460 Newtonville Ave is within Business 1 zoning district and is a local landmark. The applicant is proposing to install the following signs:

1. One wall mounted split principal sign, non-illuminated, with approximately 17 sq. ft. of sign area on the western façade facing Walnut Street.
2. One perpendicular split principal sign, non-illuminated, with approximately 4.5 sq. ft. of sign area on the western façade facing Walnut Street.

TECHNICAL REVIEW:

- Both the proposed wall mounted split principal signs appear to be 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 20 feet, the maximum size of the total signage allowed is 60 sq. ft., which the applicant is not 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.”*
- This is a local landmark building and hence needs an approval from the Preservation Planner as well.

STAFF RECOMMENDATION: Staff recommends approval of both split principal signs as proposed on the condition that the sign is approved by Preservation Planner as well.

4. 230 Needham Street - Serotonin

PROJECT DESCRIPTION: The property located at 230 Needham Street is within a Mixed Use 1 district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 24 sq. ft. of sign area on the western building façade facing Needham Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 24 sq. ft. of sign area on the southern building façade facing the parking lot.

TECHNICAL REVIEW:

- The proposed wall mounted 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 34 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed wall mounted 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 44 feet, the maximum size of each sign allowed is 44 sq. ft., which the applicant is also not exceeding.
- The Commission reviewed and pre-approved the overall sign design guidelines for this location consisting of several buildings as outlined in “Sign Design Guidelines and Review Process for: Home Design Place, Needham Street” in 2004. Staff has not been able to find the drawing showing the sign band but both proposed signs are in the same location as previously approved Massage Envy signs.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign and secondary sign.

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
- Blank sign (Old Dancers Image sign)
- 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.

Blank Sign (Old Dancers Image sign):

There are currently three existing signs for Dancers Image and applicant is proposing to remove one of those signs and keep insert for the other two signs for a future business:

1. One wall mounted principal (existing) sign, internally illuminated, with approximately 17 sq. ft. of sign area on the northern building façade facing Washington Street.
2. One wall mounted secondary (existing) sign, internally illuminated, with approximately 14 sq. ft. of sign area on the eastern building façade facing the driveway.

C'est Privie Lingere:

There are currently three existing signs for C'est Privie Lingere and applicant is not making any changes to them:

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 (existing) sign, internally illuminated, with approximately 31 sq. ft. of sign area on the southern building façade facing the rear parking lot.
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.

IREM:

There is currently one existing sign for IREM and applicant is proposing to replace the graphics, but the size of the sign remains same:

1. 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 sign:

1. One wall mounted split principal sign, internally illuminated, with approximately 75 sq. ft. of sign area on the southern building façade facing the rear parking lot.

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 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 20 feet (façade frontage given at the sign review in April 2022), the maximum size of the sign allowed is 60 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears to be not 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 20 feet, the maximum size of the sign allowed is 20 sq. ft., which the applicant is exceeding.
- 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.

Blank Sign (Old Dancers Image sign):

- The existing principal sign light box 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 12 feet, the maximum size of the sign allowed is 36 sq. ft., which the applicant is also not exceeding.
- The existing secondary sign light box 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 37 feet (façade frontage was provided in August 2016 sign review application), the maximum size of the sign allowed is 37 sq. ft., which the applicant is also not exceeding.

C'est Privie Lingere:

- All the existing signs were approved and permitted in 2016.

IREM:

- The existing principal sign light box 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 14 feet, the maximum size of the sign allowed is 42 sq. ft., which the applicant is also not exceeding.

Clean Joe:

- It is not clear what is the façade frontage for Clean Joe. Staff has requested the applicant to provide the façade frontage. In the excel sheet provided, it appears to be 14 feet, and, in another document, it is said to be 59 feet. Please provide the correct business frontage.

At the request of the Planning Department, the applicant has been asked to present the comprehensive sign package proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to number, size, location and height of signs.

STAFF RECOMMENDATION: Staff seeks recommendations from the Commission regarding the sign package.

Fence Appeal

1. 47 Windsor Road Fence Appeal

PROJECT DESCRIPTION: The property located at 47 Windsor Road is within a Single Residence 2 district. The applicant has added the following fence:

- a) Side Lot Line– The applicant has added a new fence, set at the southern side property line, approximately 6 to 7 feet tall solid, 100 feet in length.

TECHNICAL REVIEW:

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.

According to §5-30(d)(2), “Fences bordering side lot lines: No fence or portion of a fence bordering or parallel to a side lot line shall exceed six (6) feet in height except as provided in subsection (6) below, and further, that any portion of a fence bordering a side lot line which is within two (2) feet of a front lot line shall be graded to match the height of any fence bordering the front lot line.” 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 6 feet to 7 feet tall solid fence at the southern side property line for a length of approximately 100 feet, where the ordinance would permit such a fence to be 6 feet tall.

The applicant's stated reasons for seeking these exceptions are *"Fence was installed along southern property line in order to protect house from nuisances (light, noise, red clay) from Windsor Club property. We believe the fence could be deemed a "Protective Measure fence" or otherwise qualify for an exception from the fence ordinance since there are conditions affecting our lot (i.e., the Windsor Club is an abutter) and therefore compliance with the ordinance would involve substantial hardship to us as property owners. Furthermore, granting the relief we request would not nullify or derogate the intent and purpose of the fence ordinance."*

Windsor Club, 1601 Beacon Street is within a Single Residence 2 district.

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff's technical review, staff seeks recommendation from the Commission.

Design Review

1. 35 Middle Street

The project site is located in Business 2 zoning district. The applicant is proposing to demolish the existing two-family building and build new construction, multi-family building, including six units, and under the building parking garage in a BU-2 district. It will require the continuation of the non-conformity for residential use in a business district zone and a waiver to reduce the number of required parking spaces.

UDC reviewed this project at the August meeting. Staff has requested the applicant to provide a list of changes since UDC last reviewed this project and staff hasn't received it yet. Applicant has also mentioned that they will be updating the design documents before the meeting on September 13.

At the request of the Planning Department, the petitioner has been asked to present the project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building's design; bulk and massing; and relationship to context and the street.

2. 209-211 Adams Street

The project site is located in Business 2 zoning district. The project involves the demolition of the existing structure and the construction of six townhouses, along with approximately 400 square feet of commercial space situated at the corner of Murphy Court and Adams St. Each of these townhouses will feature a single parking space, accessible via the existing curb on Adams Street. Additionally, the townhouses will include rear decks and private outdoor roof deck spaces for residents to enjoy. These units are specifically designed for home ownership.

The applicant is seeking the following Special Permit relief:

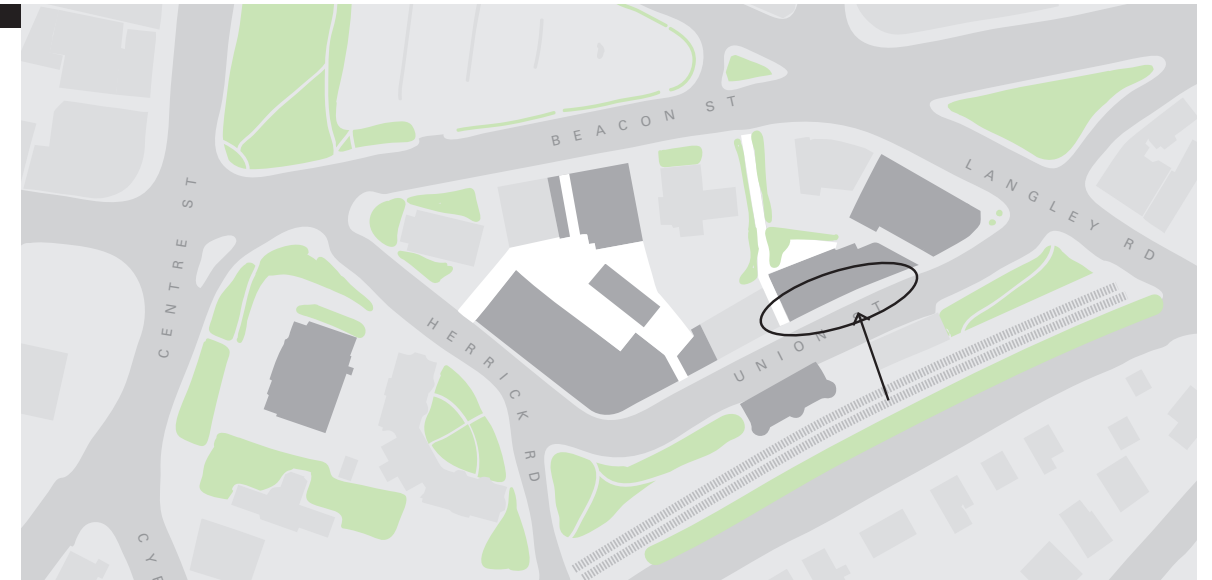
- Parking waiver (for both commercial use and residential use),
- Height (greater than 24 feet),
- Number of stories (greater than 2), and
- Residential use on the first floor.

At the request of the Planning Department, the petitioner has been asked to present the project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building's design; bulk and massing; and relationship to context and the street.

Attachments

- Attachment A – *93-105 Union Street – Special Permit and Comprehensive Sign Package*

49-63 Union Street

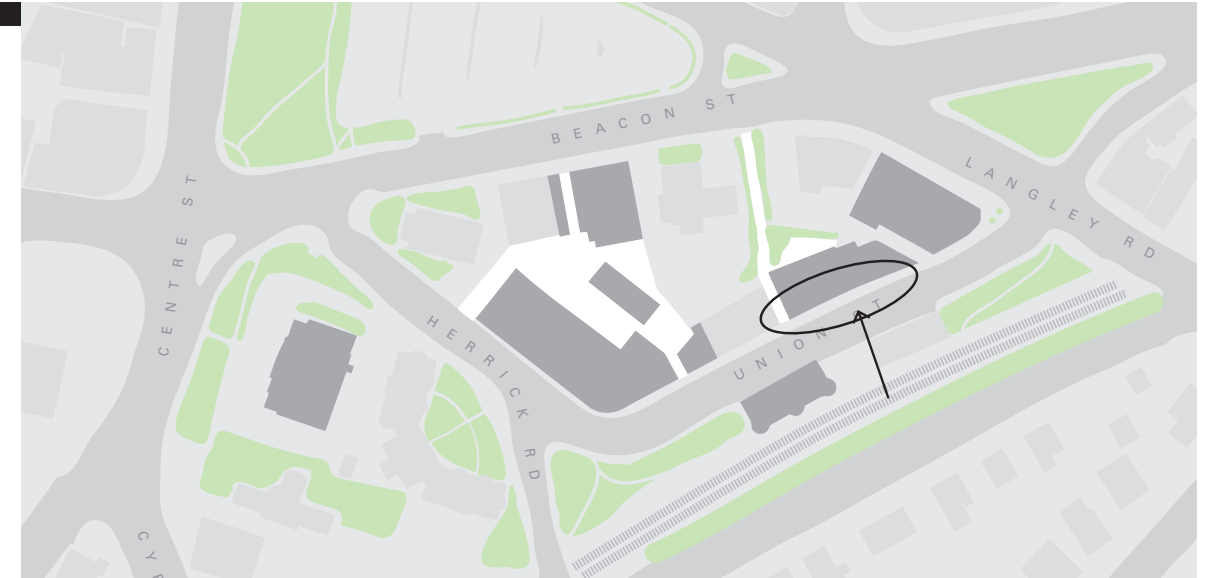


49–63 Union Street

Frontage: 147 ft (per assessor's database)

Proposed Common Signs:

- 'Painted' Brick Graphic in alleyway



4 B



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Bk: 71056 Pg: 474 Doc: DECIS

Page: 1 of 4 05/24/2018 03:19 PM



#138-18

49-63 Union Street

CITY OF NEWTON

IN CITY COUNCIL

April 17, 2018

2018 APR 19 PM 3:33
RECEIVED
CITY OF NEWTON

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, and size of signs, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The exceptions to the number, size, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front four different public ways, contain pedestrian passageways, and have multiple access points; 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)

PETITION NUMBER: #138-18

PETITIONER: First General Realty Corp.

LOCATION: 49-63 Union Street, on land known as Section 61, Block 36, Lot 07, containing approximately 8, 735square feet of land; 93-105 Union Street, on land known as Section 61, Block 36, Lot 09, containing approximately 31, 455 square feet of land; 1280 Centre Street, on land known as Section 61, Block 35, Lot 05, containing approximately 27, 560 square feet of land; 47-51 Langley Road, on land known as Section 61, Block 36, Lot 06, containing approximately 10, 037 square feet of land; and 790-794 Beacon Street, on land known as Section 61, Block 36, Lot 03, containing

LOT B

LOTA

8029-185

139934

238150

A True Copy
Attest

CITY CLERK OF NEWTON, MASS.

approximately 7, 400 square feet of land

OWNERS:

Union Realty Trust (93-105 Union Street); Picclang LLC (47-61 Langley Road); ¹⁶⁰²Beacon ^{Beacon} 792 LLC (790-794 Beacon Street); Elm Realty Trust (1280 Centre Street); and Forty-Nine Union Trust (49-63 Union Street)

ADDRESS OF OWNER:

93 Union Street, Suite 315
Newton, MA 02459

TO BE USED FOR:

Signs

CONSTRUCTION:

Signs

EXPLANATORY NOTES:

§5.2.13 to allow a freestanding sign exceeding ten feet in any linear direction; §5.2.3, §5.2.8, and §5.2.13 to allow two identity signs, four common identity signs, three restaurant directory signs, and two historic interpretive signs

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: "Piccadilly Square Signage Plan", prepared by Whitney Veigas, dated January 5, 2018, consisting of 36 sheets.
 - a. The plans referenced above shall be revised to remove the free standing pedestrian directional sign along Beacon Street shown in page 36.
2. All signs shall be designed and installed to comply with applicable building codes.
3. The Petitioner will control the content of all signage. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services


A True Copy
Attest



City Clerk of Newton, Mass.

- and Director of Planning and Development for review and approval. The building permit application shall include a location map.
4. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Individual tenants and tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:
 - a. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed consistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.
 - b. If the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall submitted to the Urban Design Commission for review and approval.
 - c. If the future signs do not comply with Section 5.2 of the Newton Zoning Ordinance, the petitioner shall seek an amendment to this special permit.
 5. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
 6. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
 7. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
 8. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
 9. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the Petitioner has:
 - 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 permit plans are consistent with plans approved in Condition #1.

A True Copy
Attest



10. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the Petitioner has:
- 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 a licensed design professional.


Under Suspension of Rules

Readings Waived and Approved

19 yeas 0 nays 4 absent (Councilors Auchincloss, Lipof, Norton, and Schwartz) 1 recused (Councilor Laredo)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on April 19, 2018. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 4/19/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

Recorded Land Title Refs:

11827-451

12380-470

67653-217



(SGD) DAVID A. OLSON, City Clerk
acting Clerk of the Council

