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Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, August 9, 2023**
DATE: August 4, 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. 344-348 Walnut Street – Donut Villa

PROJECT DESCRIPTION: The property located at 344-348 Walnut Street is within Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted split principal sign, internally illuminated, with approximately 22 sq. ft. of sign area on the southwestern façade facing Walnut Street.

One wall mounted split principal sign, internally illuminated, with approximately 44 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 47 feet, the maximum size of the total signage allowed is 100 sq. ft., which the applicant is also 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.”*

STAFF RECOMMENDATION: Staff recommends approval of both split principal signs as proposed.

2. 456-460 Newtonville Ave – Nirvana Tattoo Studio

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

1. One awning principal sign, non-illuminated, with approximately 6 sq. ft. of sign area on the northern building façade facing Newtonville Ave.
2. One window sign, non-illuminated, with approximately 16 sq. ft. of sign area on the northern building façade facing Newtonville Ave.

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 12 feet, the maximum size of the sign allowed is 36 sq. ft., which the applicant is also not exceeding.
- The window sign appears to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, window signs are allowed that cover up to 25% of the window area, which the applicant is exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the awning principal sign as proposed. Staff recommends applicant reduce the size of the window sign, so it covers less than 25% of the window area.

3. 35-41 Lincoln Street – CG Color + Extensions

PROJECT DESCRIPTION: The property located at 35-41 Lincoln Street is within Business 1 zoning district. The applicant is proposing to install the following signs:

1. One awning principal sign, non-illuminated, with approximately 19 sq. ft. of sign area on the southern façade facing Lincoln Street.
2. Two window signs, non-illuminated, with approximately 10 sq. ft. and 2 sq. ft. of sign area on the southern façade facing Lincoln Street.

TECHNICAL REVIEW:

- The proposed awning 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 12 feet, the maximum size of the sign allowed is 36 sq. ft., which the applicant is also not exceeding.
- Both the window sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, window signs are allowed that cover up to 25% of the window area, which the applicant is not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the awning principal sign and both window signs as proposed.

4. 225 Needham Street - Lazzoni

PROJECT DESCRIPTION: The property located at 225 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 16 sq. ft. of sign area on the eastern building façade facing Needham Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 16 sq. ft. of sign area on the northern building façade facing the green space.
3. One wall mounted secondary sign, internally illuminated, with approximately 16 sq. ft. of sign area on the southern building façade facing the 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 70 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- Both the proposed wall mounted secondary signs appear 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 22 feet each, the maximum size of each sign allowed is 22 sq. ft., which the applicant is also not exceeding.

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

5. 552-564 Commonwealth Avenue – Paggi Physical Therapy

PROJECT DESCRIPTION: The property located at 552-564 Commonwealth Ave. is within a Multi-Residence 1 district and has a special permit #276-08 allowing two non-conforming exterior wall signs. The applicant is proposing to reface the following signs:

1. Reface one wall mounted principal sign, non-illuminated, with approximately 36 sq. ft. of sign area on the northern building façade facing Commonwealth Avenue.
2. Reface one wall mounted principal sign, non-illuminated, with approximately 21 sq. ft. of sign area on the northeastern building façade facing Commonwealth Avenue.

TECHNICAL REVIEW:

- Both signs are refaced of existing signs. Attachment A is a copy of the sign application review from 2008 and special permit #276-08.

STAFF RECOMMENDATION: Staff recommends approval of refacing of both principal signs.

6. 1345-1355 Washington Street – Dancer’s Image

PROJECT DESCRIPTION: The property located at 1345-1355 Washington Street is within a Business 1 district. The applicant is proposing to install the following sign:

1. One awning principal sign on the southern building façade facing Washington Street. The sign elements appear to measure approximately 87 square feet in total. The applicant should confirm the exact measurement of the logos on the awning.
2. Two window signs, non-illuminated, on the southern façade facing Washington Street. The applicant has not provided the area of the window signs.

TECHNICAL REVIEW:

- The proposed awning 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 39 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- Both the window sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, window signs are allowed that cover up to 25% of the window area, which the applicant is not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the principal awning sign and two window signs.

7. 793-821 Washington Street – Natural Life

PROJECT DESCRIPTION: The property located at 793-821 Washington Street is within a Business 1 district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 19 sq. ft. of sign area on the southern building façade facing Watertown 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 12 feet, the maximum size of the sign allowed is 36 sq. ft., which the applicant is also not exceeding.

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

8. 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.

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

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.

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 – *552-564 Commonwealth Avenue – Special Permit and Sign review decision letter*

Bk: 51890 Pg: 207



Bk: 51890 Pg: 207 Doc: DEC18
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#276-08

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 20, 2008

08 OCT 22 PM 12:55
CITY CLERK
NEWTON, MA 02459

ORDERED:

That, the Board finding that the public convenience and welfare will be substantially served by its action 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 this SPECIAL PERMIT for replacement of one nonconforming use by another nonconforming use as recommended by the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George E. Mansfield:

1. The proposed nonconforming use of a personal training establishment would not be substantially more detrimental to the neighborhood than the previous nonconforming use as the proposed use has a lower parking requirement and hours of operation are similar.
2. The site is an appropriate location for such use as service will be provided by appointment only and the maximum occupancy at any one time would be ten people.
3. The use as developed and operated will not adversely affect the neighborhood as music levels will be kept to ambient levels.
4. Proposed signage is appropriate for the site and consistent with existing signage on the tenant building.
5. The location of the personal training facility in a MR zone furthers the goals of the *Newton Comprehensive Plan*, which encourages uses that foster active neighborhood centers by providing services that complement existing ones.

PETITION NUMBER: #276-08

PETITIONER: Get In Shape For Women c/o Brian Cook, President

LOCATION: 552 Commonwealth Avenue, Section 61, Block 03, Lot 22 containing approximately 12,944 sq. ft. of land

OWNER: Investment Properties, Ltd.

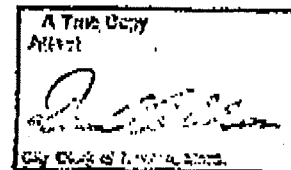
ADDRESS OF OWNER: 825 Beacon Street, Suite 1

TO BE USED FOR: Fitness facility

CONSTRUCTION: Masonry building, wood frame and sheetrock interior

T.N. 20196-341

Rosenberg, Fred
246 WALNUT ST
ALBANY MA 02460



Bk: 51890 Pg: 208

#276-08

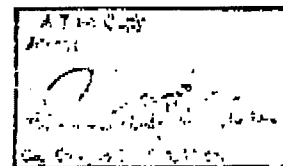
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EXPLANATORY NOTE: §30-21(a)(2)(a) for the change of previous nonconforming use to another nonconforming use; §30-21(b) for the change and extension of lawfully nonconforming use; §30-21(b) for interior alterations to a nonconforming building; §30-21(b) for the change and extension of two nonconforming exterior wall signs; §30-23 for Site Plan Approval; §30-24(d) for Approval of a Special Permit

ZONING: Multiple Residence I District

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the plans entitled:
 - Set of plans prepared by VTP Associates, 132 Adams Street, Newton, MA, 02458, stamped and signed by Joe Porter, professional land surveyor
 - "Area Plan of Land" dated April 28, 2008, and revised May 6, 2008
 - "Topographic Site Plan," dated Feb. 9, 2008, and revised May 6, 2008
 - Set of plans prepared by Ranere Associates, 135 Massachusetts Avenue, Boston, MA, 02115, stamped and signed by Ronald Ranere, registered architect, and dated May 20, 2008
 - "Building Plan & Elevations"
 - "Demo & Proposed Plans"
2. The proposed tenant shall keep the rear door to the facility shut in order to prevent any noise from disturbing abutters.
3. 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 board order for a special permit/site plan approval with the Registry of Deeds for the Southern District of Middlesex County,
 - b. filed a certified copy of such recorded notices with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.



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- 4. No 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 and the Department of Inspectional Services a statement by the Director of Planning and Development approving final site features including signage.

Under Suspension of Rules
 Readings Waived and Approved
 23 yeas 0 nays 1 absent (Ald. Brandel)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 October 22, 2008. 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:



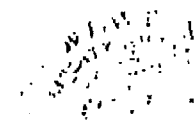
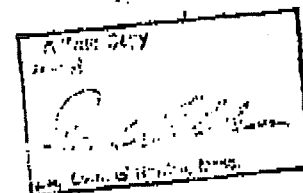
(SGD) DAVID A. OLSON, City Clerk
 Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 10/22 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



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





DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: August 25, 2008

 TO: John Lojek
Commissioner of Inspectional Services

FROM: ~~Michael Kruse, Director of Planning and Development~~
John Lojek, Commissioner of Inspectional Services

LOCATION: 552 Commonwealth Avenue
CONTRACTOR:

BUSINESS: Get In Shape For Women

Section 30-20(c)(1) and (j)(2), as amended, allows the Director of Planning and Development, in consultation with the Urban Design and Beautification Commission (Commission), to review sign permit applications. The Commission reviewed the proposed sign on August 20, 2008 and has provided the enclosed recommendation (see referenced item).

I concur with the Commission and recommend approval of the proposed sign(s) described in the application and plans of reference:

- Principal wall sign replacement is approved as submitted.
 - Principal wall sign replacement on side of front is approved as submitted.
- Note: Signage is part of special permit application for valid non-conforming use of the building.

This application requires no further review by this Department.

On receiving this notice, the applicant must go to Inspectional Services to pick-up the permit and pay the required fee.

Cc:

Lawrence Lee, 617-364-4600
Joan Calabro - Planning Department file
Urban Design and Beautification Commission file

Sign Permit Review Application Form

This side by Applicant

The information requested on the *Application for Plan Examination and Building Permit (Building Permit)* and on the *Sign Permit Review Application Form (Sign Form)* is necessary to review your application and to respond in a timely manner. Consequently, neither the *Building Permit* nor the *Sign Form* will be accepted unless they are filled out in their entirety. The *Building Permit* and the *Sign Form* must be signed by the Owner (or the Owner's representative) of the property on which the sign is to be erected. **Any inaccurate information may delay the approval and issuance of a sign permit. Note that the *Sign Form* has three parts: Part A, B, and C.**

Submit a new form for each sign you are requesting. This is sign # _____ of _____

Part A - Owner/Representative Data

The Representative is the contact for this application and may be an employee of the estab. seeking the sign, a contractor hired to design or erect the sign, or an individual or lawyer representing the estab.

Name of Representative: Jason A. Rosenberg
Phone number of Representative: 617-964-7000
Email address of Representative: jrosenberg@rfglawyers.com
Mailing address of Representative: 246 Walnut St., Newton, MA 02460

The establishment for which the sign has been ordered.

Establishment name: Get In Shape For Women
Name of Business Owner: Brian Cook

Owner (not tenant) of building or prop. where sign will be installed.

Name of Owner: Investment Properties, Ltd.
Phone number of Owner: 617-964-4600

Zoning of property.

Zone: MR1

Address information of the property where sign will be installed.

Street Address: 552 Commonwealth Ave.
Section: 61 Block: 3 Lot: 22
Section, block, and lot information can be found at: www.ci.newton.ma.us/assessors2003/Search.asp

Part B - Sign Data

See attached explanatory remarks with attached photographs of building and proposed signs dimensions.

This sign will be a principal or secondary sign (check **ONLY ONE**):

- Principal
 Secondary

(An establishment is allowed one principal sign. The sign area must be the lesser of 3 times the frontage or 100 sq. ft.)
(An establishment is allowed secondary sign(s) on other frontages which do not already have a sign. The sign area must be the lesser of the frontage or 50 sq.ft.)

Sign type (check **ONLY ONE**):

- Wall
 Projecting
 Canopy
 Marquee
 Directory
 Free standing
 Window
 Gasoline station sign
 Directional

The frontage of the establishment on the side of the building where the sign will be placed.

Frontage: _____ Sign Area: _____
Sign Width: _____ Sign Height: _____

The sign will be (check **ONLY ONE**):

- Non-illuminated
 Externally illuminated
 Internally illuminated

Check ALL that apply below:

FILL OUT THIS SECTION ONLY IF THE PROPERTY IS RESIDENTIAL, INSTITUTIONAL, OR NONCONFORMING

- One or two-family use of premises
 Mult-family use of premises
 There is a permitted accessory use
 Institutional Use
 Valid nonconforming or permitted nonresidential use

Applicant must provide eight full sets of materials per sign
And sign this form in box on next page.

Explanatory remarks for Sign Permit Review Application Form
552-564 Commonwealth Avenue, Newton

The Sign Permit Review Application is being submitted as part of the special permit application for the extension of a valid non-conforming use of a unit in the building. We are seeking the approval of the new signs by Urban Beautification.

The building address is 552-564 Commonwealth Avenue, and the unit in question is 552 Commonwealth Avenue. The former tenant of 552 Commonwealth Avenue was Gordin and Alperin, a kosher butcher shop, which moved across the street. A new tenant, Get In Shape For Women, a personalized fitness training business, will be moving in. The building has six units, five of which are currently occupied by various businesses.

The proposed new signage for the new tenant will have the SAME style, material (handmade wood carving), font color, shape, and size as the former tenant. The new signs will be in the same location and mounted the same way as the signs for the former tenant. See attached photographs of existing signs for former tenant. The only difference is the new signs will have a black background instead of blue. The signs are and will continue to be non-illumination as are the signs for the other tenants in the building.

Below is the "Background" section of the Zoning Memorandum, dated July 10, 2008, prepared by Eve Tapper, Chief Zoning Code Official.

Background:

The subject commercial building was apparently constructed in 1917 following issuance of Building Permit #2902, dated March 14, 1917. Over the years the building has served a variety of commercial enterprises including a tire store, a flower shop, and a market. At present, a personal training establishment seeks to occupy the most easterly space, formerly occupied by a kosher butcher shop. The other tenants in the building include Doggone-It (a pet grooming and supply store), a dental office, a dry cleaner, a barbershop and a framing store. Zoning for the site is MR1, which does not allow retail uses as-of-right. The applicant seeks a special permit to allow a change from one nonconforming use to another nonconforming use under Section 30-21(a)(2)(a).

3

Address: 552 Commonwealth Avenue Section: 61 Block: 3 Lot: 22

Applicant: Get In Shape For Women Establishment Lawrence Lee Representative

Proposed: # of signs: 2 District: Commercial § 30-20(f)

1 Type of sign: Principal § 30-20(f)(1) width: 7.25 ft.
 Subtype: Wall § 30-20(f)(1) height: 3 ft.
 Illumination: Non-illuminated § 30-20(i) area: 21.75 sq.ft.
 Frontage: _____ ft. § 30-20(f)(1) max area: _____ sq.ft.
 Notes: _____

2 Type of sign: Principal § 30-20(f)(1) width: 12 ft.
 Subtype: Wall § 30-20(f)(1) height: 3 ft.
 Illumination: Non-illuminated § 30-20(i) area: 36 sq.ft.
 Frontage: _____ ft. § 30-20(f)(1) max area: _____ sq.ft.
 Notes: _____

Decision:

- Hold
- Denied
- Other

- Approved as submitted
- Approved as revised
- Approved pending

Conditions / Reasons:

General Remarks: No discussion.

Resubmittal:

