



Ruthanne Fuller
Mayor

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Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, October 11, 2023**

DATE: October 6, 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. 120 Wells Ave – Guidepost Montessori

PROJECT DESCRIPTION: The property located at 120 Wells Avenue is within a Limited Manufacturing district. All parcels within the Wells Avenue Business Park are also subject to a deed restriction which guides sign allowances. The applicant is proposing to install the following signs:

1. One free-standing principal sign, externally illuminated, with approximately 42 sq. ft. of sign area on the northern building façade perpendicular to Wells Ave at the eastern entrance (002).

2. One free-standing principal sign, non-illuminated, with approximately 6.2 sq. ft. of sign area on the northern building façade perpendicular to Wells Ave at the western entrance (007).
3. One wall mounted secondary sign, non-illuminated, with approximately 48 sq. ft. of sign area on the eastern building façade facing the parking lot (001).
4. Two window signs, non-illuminated, with approximately 1.2 sq. ft. of sign area (004 & 005).
5. One banner secondary sign, non-illuminated, with approximately 18 sq. ft. of sign area on the western building façade facing the parking lot (006).

TECHNICAL REVIEW:

- The deed restriction for the Wells Avenue Business Park (see Attachment A) allows each property to have a free-standing sign at any entrance to the premises, not to exceed 150 sq. ft. or 15 ft. in height, in addition to wall mounted signs and smaller free-standing signs. The applicant has proposed two free-standing signs, one at each driveway entrances to the property, and both signs are under the 150 sq. ft. maximum size. (signs 002 and 007)
- The proposed wall mounted secondary sign (sign 001) 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 36.75 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed banner secondary sign (sign 006) appears to be not consistent with the Zoning Ordinance. Per §5.2.5, portable signs not permanently affixed, anchored, or secured to the ground or a structure are not allowed.
- Both window signs appear to be consistent with the dimensional controls specified in §5.2.8. Window signs that are less than 25% of the window area are allowed which the applicant is not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both free-standing signs, secondary sign, and both window signs. Staff does not recommend approval of the banner sign.

2. 675 Watertown Street – Dave Sellers, Sr. Memorial Playground

PROJECT DESCRIPTION: The property located at 675 Watertown Street is within a Multi-Residence 1 zoning district. The Boys and Girls Club of Newton qualifies as a “Dover” institution under M.G.L. Chapter 40 A, Section 3, and is entitled to certain protections from local zoning regulations. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 25 sq. ft. of sign area on the western building façade facing the playground.

TECHNICAL REVIEW:

- The proposed wall mounted principal sign appears to be not consistent with the dimensional controls specified in §5.2.7. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is exceeding, and the maximum size of the sign allowed is 20 sq. ft., which the applicant is also exceeding. However, since Boys and Girls Club qualifies as a “Dover” institution, the applicant will need to seek a “Dover waiver” to allow additional sign area than would be allowed by §5.2.7.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign on the condition that the Commissioner grants a waiver.

3. 1144-1152 Beacon Street – Newton Pediatric Dentistry & Orthodontics

PROJECT DESCRIPTION: The property located at 1144-1152 Beacon Street is within Business 2 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 38 sq. ft. of sign area on the southern façade facing the rear parking lot.
2. One awning mounted secondary sign, illuminated, with approximately 23 sq. ft. of sign area on the northern façade facing Beacon 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 37 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 37 feet, the maximum size of each sign allowed is 37 sq. ft., which the applicant is also not exceeding.

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

4. 980 Boylston Street – Bank of America

PROJECT DESCRIPTION: The property located at 980 Boylston Street is within a Business 2 zoning district. The applicant is proposing to install the following sign:

1. Reface one wall mounted principal sign, internally illuminated, with approximately 15 sq. ft. of sign area on the southern building façade facing the rear 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 9.25 feet, the maximum size of the sign allowed is 27.75 sq. ft., which the applicant is also not exceeding.

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

Comprehensive Sign Package

1. 1-55 Boylston Street – The Street

PROJECT DESCRIPTION: The property located at 1-55 Boylston Street is within Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order #218-22.

The Street Comprehensive Sign Package was first developed and approved through special permit in February of 2013. The package was amended in April of 2020 and then in 2022 with a refreshed set of free-standing signs and re-organized set of wall sign elevations. The Urban Design Commission previously approved of changes to the Comprehensive Sign Package in May of 2023. These previously approved changes are clouded in purple on pages 5-8 and also include sign M8 on page 27 of the sign package.

New proposed signs from this previous May approval have been clouded in green on pages 5-8 and on page 27 and are listed out below. All of the proposed changes are related to the 27 Boylston building. The applicant is proposing to amend the special permit for the following signs:

27 Boylston North Elevation

- Wall Directory Signage on the old theater overhang (W5).
- A directory sign including the individual name of each tenant within the interior passage. This would be in place of the one tenant band sign indicating the collective group of tenants within the interior passage.

27 Boylston East Elevation

- Wall Directory Signage on the old theater overhang (W5).

27 Boylston South Elevation

- A blade sign indicating the collective group of tenants within the interior passage.
- Extension of the existing sign band to accommodate an additional 27 Boylston courtyard tenant.
- A new free-standing pedestrian directory sign (E12). Staff could not find the dimensions for this sign.
-

27 Boylston West Elevation

- No change

As per the Waivers in the previously approved Comprehensive Sign Package, Wall Directory Signs and Blade Panel and Column Signs are described as:

Wall Directory Signs

Wall directory signs may include multiple tenant names of tenants within any building on the property. The selection of tenant names may change at the discretion of the owner. Each tenant sign may be up to 100 square feet.

Blade Panel and Column Capital Signs

Subject to conformity to the maximum area requirements established by special permit waiver, blade panel and column capital signs may change at the discretion of the owner following review and approval by the Owner and the Planning Department, following consultation with the Urban Design Commission.”

TECHNICAL REVIEW:

- The wall directory signs, blade sign, and column capital signs do not appear to be consistent with the dimensional controls specified in §5.2.8. The applicant will need to apply for an amendment to the City Council for these signs.

- The applicant will also need to apply for an amendment for extensions of the sign bands and tenant sign locations.

STAFF RECOMMENDATION: Staff seeks recommendation regarding the changes from UDC to the Land Use Committee of the City Council.

III. Old/New Business

1. Approval of Minutes

Staff will email meeting minutes before the meeting.

Attachments

- Attachment A – Wells Avenue Covenant

#276-68 (2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

November 18, 1968

ORDINANCE NO. 278

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON, AS FOLLOWS:

That Section 25-4 of Chapter 25 of the Revised Ordinances of Newton, 1965, as amended, be and is hereby further amended by amending sheets of plans entitled "City of Newton, Massachusetts Zoning Plans" dated July 21, 1951, as amended to date, by changing certain district boundaries from present zoning districts to Limited Manufacturing District and made a part of said Section 25-4. (Stephen Hopkins and Isadore Wasserman, Trustees)

Changing the following real estate now Residence A District to Limited Manufacturing District:

Land on Nahanton Street, Ward 8, Section 84, Block 34, parts of Lots 2 and 2A, containing approximately 34,400 square feet (0.79 acres).

Motion to reconsider by Ald. Dangel, seconded by Ald. Magni failed to carry
20 Yea 2 Yeas 2 Absent
Yea: Ald. McDonnell and Shea
Abs: Ald. Bruce and Matthews

Approved as to legal form and character:

(Sgd) CHARLES H. MORANG, Acting City Solicitor

Under Suspension of Rules
Readings Waived & Passed to be Ordained
2 Yeas 1 Nay 1 Absent
By: President Bauckman
Ald. Bruce

EXECUTIVE DEPARTMENT

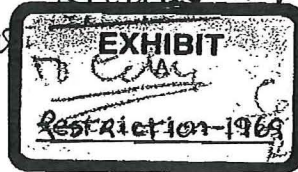
Approved November 20, 1968

(Sgd) JOSEPH H. KARLIN, City Clerk (Sgd) MONTE G. BASBAS, Mayor

A TRUE COPY
ATTEST: *Joseph H. Karlin*

APR 27 69 AM 9:09 URGENT

RESTRICTION SAME AS AMENDED BK 11699 PG 535
ACE → P 9 OPTION AGREEMENT



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KNOW ALL MEN BY THESE PRESENTS

that Isadore Wasserman and Edwin M. Howard, as they are Trustees of the Newton at 128 Realty Trust, under a Declaration of Trust dated June 30, 1967 and recorded with Middlesex District Registry of Deeds, Book 11419, Page 019, for consideration paid, hereby grant unto the City of Newton, a municipal corporation duly organized and existing in Middlesex County, Massachusetts, with quitclaim covenants, the land in Newton, Middlesex County, lying off Nahanton Street, bounded and described as follows:

- NORTHERLY on Nahanton Street 170 feet;
- NORTHEASTERLY by other land of the Grantors by three courses, as shown on the Plan hereinafter referred to, said courses running Southerly and Southeasterly in directions shown on said plan to a point on the Southeasterly boundary of the Grantors' premises 300 feet Northeasterly from the Southwesterly corner of said premises;
- SOUTHEASTERLY, SOUTHWESTERLY, WESTERLY by land of the Metropolitan District Commission;

be all of said measurements and distances more or less and containing 30.5 acres more or less.

Being shown as Parcel 2 on a Plan dated July 6, 1960 entitled "Plan to Accompany Option Agreement," etc., recorded with Middlesex South District Deeds on August 2, 1960 as Plan No. 1183, recorded in Book 9645, Page END. Meaning and intending to convey the same premises which is more accurately shown on a "Plan of Land Newton, Mass." dated September 11, 1968 by Alonzo B. Reed, Inc., Engineers and Architects, Boston, Massachusetts, and being shown as Parcel 2 on said Plan containing 30.2 acres.

Subject to the restrictions for the benefit of adjoining premises of the Grantors that for a period of ninety-nine (99) years from date, no buildings or structures shall be erected or maintained on the granted premises except for recreation, conservation or parkland purposes (but this shall not be deemed to prohibit construction of fences thereon).

BOOK 11699 P 535
428.01
attached
attached

attached
at end

Together with the following restrictions, as appurtenant to the whole or any part of the granted premises, which are hereby imposed on the adjoining premises shown on said plan as Parcel 1, containing 123.1 acres; said restrictions shall run with the land and the Grantors hereby covenant and agree with the Grantee that they will be faithfully observed and performed:

1. There shall not be built or maintained on said Parcel 1, or on any one subparcel or group of subparcels constituting Parcel 1, buildings containing on all floors thereof a total of more than 800,000 square feet.

Further, there shall be maintained on said Parcel 1, or on any one subparcel or group of subparcels constituting Parcel 1, at all times at least 40% of the ground area in open space not occupied by buildings, parking or loading areas or roadways.

Part of said open space shall be located as shown on a plan entitled "Topographic Plan of Land" dated August 27, 1968, and filed herewith, and shall be retained in its present natural condition and with its present topography and vegetation. (Said required open space on the above-mentioned plan approximates 14.4 acres or 11.7% of Parcel 1.)

Further, ground elevations along the westerly and southwesterly boundary line between said Parcel 1 and Parcel 2 shall be retained at their present levels at every point along said line.

2. Subject always to the provisions of paragraph 1 above, the ratio of the gross floor area of all buildings on said Parcel 1, or any one subparcel or group of subparcels constituting Parcel 1, to the total land area of said parcel or parcels shall not exceed 0.25.
3. No building or structure shall be erected on said Parcel 1, or on any one subparcel or group of subparcels constituting Parcel 1, without the prior approval of the Board of Aldermen with respect to the following specific items: finished grading and topography, drainage, parking and landscaping.

#276.6A(3)
Page 6.

4. No building or structure or enlargement or extension thereof within said Parcel 1, or any one subparcel or group of subparcels constituting Parcel 1, nor any land included within said Parcel 1, shall be used for the retail sale of tangible personal property to consumers, for a freight or transfer terminal or fuel distribution plant.

Further, no building or structure or alteration, enlargement or extension thereof within said Parcel 1, nor any land included within said Parcel 1 shall be used for any purpose which is injurious, obnoxious or offensive to the neighborhood by reason of noise, smoke, odor, gas, dust or similar objectionable features, or is dangerous to a neighborhood on account of fire or any other cause.

Further, no building or structure or alteration, enlargement or extension thereof within said Parcel 1, nor any land included within said Parcel 1 shall be used except for one of the following purposes:

- a. Wholesale business or storage warehouse, but excluding perishable goods and all food products (not more than 85% of floor area in any one structure);
- b. Telephone central office and exchange building;
- c. Offices and banks (not more than 50% of the gross floor area of 800,000 square feet permitted hereby on said Parcel 1, or any one subparcel or group of subparcels constituting Parcel 1, shall be used for office space);
- d. Carpenter or woodworking shop;
- e. Casting lightweight and nonferrous metals, and spinning ferrous and nonferrous metals;
- f. Glass fabrication and installation;
- g. Laboratory, research and development;
- h. Machine shop (excluding presses over 10 tons), plumbing and blacksmith shop;

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- i. Metal fabrication light (such as sheet metal, ducts, gutters and leaders);
 - j. Molding, shaping or assembly from prepared materials (including repairs) of boxes, ladders, staging, toys, stationery, novelties, paper boxes, toilet preparations, drugs, perfumes, flavoring extracts, medical and hygienic appliances, clothing, textiles, hats, leather and sporting goods, mattresses, store and office equipment, house, office, theatre and playground equipment, signs, musical instruments, art goods, industrial models, tools, appliances, electrical goods;
 - k. Optical and scientific instruments, jewelry manufacturing;
 - l. Printing, publishing and reproduction establishments;
 - m. Wearing apparel, fabrication and processing;
 - n. But nothing herein shall prohibit the carrying on of such accessory uses as are proper and usual in connection with said above permitted uses.
5. No building or parking area shall be located or maintained within 80 feet of the northeasterly boundary line of said Parcel 1, as shown on said plan, except that parking areas shall be permitted at a distance of 40 feet from the portion of said boundary line designated on said plan as "950" feet.
6. No building or structure is to be erected within 80 feet of the northerly boundary line of said Parcel 1, measuring 1,900 feet, which line runs approximately parallel to and 180 feet or more distant from the southerly side line of Nahanton Street.

No building on said Parcel 1 shall exceed in height a total which equals more than 10 feet of height for every 100 feet of distance from the nearest point of the southerly street line of Nahanton Street, adjusted proportionately for any proportion of such 100-foot distance.

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1276-6a(3)
Page 8.

7. No building or structure shall be built or maintained within the triangular area in the southeasterly corner of said Parcel 1, as shown on said plan as "Area 1A."
8. No sign, billboard or other outdoor advertising device shall be placed or maintained on the premises, except identification and directional signs, as follows:
 - a. One free-standing sign at any entrance to the premises, not to exceed 150 square feet in area or 15 feet in height;
 - b. Surface mounted signs located on the exterior walls of buildings;
 - c. Free-standing signs not to exceed 12 square feet in area.

All signs shall be stationary and shall not contain any visible moving or movable parts; no sign shall be of a neon type or exposed gas-illuminated tube type; any lighting of a sign shall be continuous, indirect and installed in a manner that will prevent direct light from shining onto any street or adjacent property.

9. Any lighting provided in the premises shall be installed in a manner which will prevent direct light from shining onto any street or adjoining property.
10. In connection with any construction or site development work undertaken on said Parcel 1, no excavation or construction traffic of any nature shall make use of Nahanton Street except that portion from the Kendrick Street bridge to the Nahanton Street entrance to Parcel 1, and the contract specifications therefor shall contain such a limitation.
11. The restrictions set forth in the paragraphs 1 through 10 above shall continue in force for a period of ninety-nine (99) years from December 1, 1968.

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Subject to such rights and restrictions as were of record on June 27, 1960, so far as the same are now in force and applicable.

And further subject to the order of conditions of the Department of Natural Resources, dated December 13, 1968, pursuant to Section 40, Chapter 131 of the Massachusetts General Laws, which order is duly recorded in said Deeds.

And further subject to the right of the Grantors, their successors and assigns, to establish and maintain a drain easement on two (2) strips of land located on the premises conveyed hereunder, as shown on said plan as "50' permanent drain easement", together with the right of the Grantors, their successors and assigns, to enter upon the premises herein conveyed for the purpose of maintaining the said drain easement.

And further subject to real estate taxes for the year 1969 as may be assessed on the premises.

Signed and sealed this 22nd day of May, 1969.

By Isadore Wasserman
Isadore Wasserman, Trustee and
not individually
Newton at 128 Realty Trust

By Edwin M. Howard
Edwin M. Howard, Trustee and
not individually
Newton at 128 Realty Trust

May 22, 1969

Accepted on behalf of the City of Newton, subject to the Restrictions and Conditions hereinabove set forth, pursuant to Order # 360 of the Board of Aldermen dated June 27, 1960 as amended by Order #276-68 of the said Board of Aldermen dated November 18, 1968.

City of Newton

By [Signature]

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS



Then personally appeared the above-named Isadore Wasserman and Edwin M. Howard and acknowledged the foregoing to be their free act and deed, before me

[Signature]
Notary Public

35436

428.01

CITY OF NEWTON

MASSACHUSETTS

Nahanton Street (Southerly Side)

Near Charles River

Plan to Accompany Option Agreement

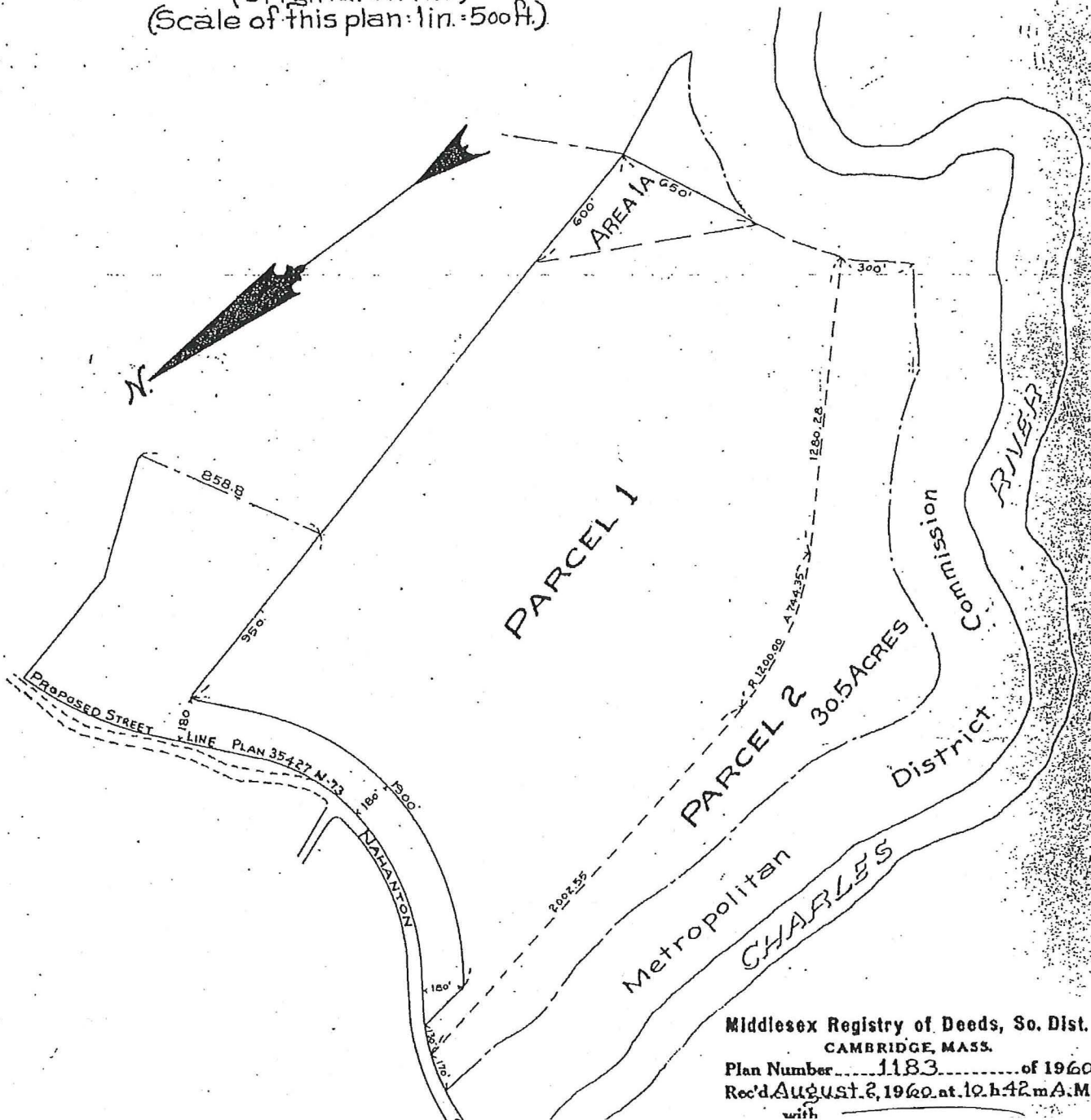
From Sylvania Electric Products Inc.

To City of Newton

Scale: 200 ft. to an inch July 6, 1960

UM Schiavone Engineer

(Original on file.)
(Scale of this plan: 1 in. = 500 ft.)



Middlesex Registry of Deeds, So. Dist.
CAMBRIDGE, MASS.

Plan Number 1183 of 1960

Rec'd August 2, 1960 at 10:42 A.M.

with

#27⁶-68(3)

CITY OF NEWTON

IN BOARD OF ALDERMEN

November 18, 1968

ORDERED:

X That His Honor, the Mayor, be and is hereby authorized
to execute the following amendment to a certain option
agreement dated September 8, 1960:

AMENDMENT TO OPTION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that for consideration paid, Isadore Wasserman and Stephen Hopkins, as they are Trustees of the NEWTON AT 128 REALTY TRUST, under a Declaration of Trust dated June 30, 1967, and recorded with Middlesex South District Deeds, Book 11419, Page 019, hereby amend a certain Option Agreement under which Sylvania Electric Products, Inc., their predecessor in title, by instrument dated July 6, 1960 and recorded with said Deeds in Book 9360, Page 048, granted an irrevocable Option to purchase a portion of the premises then owned by said Sylvania Electric Products, Inc., located on Nahanton Street, in Newton, Middlesex County, Massachusetts, to the City of Newton, a municipal corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and having an usual place of business in Middlesex County, said Commonwealth.

The deed attached to said Option as Exhibit "A" is hereby stricken and a new deed from Isadore Wasserman and Stephen Hopkins, as Trustees aforesaid, attached hereto, is substituted therefor.

Said Option Agreement is further amended by substituting, in the second and fourth line of the third paragraph on Page 3 hereof, the date December 1, 1968 for the date stated therein, September 1, 1960, and in the sixth line of said paragraph the year 1968 for the year 1960. The twelfth line of said third paragraph on Page 3 of said Option Agreement is amended by substituting for the words "Section 23.7A of the Revised Ordinances of Newton, Massachusetts;" the words "Section 25-11 of the Revised Ordinances of Newton, Massachusetts. 1965:"

All other terms and conditions of the said Option Agreement shall remain the same and in full force and effect.

IN WITNESS WHEREOF Isadore Wasserman and Stephen Hopkins have caused this Amendment to Option Agreement to be duly signed as Trustees aforesaid under seal this day of , 1968.

Isadore Wasserman, Trustee and not individual

Stephen Hopkins, Trustee and not individually

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

1968

Then personally appeared the above-named Isadore Wasserman and Stephen Hopkins as Trustees aforesaid and acknowledged the above Amendment to Option Agreement to be their free act and deed, before

Notary Public

Commission expires:

EXHIBIT "A" - ATTACHED TO AMENDMENT TO OPTION AGREEMENT

KNOW ALL MEN BY THESE PRESENTS,

that Isadore Wasserman and Stephen Hopkins, as they are Trustees of the Newton at 128 Realty Trust, under a Declaration of Trust dated June 30, 1967 and recorded with Middlesex District Registry of Deeds, Book 11419, Page 019, for consideration paid, hereby grant unto the City of Newton, a municipal corporation duly organized and existing in Middlesex County, Massachusetts, with quitclaim covenants, the land in Newton, Middlesex County, lying off Nahanton Street, bounded and described as follows:

NORTHERLY on Nahanton Street 170 feet;

NORTHEASTERLY by other land of the Grantors by three courses, as shown on the Plan hereinafter referred to, said courses running Southerly and Southeasterly in directions shown on said plan to a point on the Southeasterly boundary of the Grantors' premises 300 feet Northeasterly from the Southwesterly corner of said premises;

SOUTHEASTERLY, SOUTHWESTERLY, WESTERLY by land of the Metropolitan District Commission;

be all of said measurements and distances more or less and containing 30.5 acres more or less.

Being shown as Parcel 2 on a Plan dated July 6, 1960 entitled "Plan to Accompany Option Agreement," etc., recorded with Middlesex South District Deeds on August 2, 1960 as Plan No. 1183 recorded in Book 9645, Page END.

Subject to the restrictions for the benefit of adjoining premises of the Grantors that for a period of ninety-nine (99) years from date, no buildings or structures shall be erected or maintained on the granted premises except for recreation, conservation or parkland purposes (but this shall not be deemed to prohibit construction of fences thereon).

Together with the following restrictions, as appurtenant to the whole or any part of the granted premises, which are hereby imposed on the adjoining premises shown on said plan of Parcel 1, containing 123.1 acres; said restrictions shall run with the land and the Grantors hereby covenant and agree with the Grantee that they will be faithfully observed and performed:

1. There shall not be built or maintained on said Parcel 1, or on any one subparcel or group of subparcels constituting Parcel 1, buildings containing on all floors thereof a total of more than 800,000 square feet.

Further, there shall be maintained on said Parcel 1, or on any one subparcel or group of subparcels constituting Parcel 1, at all times at least 40% of the ground area in open space not occupied by buildings, parking or loading areas or roadways.

Part of said open space shall be located as shown on a plan entitled "Topographic Plan of Land" dated August 27, 1968, and filed herewith, and shall be retained in its present natural condition and with its present topography and vegetation. (Said required open space on the above-mentioned plan approximates 14.4 acres or 11.7% of Parcel 1.)

Further, ground elevations along the westerly and southwesterly boundary line between said Parcel 1 and Parcel 2 shall be retained at their present levels at every point along said line.

2. Subject always to the provisions of paragraph 1 above, the ratio of the gross floor area of all buildings on said Parcel 1, or any one subparcel or group of subparcels constituting Parcel 1, to the total land area of said parcel or parcels shall not exceed 0.25.
3. No building or structure shall be erected on said Parcel 1, or on any one subparcel or group of subparcels constituting Parcel 1, without the prior approval of the Board of Aldermen with respect to the following specific items: finished grading and topography, drainage, parking and landscaping.

4. No building or structure or enlargement or extension thereof within said Parcel 1, or any one subparcel or group of subparcels constituting Parcel 1, nor any land included within said Parcel 1, shall be used for the retail sale of tangible personal property to consumers, for a freight or transfer terminal or fuel distribution plant.

Further, no building or structure or alteration, enlargement or extension thereof within said Parcel 1, nor any land included within said Parcel 1 shall be used for any purpose which is injurious, obnoxious or offensive to the neighborhood by reason of noise, smoke, odor, gas, dust or similar objectionable features, or is dangerous to a neighborhood on account of fire or any other cause.

Further, no building or structure or alteration, enlargement or extension thereof within said Parcel 1, nor any land included within said Parcel 1 shall be used except for one of the following purposes:

- a. Wholesale business or storage warehouse, but excluding perishable goods and all food products (not more than 85% of floor area in any one structure);
- b. Telephone central office and exchange building;
- c. Offices and banks (not more than 50% of the gross floor area of 800,000 square feet permitted hereby on said Parcel 1, or any one subparcel or group of subparcels constituting Parcel 1, shall be used for office space);
- d. Carpenter or woodworking shop;
- e. Casting lightweight and nonferrous metals, and spinning ferrous and nonferrous metals;
- f. Glass fabrication and installation;
- g. Laboratory, research and development;
- h. Machine shop (excluding presses over 10 tons), plumbing and blacksmith shop;

- i. Metal fabrication light (such as sheet metal, ducts, gutters and leaders);
 - j. Molding, shaping or assembly from prepared materials (including repairs) of boxes, ladders, staging, toys, stationery, novelties, paper boxes, toilet preparations, drugs, perfumes, flavoring extracts, medical and hygienic appliances, clothing, textiles, hats, leather and sporting goods, mattresses, store and office equipment, house, office, theatre and playground equipment, signs, musical instruments, art goods, industrial models, tools, appliances, electrical goods;
 - k. Optical and scientific instruments, jewelry manufacturing;
 - l. Printing, publishing and reproduction establishments;
 - m. Wearing apparel, fabrication and processing;
 - n. But nothing herein shall prohibit the carrying on of such accessory uses as are proper and usual in connection with said above permitted uses.
5. No building or parking area shall be located or maintained within 80 feet of the northeasterly boundary line of said Parcel 1, as shown on said plan, except that parking areas shall be permitted at a distance of 40 feet from the portion of said boundary line designated on said plan as "950" feet.
6. No building or structure is to be erected within 80 feet of the northerly boundary line of said Parcel 1, measuring 1,900 feet, which line runs approximately parallel to and 180 feet or more distant from the southerly side line of Nahanton Street.

No building on said Parcel 1 shall exceed in height a total which equals more than 10 feet of height for every 100 feet of distance from the nearest point of the southerly street line of Nahanton Street, adjusted proportionately for any proportion of such 100-foot distance.

No building or structure shall be built or maintained within the triangular area in the southeasterly corner of said Parcel 1, as shown on said plan as "Area 1A."

No sign, billboard or other outdoor advertising device shall be placed or maintained on the premises, except identification and directional signs, as follows:

- a. One free-standing sign at any entrance to the premises, not to exceed 150 square feet in area or 15 feet in height;
- b. Surface mounted signs located on the exterior walls of buildings;
- c. Free-standing signs not to exceed 12 square feet in area.

All signs shall be stationary and shall not contain any visible moving or movable parts; no sign shall be of a neon type or exposed gas-illuminated tube type; any lighting of a sign shall be continuous, indirect and installed in a manner that will prevent direct light from shining onto any street or adjacent property.

Any lighting provided in the premises shall be installed in a manner which will prevent direct light from shining onto any street or adjoining property.

In connection with any construction or site development work undertaken on said Parcel 1, no excavation or construction traffic of any nature shall make use of Nahanton Street except that portion from the Kendrick Street bridge to the Nahanton Street entrance to Parcel 1, and the contract specifications therefor shall contain such a limitation.

The restrictions set forth in the paragraphs 1 through 10 above shall continue in force for a period of ninety-nine (99) years from December 1, 1968.

Subject to such rights and restrictions as were of record on June 27, 1960, so far as the same are now in force and applicable.

IN WITNESS WHEREOF, the Grantors have caused these presents to be signed this day of 1968.

By: _____
Isadore Wasserman, Trustee and not
Individually
Newton at 128 Realty Trust

By: _____
Stephen Hopkins, Trustee and not
Individually
Newton at 128 Realty Trust

Motion to reconsider by Ald. Dancel,
seconded by Ald. Magni failed to carry
20 Nays 2 Yeas 2 Absent
Yea: Ald. McDonnell and Shea
Abs: Ald. Bruce and Matthews

Under Suspension of Rules
Readings Waived & Approved
Yeas 1 Nay 1 Absent
By: President Bauckman
Abs: Ald. Bruce

EXECUTIVE DEPARTMENT

Approved November 20, 1968

(Sgd) JOSEPH H. KARLIN, City Clerk (Sgd) MONTE G. BASRAS, Mayor

Attachment C

