



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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Barney Heath  
Director

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## STAFF MEMORANDUM

Meeting Date: **Wednesday, December 13, 2023**  
DATE: December 10, 2023  
TO: Urban Design Commission  
FROM: Shubee Sikka, Urban Designer  
SUBJECT: **Additional Review Information**

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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.

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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. 20 Kinmonth Road – Bristol Waban**

PROJECT DESCRIPTION: The property located at 20 Kinmonth Road is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 13 sq. ft. of sign area on the northern building façade facing Kinmonth Road.

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 93 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

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

## **2. 1144-1152 Beacon Street – Dunkin’**

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 awning mounted principal sign, internally illuminated, with approximately 16 sq. ft. of sign area on the northern façade facing Beacon Street.
2. One awning mounted secondary sign, non-illuminated, with approximately 15 sq. ft. of sign area on the eastern 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 22 feet, the maximum size of the sign allowed is 78 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 117 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is also not exceeding.

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

## **3. 1094 Beacon Street - Mobil**

PROJECT DESCRIPTION: The property located at 1094 Beacon Street is within a Business 2 zoning district. The applicant is proposing to replace and install the following signs:

1. Reface one free-standing principal sign, internally illuminated, with approximately 39 sq. ft. of sign area at the corner of Beacon Street and Walnut Street.
2. Two canopy mounted secondary signs, internally illuminated, with approximately 8 sq. ft. of sign area on the western and eastern façade facing Beacon Street and Walnut Street.

### TECHNICAL REVIEW:

- Applicant has indicated that the free-standing sign is reface of an old existing free-standing sign.
- Both the proposed 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 47 feet, the maximum size of the sign allowed is 47 sq. ft. each, which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of reface of the free-standing principal sign and both secondary signs as proposed.

#### **4. 1185-1197 Centre Street – Tango Mango**

PROJECT DESCRIPTION: The property located at 1185-1197 Centre Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 62 sq. ft. of sign area on the eastern façade facing Centre 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 50 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

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

#### **5. 47 Crescent Street – Kismet Commerce**

PROJECT DESCRIPTION: The property located at 47 Crescent Street is within a Business 2 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 97 sq. ft. of sign area on the southern façade facing Massachusetts Turnpike.
2. One wall mounted secondary sign, non-illuminated, with approximately 50 sq. ft. of sign area on the northern façade facing Crescent Street.

TECHNICAL REVIEW:

- The proposed 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 210 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 300 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is also not exceeding.

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

#### **6. 1144-1152 Beacon Street – Newton Pediatric Dental**

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

1. One awning mounted secondary sign, non-illuminated, with approximately 19 sq. ft. of sign area on the eastern façade facing the parking lot.

TECHNICAL REVIEW:

- This business has two proposed signs that were recommended for approval in October by UDC:

- One wall mounted principal sign, internally illuminated, with approximately 38 sq. ft. of sign area on the southern façade facing the rear parking lot.
- One awning mounted secondary sign, illuminated, with approximately 23 sq. ft. of sign area on the northern façade facing Beacon Street.
- 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 the new secondary sign as proposed.

## **7. 71 Needham Street – AT&T**

PROJECT DESCRIPTION: The property located at 55-71 Needham Street is within a Mixed Use 1 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 213-12(1). The applicant is proposing to install the following signs:

1. One wall mounted secondary sign, internally illuminated, with approximately 77 sq. ft. of sign area on the eastern building façade facing Needham Street (sign S1).
2. One wall mounted secondary sign, internally illuminated, with approximately 30 sq. ft. of sign area on the western building façade facing the rear parking lot (sign S2).

### TECHNICAL REVIEW:

- The proposed secondary sign facing Needham Street appear to be not consistent with the comprehensive sign package (attachment A). As per the sign package, the maximum size of both signs allowed is 37 sq. ft., which the applicant is exceeding, the maximum width of the sign allowed is the storefront width (30'-11") which the applicant is not exceeding, and the maximum letter height allowed is 2 feet 3 inches which the applicant is exceeding.
- The proposed secondary sign facing the rear parking lot appears to be not consistent with the comprehensive sign package (attachment A). As per the sign package, the maximum size of the sign allowed is 12 sq. ft., which the applicant is exceeding, the maximum width of the sign allowed is the storefront width (30') which the applicant is not exceeding.
- The proposed window sign appears to be less than 25% of the window area, which is allowed by zoning.

STAFF RECOMMENDATION: Staff encourages the applicant to reduce the size of the secondary sign facing Needham Street to less than 37 sq. ft. and reduce the size of the secondary sign facing the rear parking lot to less than 12 sq. ft.

## **Design Review**

### **1. 41 Washington Street**

The project is located at 41 Washington Street on a 25,902 square foot parcel. The proposed condominium development consists of an addition to an existing 1891 Victorian home for a total of 16 dwelling units. The applicant is seeking a Comprehensive Permit from the Zoning Board of Appeals.

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.

### **III. Old/New Business**

#### ***1. Approval of Minutes***

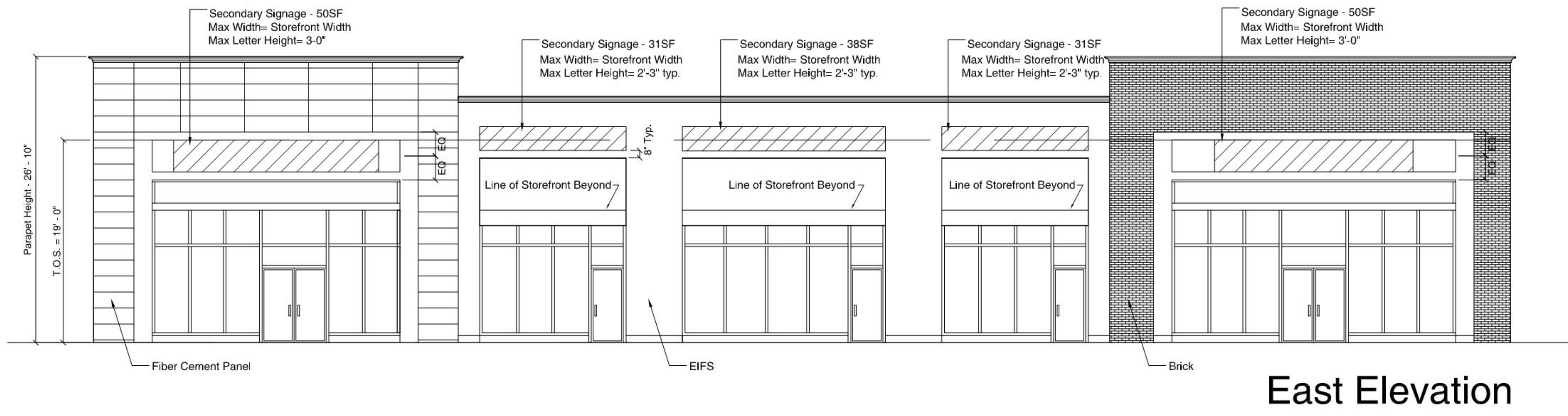
Staff has provided draft meeting minutes from the July meeting that require ratification (Attachment C).

### **Attachments**

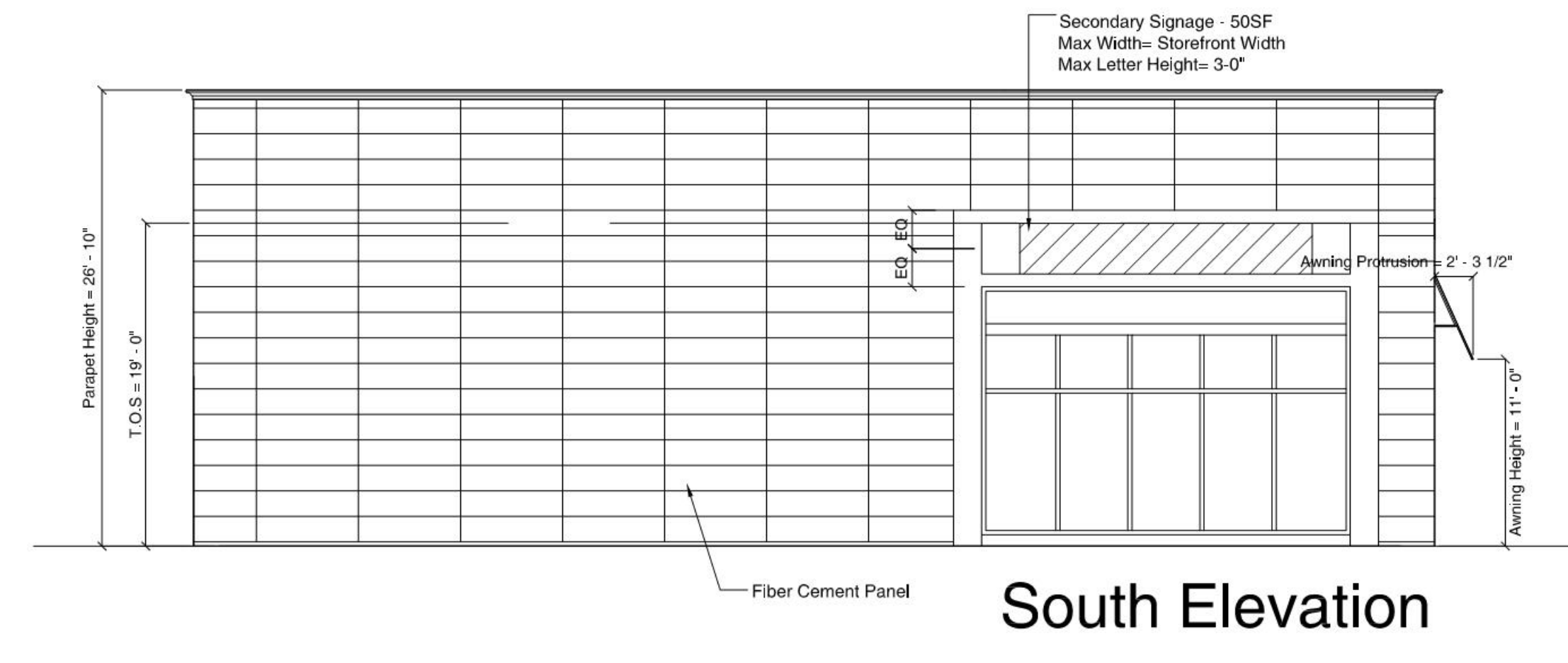
- Attachment A – 71 Needham Street Comprehensive Sign Package
- Attachment B - 71 Needham Street – Recorded Board Order #213-12(1)
- Attachment C – July UDC meeting minutes



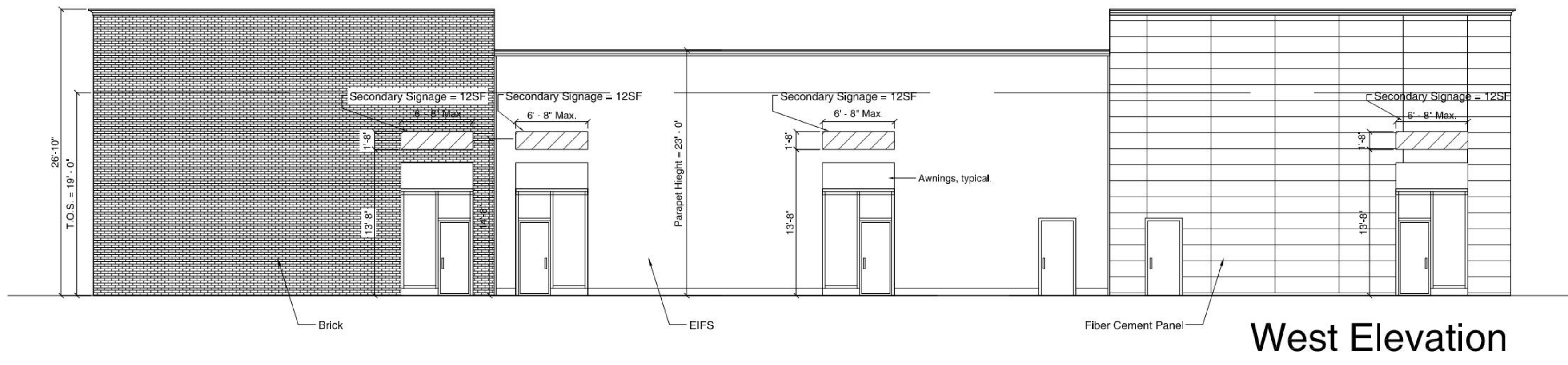
# Building 1



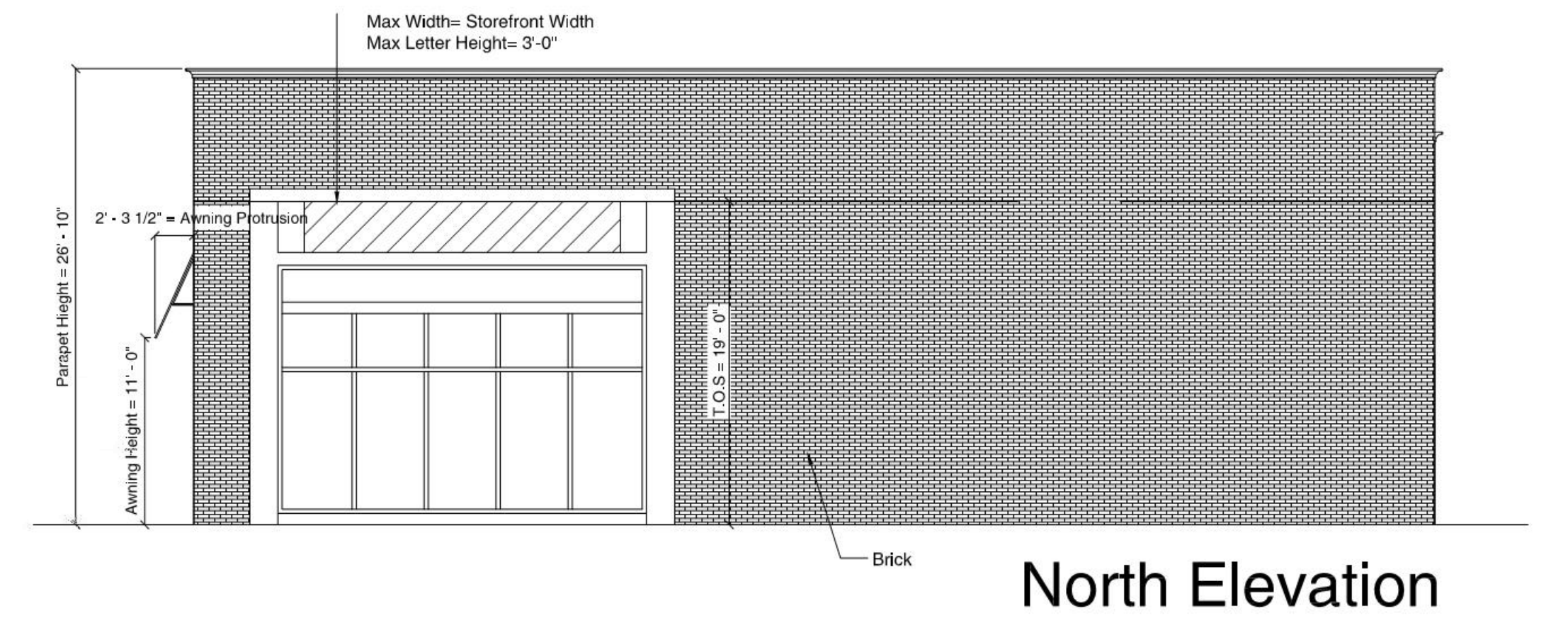
East Elevation



South Elevation

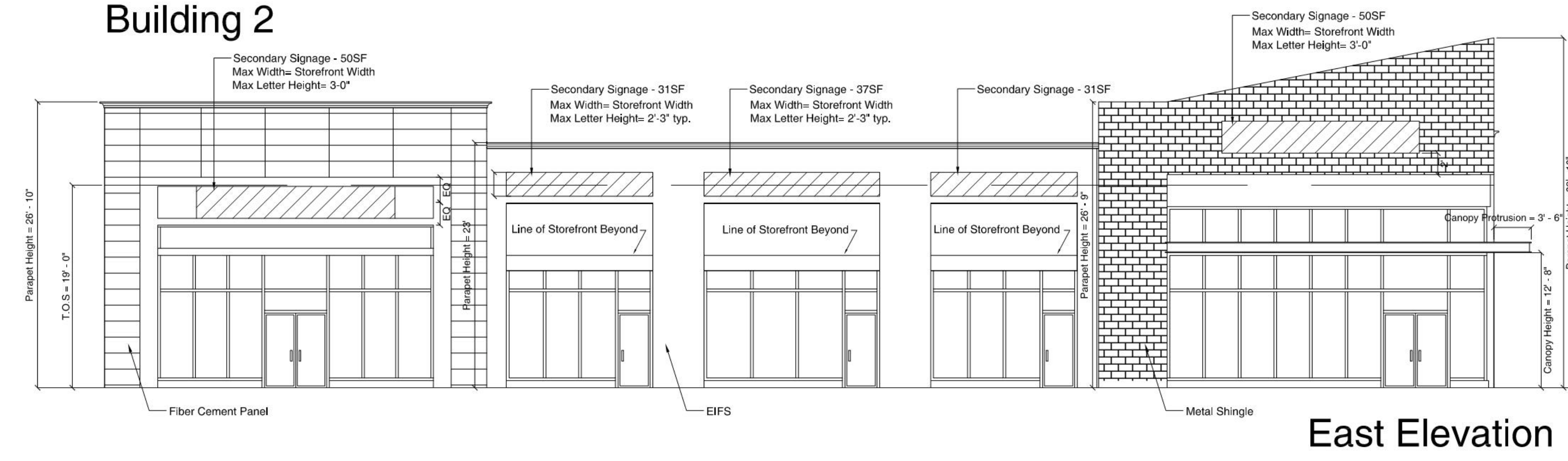


West Elevation

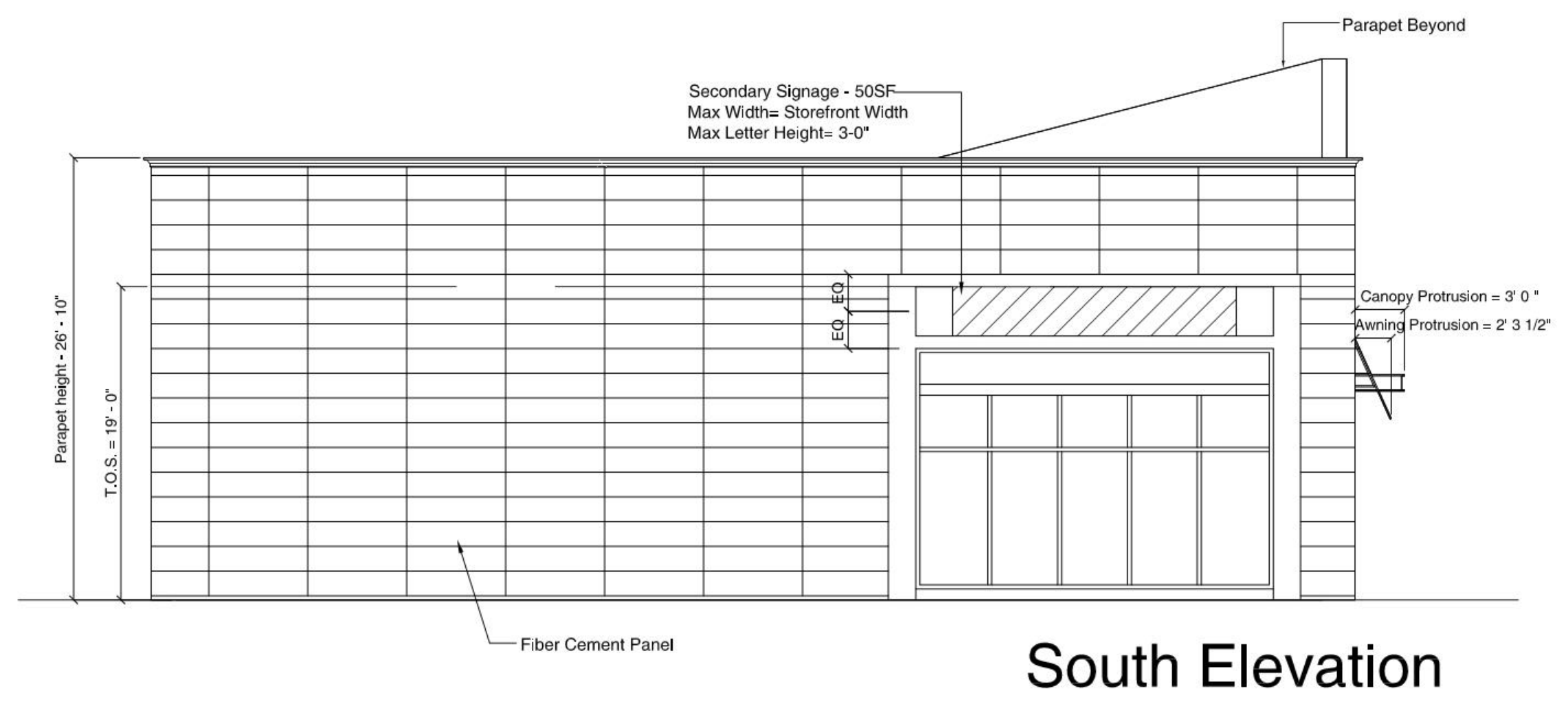


North Elevation

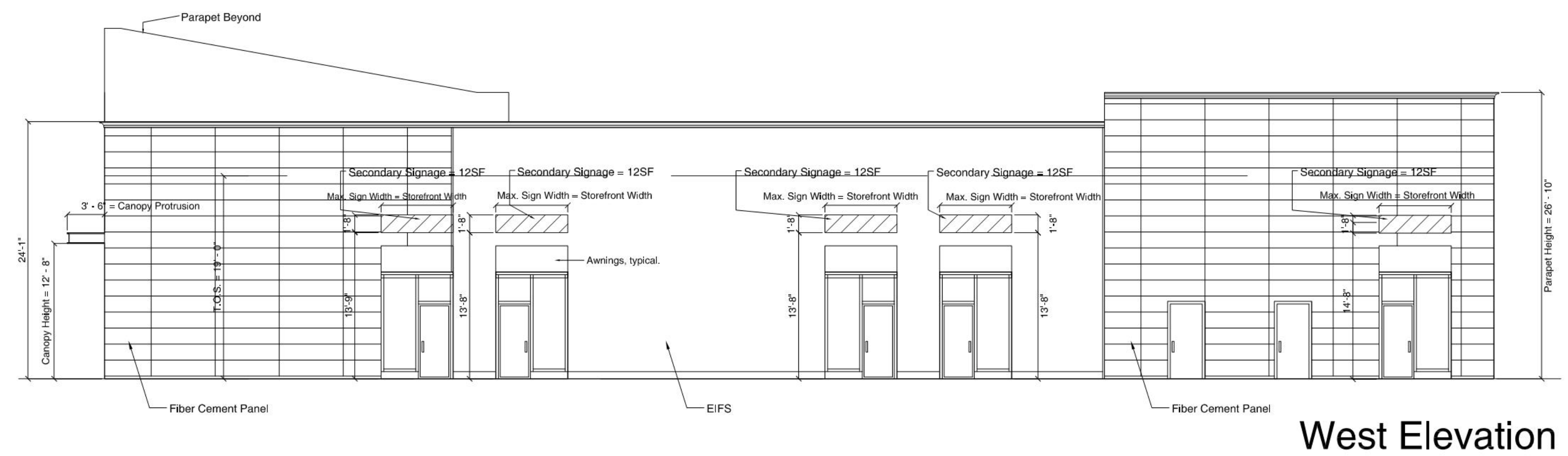
# Building 2



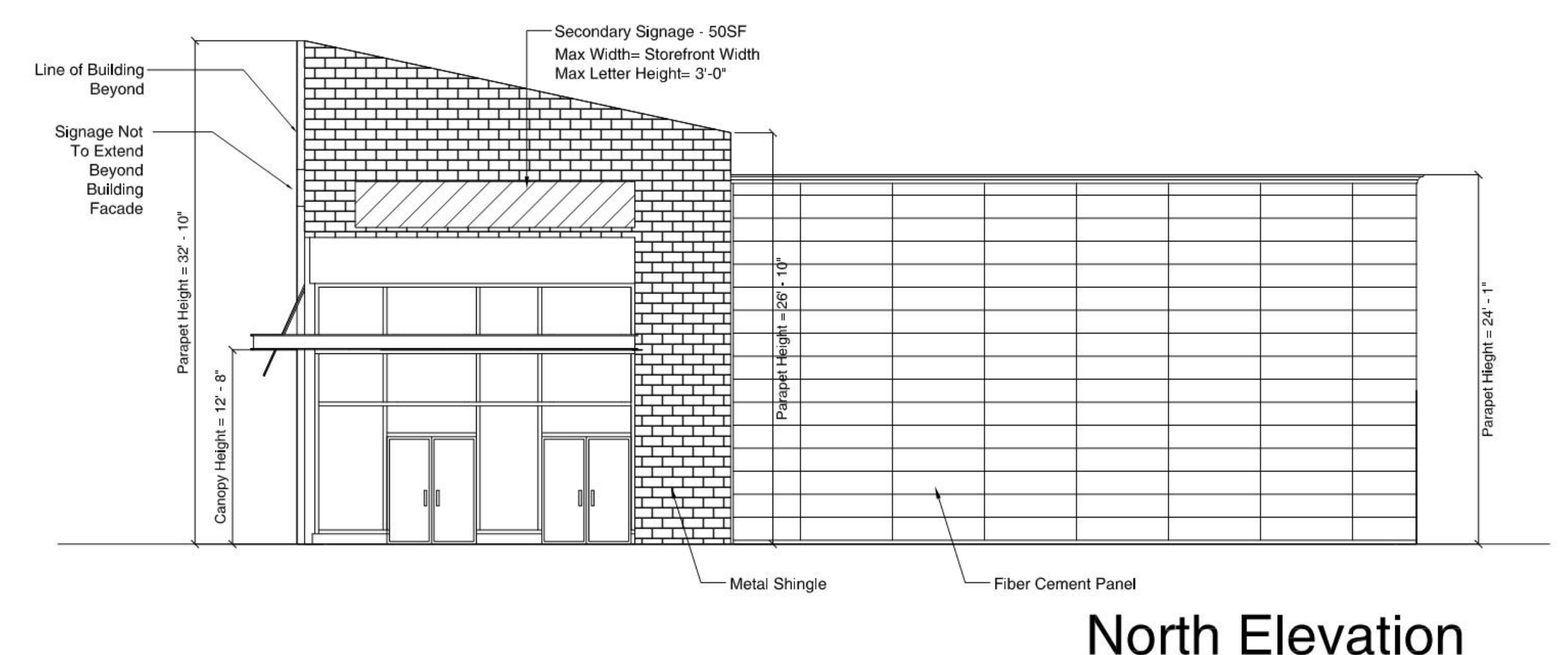
East Elevation



South Elevation



West Elevation



North Elevation

Revisions:


Date: October 19, 2012  
Scale: 1/8" = 1'-0"  
Drawn by: \_\_\_\_\_ Checked by: \_\_\_\_\_  
Project: 11069

Title:  
**ELEVATIONS AND SIGNAGE AREAS**



Property Address: 55 Needham St., Newton, MA Owner: Needham Street Village Shops LLC Title Ref.: Book 59437, Page 421 and Book 59437, Page 425 in So. Middlesex Registry  
Property Address: 71 Needham St., Newton, MA Owner: H&J Newton LLC Title Ref.: Book 28482, Page 189 in So. Middlesex Registry

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Newton City Clerk  
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David A. Olson, Clerk  
Newton, MA 02459

CITY OF NEWTON  
IN BOARD OF ALDERMEN

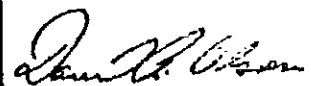
November 5, 2012

ORDERED:

That the Board, 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 construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail and/or service uses; to waive up to 6 parking stalls and certain dimensional requirements and associated landscaping, fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensional requirements for signs at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (h)(1), 30-19(d), (h)(3)a), (i)(1)a)(ii), (j), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2012, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

- 1) The continuation of a non-conforming retail use at this location is not substantially more detrimental to the neighborhood because the area is already characterized by retail uses.
- 2) A service establishment use at this location is appropriate and will not adversely affect the neighborhood nor present a nuisance or hazard to vehicles or pedestrians because the area is already a commercial corridor with these types of uses.
- 3) A waiver of 6 parking stalls (calculated without regard to the provisions of Section 30-19(c)(2)) is appropriate based on the mixed-use nature of the area, the potential for sharing parking with neighboring properties, the availability of an improved pedestrian environment, the availability of transit and bicycle facilities, including the provision of bike racks and the waiver is smaller than the existing nonconformity.

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City Clerk of Newton, Mass.

- 4) 23-foot wide maneuvering aisles where 24-foot aisles are required will not pose an obstacle to emergency vehicle access and literal compliance with this requirement is impractical due to the limited depth of the lot.
- 5) A waiver allowing a two-foot bumper overhang into the rear landscaped area is appropriate because literal compliance with this requirement is impractical due to the size and depth of the lot. The landscaped area provided, in concert with the existing rear fence on the adjacent property serve to meet the intent of the zoning ordinance.
- 6) A waiver for the required parking facility lighting is appropriate because the provision of the one-foot candle standard would negatively affect adjacent residential uses and the small areas where lighting will be substandard will not present a safety hazard.
- 7) A waiver for the required loading dock facility is appropriate because of the small size of the businesses that will occupy the proposed buildings, which will generally not require large deliveries.
- 8) That permitting a freestanding sign as well as a third secondary sign on the north and south end of each building is appropriate because, based on the use and architecture of the project, and the location of the proposed sign, it would be in the public interest to allow the requested signs.
- 9) The proposal is consistent with the *2007 Newton Comprehensive Plan*, which encourages projects of this kind that provide new commercial space with a high degree of quality in design that reflects concepts of place-making and supports improvements to the pedestrian environment and accommodation of bicycles.
- 10) In light of the above findings and the following conditions imposed by this Order, the Board of Aldermen finds that the public convenience and welfare of the City will be served and that the criteria of §30-23 and §30-24 for granting a special permit/site plan approval will have been satisfied.

PETITION NUMBER: #213-12

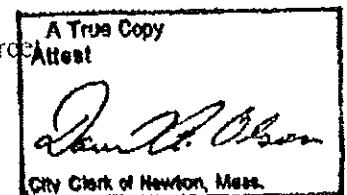
PETITIONER: Needham Street Village Shops, LLC

LOCATION: 49, 55, & 71 Needham Street

OWNERS: Needham Street Village Shops, LLC (49 & 55 Needham Street)  
H&J Newton LLC (71 Needham Street)

ADDRESS OF OWNERS:  
420 Bedford Street

71 Needham Street





Lexington, MA 02420

Newton, MA 02464

TO BE USED FOR: Retail and service space.

CONSTRUCTION: Two new, single-story, multi-tenant, commercial buildings.

EXPLANATORY NOTES: Special permit sought: (1) for retail store pursuant to Section 30-13(b)(1); (2) for services businesses pursuant to Section 30-13 (b) (4); (3) for site plan approval pursuant to Section 30-13 (b)(1); (4) for waivers under Section 30-19 (m) as to six (6) parking stalls pursuant to Section 30-19(d); aisle width requirements of Section 30-19(h)(3); fence location of Section 30-19(i)(1)a)(ii); the lighting requirements for parking facilities of greater than five stalls pursuant to Section 30-19 (i); one required loading dock facility pursuant to Section 30-19(1); (5) a freestanding sign pursuant to Section 30-20(1); (6) extension of nonconformities under Section 30-21 (b); (7) site plan approval under Section 30-24.

ZONING: Mixed Use 1 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:


a. "Proposed Retail Development, 49, 55, and 71 Needham Street, Newton, Massachusetts, Special Permit Plans," dated August 6, 2012 with revisions through October 18, 2012, containing the following sheets:

- i. Sheet C-1 Existing Conditions and Demolition Plan
- ii. Sheet C-2 Site Plan
- iii. Sheet C-3 Grading and Drainage Plan
- iv. Sheet C-4 Utilities Plan
- v. Sheet C-4A Sewer Profile
- vi. Sheet C-5 Landscape Plan
- vii. Sheet C-6 Grade Plane Plan
- viii. Sheet C-7 Construction Management Plan
- ix. Sheet C-8 Truck Turning Plan
- x. Sheet C-9 Erosion Control Notes and Details Sheet
- xi. Sheet C-10 Details Sheet
- xii. Sheet C-11 Details Sheet
- xiii. Sheet C-12 Details Sheet
- xiv. Site Lighting Plan

b. "Site Plan, Needham Street, 71 Needham Street, Newton, MA", dated October 19, 2012, containing the following sheets:


- i. Sheet AO-1 Site Plan

A True Copy  
Attest



Daniel H. Olson  
City Clerk of Newton, Mass.

- ii. Sheet A1-1 Partial Site Plan, Building 1 Floor Plan
  - iii. Sheet A 1-2 Partial Site Plan, Building 2 Floor Plan
  - iv. Sheet A2-1 Elevations and Signage Areas
  - v. Sheet A2-2 Free Standing Sign Dimensions
2. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
  3. The petitioner shall reserve the right to change the location of the doorways to the commercial space within the existing glazing in response to tenant demands, with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
  4. The petitioner shall underground all utilities from the street to the building.
  5. Rooftop mechanical equipment shall be located as close to the wall of the rear parapet as is practical with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
  6. As necessary, snow shall be removed from the site to avoid a reduction in the number of parking stalls available for use.
  7. The trash enclosures shall be maintained in sanitary condition with the gate remaining closed at all times when not in use.
  8. The petitioner shall submit all proposed signage for review by Planning and Development staff and the Urban Design Commission.
  9. The petitioner shall submit a parking management plan subject to review and approval by the Director of Planning and Development in consultation with the City Traffic Director. Such plan may include obtaining revocable parking licenses or other parking rights from nearby properties to the extent they may be available from time to time.
  10. The petitioner shall submit a transportation demand management plan which shall include actions to be taken to reduce the reliance on single occupant vehicles by employees and patrons of the businesses to be located at this site. The plan shall also identify methods of enhancing the safety of those using the southern egress from the property including agreements with the neighboring property owner on that side to maintain visibility between their respective driveways and signage directing the majority of those using the parking lot to exit via one of the two other egress points. The plan shall be approved by the Director of Planning and Development with the advice of the Transportation Director.
  11. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$19,200 (\$1 per square foot of building) to be paid towards undergrounding of utilities at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the undergrounding project for at least the section of Needham Street from Winchester Street to Columbia Street. This obligation shall run with the land for a period of 12 years from the date of this special permit. The petitioner shall not be required to made the contribution called for in this Condition in

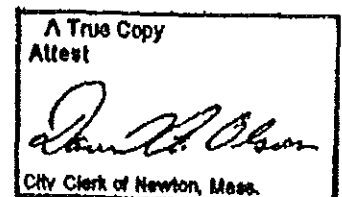
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City Clerk of Newton, Mass.

the event that an improvement district is established which undertakes the undergrounding project.

12. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
  - a. consolidated all lots through an Approval Not Required (ANR).
  - b. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - c. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - d. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  
13. 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, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
  - c. completed all landscaping in compliance with Condition #1.
  - d. the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping required in Condition #1 and #13c, provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site improvements to ensure their completion.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Alderman Albright)

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 November 7, 2012. 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 4/7 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

A True Copy  
Attest  
  
City Clerk of Newton, Mass.



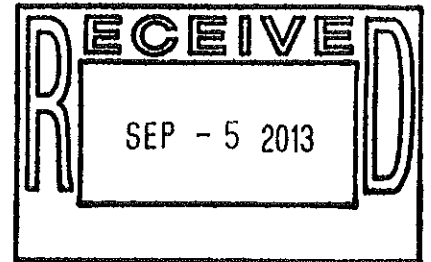
# Middlesex South Registry of Deeds Electronically Recorded Document

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## Recording Information

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Recorded Date	: December 12, 2012
Recorded Time	: 02:30:24 PM
Recorded Book and Page	: 60716 / 421
Number of Pages(including cover sheet)	: 7
Receipt Number	: 1499103
Recording Fee	: \$75.00



**Middlesex South Registry of Deeds  
Eugene C. Brune, Register  
208 Cambridge Street  
Cambridge, Massachusetts 02141  
617/679-6310**



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# CITY OF NEWTON, MASSACHUSETTS

## Urban Design Commission

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### MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, July 12, 2023 at 7:00 p.m. via Zoom

<https://newtonma-gov.zoom.us/j/82934085511>

Ruthanne Fuller,  
Mayor

**The Chair, Michael Kaufman, called the meeting to order at 7:03 P.M.**

Barney Heath,  
Director  
Planning & Development

#### I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, Visda Saeyan, and Bill Winkler. Shubee Sikka, Urban Designer, was also present.

Shubee Sikka,  
Urban Designer  
Planning & Development

#### II. Regular Agenda

##### Sign Permits

##### **1. 270-276 Centre Street – Mass General Brigham**

###### Proposed Sign:

- One perpendicular principal sign, internally illuminated, with approximately 27 sq. ft. of sign area (6'-8 3/8" x 3'-11 1/2") on the western building façade perpendicular to Centre Street.

Members  
Michael Kaufman, Chair  
Jim Doolin, Vice Chair  
John Downie  
William Winkler  
Visda Saeyan

**MOTION: Mr. Kaufman made a motion to approve the proposed sign at 270-276 Centre Street – Mass General Brigham. Mr. Doolin seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, Visda Saeyan, and William Winkler in favor and none opposed.**

##### **2. 119 Central Avenue - Verizon**

###### Proposed Signs:

- One wall mounted principal sign, non-illuminated, with approximately 6 sq. ft. of sign area on the southern building façade facing Washington Street.
- One wall mounted directional sign, non-illuminated, with approximately 1 sq. ft. of sign area on the southern building façade facing Washington Street.

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142

**MOTION: Mr. Kaufman made a motion to approve one proposed sign at 119 Central Avenue - Verizon. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, Visda Saeyan, and William Winkler in favor and none opposed.**

[www.newtonma.gov](http://www.newtonma.gov)

##### **3. 89-97 Wyman Street – White Lion Baking Company**

Proposed Sign:

- One wall mounted principal sign, non-illuminated, with approximately 29 sq. ft. of sign area on the western building façade facing Wyman Street.

**MOTION: Mr. Kaufman made a motion to approve one proposed sign at 89-97 Wyman Street – White Lion Baking Company. Mr. Doolin seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, Visda Saeyan, and William Winkler in favor and none opposed.**

## **Comprehensive Sign Package**

### ***1. 612 Washington Street – Comprehensive Sign Package***

Applicant/Representative: Carol Fournier

Signs: The applicant is proposing to create a comprehensive sign package for the following six businesses at this location:

- 7/11
- FulFilled Goods
- Dancers Image
- 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.

**Dancers Image:**

There are currently two existing signs for Dancers Image and applicant is not making any changes to them:

1. One wall mounted principal (existing) sign, internally illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing the rear parking lot.

2. One wall mounted principal (to be removed) sign, internally illuminated, with approximately 17 sq. ft. of sign area on the northern building façade facing Washington Street. Applicant is proposing to remove this sign.
3. One wall mounted secondary (existing) sign, internally illuminated, with approximately 14 sq. ft. of sign area on the eastern building façade facing the driveway. This sign is not included in the list provided by applicant but shown in drawings.

**C'est Privie Lingere:**

There are currently three existing signs for C'est Privie Lingere and the applicant is proposing to remove the sign facing the rear parking lot:

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 (to be removed) sign, internally illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing the rear parking lot. Applicant is proposing to remove this sign.
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. This sign is not included in the list provided by applicant but shown in drawings.

**IREM:**

There is currently one existing sign for IREM and applicant is proposing to replace it with a new sign:

- 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 signs:

- One wall mounted split principal sign, internally illuminated, with approximately 56 sq. ft. of sign area on the southern building façade facing the rear parking lot.
- One wall mounted split principal sign, internally illuminated, with approximately 92 sq. ft. of sign area on the southern building façade facing the rear parking lot.

Applicant has given two options for Clean Joe signs. Staff recommended applicant to choose one option from the two options given. Staff included option #1 for staff review.

**Presentation and Discussion:**

- The applicant summarized the sign proposal and commented that they have applied for a sign package for all businesses at this location but only the signage at the back of the building is changing. Applicant also described the two options for Clean Joe sign at the back of the building.
- The Commission asked if there was any signage on the side of the building facing the driveway. Staff commented that there are two signs on the side of the building which were not included in the sign package.



- There was also discussion about existing Dancer's Image signs, the business is moving so those sign boxes will be placeholders for a future business.
- The Commission asked if the landlord has approved the comprehensive sign package for the whole building. The applicant commented that they know that Clean Joe is applying for signage and some other signs are changing but will check with the landlord and confirm that he approves it. The applicant commented that she came to UDC meeting to get an idea of what the Commission will approve and then will go back to the landlord with a final proposal.
- The applicant commented that most of the existing lightboxes will remain, and they are only refacing some of the lightboxes. Clean Joe is a new sign. The Commission commented that a more accurate drawing is needed and the correct and final placement of the sign. The applicant commented that façade frontage for Clean Joe is 59 feet. Staff commented that they would be allowed a principal sign of up to 100 sq. ft. based on the frontage. The Commission commented that they could have a sign of up to 100 sq. ft. and a small door sign or a blade sign close to the entrance.
- The Commission made the following recommendations:
  - a. Establish a sign band
  - b. Get rid of the signs on the first level and have 1 sign band above

**At 7:47 p.m., Mr. Kaufman suspended the Urban Design Commission, and enter the Commission in its role as Fence Appeal Board.**

## **Fence Appeal**

### **1. 3-5 Potter Street – Fence Appeal**

Homeowner/Applicant: Dino Rossi

Fence Appeal: The property located at 3-5 Potter Street is within a multi-Residence 1 district. The applicant has added the following fence:

- a) Front Lot Line along Adams Street – The applicant has added a fence, set at the front property line with a new fence, 49 inches tall solid vinyl. Applicant has not provided the exact length of the built fence and height of the fence from the gutter of the street elevation.

The proposed fence along the front property line appears to be not consistent with the fence criteria outlined in §5-30(d)(7) of the Newton Code of Ordinances.

According to §5-30(f)(7), “*Visibility on Corner Lots. No fence shall be erected or maintained on any corner lot as defined in Section 30-1 of the Revised Ordinances, as amended, in such a manner as to create a traffic hazard. No fence on a corner lot shall be erected or maintained more than four (4) feet above the established street grades within a triangular area determined by each of the property lines abutting each corner and an imaginary diagonal line drawn between two points each of which is located twenty-five (25) feet along the aforesaid property lines of said lot abutting each of the intersecting streets as illustrated in the diagram below. The owner of property on which a fence that violates the provisions of this section is located shall remove such fence within*

*ten (10) days after receipt of notice from the Commissioner of Inspectional Services that the fence violates the provisions of this section and creates a traffic hazard in the judgment of the City Traffic Engineer.”*

Presentation and Discussion:

Mr. Kaufman summarized that at the last meeting, UDC questioned whether UDC could grant an exception since this was a traffic safety issue, and he was concerned that this was out of UDC’s purview, so UDC requested staff with the Law Department. Staff checked with ISD, who said that the height for the 25-foot corner must be measured from the established street grade, which is basically the gutter elevation, so it must be 4 feet from there. Staff also checked with the Law Department who said ISD Commissioner’s determination as to how the height should be measured is final. Staff also checked with the Traffic Engineer who said that having the fencing along the front lot line does not exceed the 4-foot height will help ensure safer sight lines for all Potter St residents in the future. Mr. Kaufman commented that the discussion is basically about the height of the gutter. Staff responded that we don’t have that height. Applicant responded it varies from 4 to 9 inches. Mr. Kaufman commented that the street is not at the same grade, it varies, the road is not leveled. Mr. Winkler commented that at some places, the fence is 4’-9” tall, so its not just 1 inch, its more than that.

After the staff memo was sent out, Chair reached out to staff to check with the law department if UDC can act on ISD’s decision since it applies to public safety. Law department responded *“Because ISD issued a violation of the fence ordinance, it is squarely within the UDC’s authority to grant an exemption to the requirements of the fence ordinance, regardless of the additional impact on public safety.”*

Mr. Kaufman commented that he was worried about that UDC could not review this, but city has confirmed that is not the case. He commented that UDC reviewed this last and gave an exception at that time and UDC asked the fence to be four feet. The applicant installed a four-foot fence. At that time, UDC was not thinking about the fact that fence had to be measured from the gutter. UDC was thinking about on grade, and the applicant put in the fence as, as we were all under the assumption but next time UDC will pay attention to this. Considering, applicant has been doing this in good faith and its about four to nine inches. A car is still going to be able to see over that fence probably with all the traffic coming out of Potter Street. Mr. Kaufman suggested that UDC grant the exception. Mr. Winkler, Ms. Saeyan and Mr. Doolin agreed with Mr. Kaufman. Mr. Doolin commented that there is no practical safety issue, there is a theoretical universal question here. But what’s practical, is protect about this. It’s particular to this situation, it is this unique to the situation.

Mr. Kaufman commented that this situation applies to fences but what about plantings? Staff responded that it does not apply to plantings, the fence ordinance only mentions fence but not plantings. Staff also commented that as far as she knows, none of the city ordinances address plantings.

Mr. Kaufman made a motion to grant the exception to the seven-ish inches that has been exceeded by the reinterpretation of the ordinance by ISD and because of the unique situation UDC should accept it.

Staff commented that we still don't have the exact height of the fence from the established street grade. Mr. Kaufman commented that height is 4 feet over grade, we don't know what the slope of the sidewalk is, and he is not sure why is ISD measuring it from the gutter, the ordinance says street grade, why isn't it measured at the crown of the street? It's still not clear where you are supposed to measure from? Staff responded that UDC always decides with the height and length of the fence, in this case, we don't know what relief is required since we don't know the length or the height of the fence. Staff commented that she has been writing decision letters for a few years when UDC grants an appeal for an exact height and length of the fence so she is concerned about how this decision letter will be written since the height and length of the fence is not provided by the applicant. Staff still doesn't know how much of the fence is in violation, it could be 10, 11 or 20 feet or any other number. Mr. Kaufman responded that we could accept the 25 feet.

Mr. Winkler asked how many residences are on Potter Street? The applicant responded he is the only house on it but there's a house at the corner across the street that uses it but technically, probably doesn't have the right to use it, so just two right now. There is one more parcel that Nonantum Christmas Association owns beyond this property. Mr. Winkler commented so it's essentially just a driveway.

**Mr. Kaufman moved the motion to grant exception to the violation within the 25 feet from the corner to the extent that it exceeds the four feet as defined by ISD but not as defined by UDC. UDC grants the exception due to the unique lot situation and street situation. Ms. Saeyan seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, Visda Saeyan, and William Winkler in favor and none opposed. The motion was granted.**

**At 8:04 p.m. the Commission adjourned the Fence Appeal Board portion of the meeting and reconvened as the Urban Design Commission.**

### **III. Old/New Business**

The Commission reviewed the minutes of April meeting.

**MOTION: Mr. Kaufman made a motion recommending approval of the regular meeting minutes for April as submitted. Mr. Doolin seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, Visda Saeyan, and William Winkler in favor and none opposed. The decision is hereby incorporated as part of these minutes.**

### **IV. ADJOURNMENT**

Mr. Kaufman made a motion to adjourn the meeting and there was general agreement among the members.

**The meeting was adjourned at 8:08 p.m.**

**Respectfully submitted by Shubee Sikka**

**Approved on**