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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.*

#### I. Roll Call

Barney Heath,  
Director  
Planning & Development

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.

**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.

**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.**

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### **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 December 13, 2023.**