



Petition: #70-24
Public Hearing:
01/24/24

Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: January 19, 2024

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

SUBJECT: **Petition #70-24**, Request to amend an approved Comprehensive Sign Package and Special Permit #218-22 at 1-55 Boylston Street

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1-55 Boylston Street

Project Description

Background

The subject property consists of two parcels totaling 859,444 square feet in the Business Use 4 (BU-4) zone in Chestnut Hill in Newton, with a small portion of the site to the east located in Brookline. The site contains a mix of retail, offices, a movie theater, restaurants, and other similar uses in a shopping center known as “The Street.” The surrounding area includes a Single Residence 1 district to the northeast, a Business 1 district to the west, and a Multi-Residence 3 district to the south. This section of Boylston Street has a mix of uses including residential, commercial, and open space.

The petitioner is seeking to amend their comprehensive sign package, initially approved in 2013 and subsequently amended in 2020 and 2022. The petitioner proposes to add tenant, directory, capital, and wayfinding signage for 27 Boylston Street. The proposed signage requires an amendment to the existing special permit. Altogether, eleven new signs and three sign band extensions are proposed at 27 Boylston Street.

Analysis

The Planning Department is supportive of the amendment that includes the proposed sign package. With three frontages on public ways, several entrance and exit points, and multiple tenants in different buildings, this site could prove complex for visitors to navigate. The sign package includes wayfinding and directional information that will clarify how to use and navigate the site for pedestrians and visitors who need to park on site. The package also includes signs that indicate the names and locations of tenants in the building not visible from the outside, which will complement the mixed-use nature of the site.

Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
	Amend Special Permit #218-22	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

I. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The proposed exceptions to the sign ordinance should be permitted are appropriate due to the nature of the use of the premises, the architecture of the buildings or

their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

- The specific site is an appropriate location for the proposed amendments to previously approved comprehensive sign package. (§7.3.3.C.1)
- The proposed sign package will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

II. Project Proposal and Site Characteristics

A. Site

The site consists of 859,444 square feet and is improved with several commercial structures, the majority of which are multi-tenant buildings including retail space, restaurant, and offices, and associated parking. The majority of the parcel is in Newton with the exception of the southeastern corner of the site which lies in Brookline. The site is anchored by a movie theatre at the western end of the site at 55 Boylston Street and a supermarket at the eastern end of the site at 1 Boylston Street. Though comprised of several adjacent lots, for the purposes of zoning the site is considered as one parcel.

Proposed signage installation on site



III. Project Description and Analysis

A. Land Use

If this petition is approved, the principal use of the site will remain commercial.

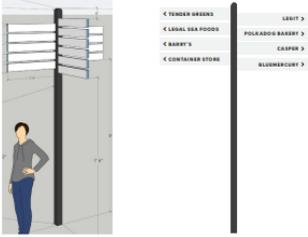
B. Site Design

In the previous amendment to the sign package in 2022, the layout of the first floor at 27 Boylston Street included all exterior facing storefronts which allowed each tenant to have an individual exterior sign. The layout of the first floor has changed since then, and several tenants only have a presence on the interior of the space without a sign on the façade of the building. The petitioner now proposes additional exterior directory and wayfinding signs to provide more visibility to those interior-only tenants and to expand the existing sign bands.

The sign package proposed includes freestanding directory signs, vehicular and pedestrian directional signs, and an oversized wall-mounted illuminated sign. All of these sign types have been previously approved by the prior special permit, and similar signs to the ones proposed here exist on the site already. The Petitioner has labeled each sign type with letters on the plans submitted and are the same labels reflected in the below graphic. The table below summarizes the type, size, and location of signs that require relief from the Ordinance. The sign images below are meant to illustrate the general design typology and content of the signs, but the renderings below may deviate from the final aesthetic of the signs.

Signs that require Special Permit Relief

<u>Sign</u>	<u>Sign Type and Size</u>	<u>Sign Design</u>
E5, E10, E11, E12	Four (4) small directory signs approx. 15 sf (square feet) of sign area each internally illuminated	
K4, KD15	Two (2) vehicular directional signs 5.44 sf of sign area each no illumination	

<p>M1, M2, M3</p>	<p>Three (3) pedestrian directional signs approx. 1 sf of sign area each no illumination</p>	
<p>N</p>	<p>One (1) wall-mounted sign 259 sf of sign area illuminated</p>	
<p>O</p>	<p>One (1) pedestrian directional sign 1.83 sf of sign area no illumination</p>	

Pedestrian Directory Signs

The petitioner proposes four freestanding pedestrian directory signs (E5, E10, E11, E12) that measure 15 square feet in sign area. The pedestrian directory signs (E) are considered freestanding signs, which require special permit relief. Additional relief is required because the signs will include information about events. The zoning ordinance limits event information on signs to be displayed for 14 days or less and requires that they be removed within 48 hours after the event. As these signs will display information regarding events on a regular and continued basis, relief is required to exceed the 14 days.

Vehicular Directional Signs

The petitioner is proposing two new vehicular directional signs (K, KD) with 5.44 square feet of sign area each. These signs are substantially similar in size and design to the vehicular directional signs already in place on the site. The Planning Department is supportive of the proposed directional signs, which will support the safe and efficient flow of traffic on this site.

Wall-Mounted Sign

The petitioner is proposing an illuminated wall-mounted sign (N) affixed to the 27 Boylston Street south elevation (facing Boylston Street). The proposed sign requires a special permit because the sign is proposed with an area of 259 square feet, which exceeds the 100 square feet maximum allowed for wall signs. The Planning Department is not concerned with the sign as proposed. It is similar in design and location to a sign already on the site, and contributes to the cohesive branding and placemaking for the complex.

IV. Interdepartmental Review:

A. Urban Design Commission

The petitioner appeared before the Urban Design Commission (UDC) on October 11 and November 8 of 2023. The UDC reviewed the sign package and renderings provided by the petitioner and are supportive of the Comprehensive Sign Package amendment as stated in the UDC memorandum dated December 11, 2023. **(ATTACHMENT B)**

V. PETITIONER'S RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

- ATTACHMENT A:** Zoning Review Memorandum
ATTACHMENT B: Urban Design Commission Memo
ATTACHMENT C: DRAFT Council order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 7, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Amanda Chisholm, WS Asset Management, Inc
Chestnut Hill Shopping Center LLC, Petitioner
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to amend an approved Comprehensive Sign Package and Special Permit #218-22

Applicant: Chestnut Hill Shopping Center LLC

Site: 1-55 Boylston Street	SBL: 63037 0025, 63037 0026
Zoning: BU4	Lot Area: 859,444 square feet
Current use: Mixed-Use Shopping	Proposed use: No change

Background:

The property at 1-55 Boylston Street is located in the Business 4 district and is improved with a commercial center known as "The Street". The property contains a mix of retail, service, restaurant, office, medical office and a movie theater. The site has received several special permits relevant to buildings, parking and signage. A comprehensive sign package was approved in 2013 and amended in 2020 and 2022. At the time of the last approval, the layout of the first floor at 27 Boylston Street included all exterior facing storefronts with the opportunity for each tenant to have an exterior sign. The layout of the first floor has changed to now include an interior passage with several storefronts having an interior presence only. The petitioner now proposes additional exterior directory and wayfinding signs to provide more visibility to interior tenants and to efficiently direct customers as well as expansion of the existing sign band. The proposed signage requires an amendment to the existing special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Amanda Chisholm, WS Asset Management, dated 1/24/2023
- Special Permit #218-22

Conceptual Signage, prepared by WS Development, dated 1/13/2022, submitted 1/24/2023, revised 8/14/2023, 10/4/2023

ADMINISTRATIVE DETERMINATIONS:

1. A special permit was granted in 2013 approving a comprehensive sign package for the entire development and amended in 2020 and 2022. The petitioner now seeks to update the sign program with additional wayfinding signs to direct customers to interior tenants, as well as expansion of the existing sign band to accommodate future tenant changes. To implement the changes to the Comprehensive Sign Package as proposed, the petitioner must obtain an amendment to the existing Special Permit #218-22
2. Eleven new signs and three sign band extensions are proposed at 27 Boylston Street. All of the proposed sign types have been previously approved by the prior special permits. The petitioner proposes the following changes to the signage at 27 Boylston Street:

East Elevation

- One Column Capital sign

West Elevation

- Extension of the existing sign band to accommodate future tenant changes

South Elevation

- Three Wall Directory signs allowing individual tenant blade signs
- Blade sign indicating the collective name of tenants within the interior passage
- Extension of the existing sign band to accommodate future tenant changes
- Extension of the existing sign band to accommodate an additional 27 Boylston courtyard tenant
- One free-standing Pedestrian Directory sign

North Elevation

- Three Wall Directory signs allowing individual tenant blade signs
- One tenant Directory sign including the individual name of each tenant within the interior passage over the entrance
- One Pedestrian Directional Arrow sign in a landscaped island in front of the north elevation

3. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Amend Special Permit #218-22	S.P. per §7.3.3



Ruthanne Fuller
Mayor

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Attachment B

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Barney Heath
Director

DATE: December 11, 2023
TO: Katie Whewell, Chief Planner
Jane Santosuosso, Chief Zoning Code Official
FROM: Urban Design Commission
RE: 1-55 Boylston Street - The Street, Comprehensive Sign Package
CC: Land Use Committee of the City Council
Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission has reviewed and provides the following comments to the Department of Planning and Development and the Land Use Committee of the City Council regarding the Comprehensive Sign Package at 1-55 Boylston Street – “The Street”.

1-55 BOYLSTON STREET - THE STREET COMPREHENSIVE SIGN PACKAGE

At its regularly scheduled meeting on October 11 and November 8, the Urban Design Commission (UDC) reviewed the proposed Comprehensive Sign Package. 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 UDC review is based on plans and materials submitted to date as noted below:

- Comprehensive Sign Package, prepared by WS Development, dated 10/25/2023, revised 11/09/2023 (revisions were submitted to staff as recommended by UDC).

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 applicant is coming back for another amendment to add tenant, directory, capital, and wayfinding signage for 27 Boylston Street. The current proposal reflects the additional directory, tenant, wayfinding signs and extension of sign bands for 27 Boylston Street. At the recommendation of the planning department, the updated elevations and sign bands were developed for 27 Boylston Street. The UDC reviewed the sign package in February, March, and May 2023 and provided a memo on June 13, 2023. Applicant then resubmitted the sign package in October and November to revise the comprehensive sign package.

The applicant is proposing to amend the special permit for the following signs:

East Elevation

- One Column Capital sign.

West Elevation

- Extension of the existing sign band to accommodate future tenant changes.

South Elevation

- Three Wall Directory signs allowing individual tenant blade signs.
- Blade sign indicating the collective name of tenants within the interior passage.
- Extension of the existing sign band to accommodate future tenant changes.
- Extension of the existing sign band to accommodate an additional 27 Boylston courtyard tenant.
- One free-standing Pedestrian Directory sign.

North Elevation

- Three Wall Directory signs allowing individual tenant blade signs.
- One tenant Directory sign including the individual name of each tenant within the interior passage over the entrance.
- One Pedestrian Directional Arrow sign in a landscaped island in front of the north elevation.

Mr. Kaufman made a motion to approve the proposed resubmitted (dated 10/25/2023, revised 11/09/2023) comprehensive sign package. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed.

CITY OF NEWTONIN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #218-22 and grant exceptions to the number, type, location, and size of signs as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The exceptions to the number, size, location, and type of signs proposed are in the public interest because the directional signs will facilitate more efficient and safe navigation of the site for visitors. The signs are appropriate because they are related directly to the use of the premises as a mixed-use shopping center and create a way to identify the location of tenants that are otherwise not visible from the outside of the buildings. (§5.2.3, §5.2.8, and §5.2.13)
2. The site is an appropriate location for the proposed sign package due to the site's mix of uses and layout with multiple buildings with several tenants, and the location of the complex is in an area with other commercial uses with similar signage. (§7.3.3.C.1)
3. The proposed sign package will not adversely affect the neighborhood because the signs are similar in size and location to what exists on the site now, and few signs will be visible from surrounding residential properties. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because the signs will improve wayfinding on a large and complex site with several entry and exit points. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #70-24

PETITIONER: Chestnut Hill Shopping Center, LLC

LOCATION: 1-55 Boylston Street, Chestnut Hill, MA 02467, on land

known as Section 63, Block 37, Lots 25 and 26, containing approximately 859,444 square feet of land

OWNERS: Chestnut Hill Shopping Center, LLC

ADDRESS OF OWNER: 55 Boylston St., Chestnut Hill, MA 02467

TO BE USED FOR: Signs

RELIEF GRANTED: To amend Special Permits #417-12 and 417-12 (2). #218-22 to grant exceptions to the number, type, location and size of signs. (§5.2.13 §5.2.3, §5.2.8, §5.2.13.A, §5.2.13.B §7.3.3)

ZONING: Business Use 4

This Council Order is an amendment to existing sign Special Permits #417-12,417-12 (2), and #218-22. All exceptions granted, and conditions set forth in Special Permits # 417-12 and # 417-12 (2) and not modified by this Council Order remain in full force and effect. Approved subject to the following conditions:

CONDITIONS

1. All Special Permit approved signs shall be located and constructed consistent with the following plans: “The Street: Chestnut Hill Signage Package”, prepared by WSDdevelopment, dated November 9, 2023, consisting of 40 sheets.
2. All signs shall be designed and installed to comply with applicable building codes.
3. The Petitioner will control the content of all signage and may change content of the Common Center signs in the ordinary course of operating the Center so long as such changes are consistent with this order and section 5.2 of the Newton Zoning Ordinance. Common Center signs shall refer to directory and event sign types. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services and Director of Planning and Development for review and approval. The building permit application shall include a location map.
4. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Common Center signs and individual tenants and

tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:

- a. If such changes conform to the requirements of Section 5.2 of the Newton Zoning Ordinance, as modified by the exceptions granted in this Council Order or Special Permits #417-12, #417-12(2), and #218-22 and are deemed consistent with the Comprehensive Sign Package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.
 - b. If such changes either do not comply with Section 5.2 of the Newton Zoning Ordinance, as modified by the exceptions granted in this Council Order or Special Permits #417-12, #417-12(2), and #218-22 or are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the petitioner shall seek an amendment to this special permit.
5. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
 6. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
 7. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
 8. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
 9. This Council Order allows the modifications to the wall signage for the 55 Boylston Street building as shown on the approved plans to reflect the physical changes to that building since the 2013 original comprehensive sign package approval. This shall only apply to the placement and updating of signs consistent with Board Order 417-12 and shall not apply to any dimensional standards of the sign(s) such as sign area.
 10. Tenant and common signs approved through this special permit for a specific building on the property remain in effect for any alteration or replacement of that building if the building is modified or redeveloped in some way that makes the existing sign placement as displayed in the approved plan set no longer feasible. This shall only apply to the placement and updating of signs consistent with Council Order #417-12, #417-12(2), and #218-22 and shall not apply to any dimensional standards of the sign(s) such as sign area.
 11. No building/sign permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:

- a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building/sign permit plans are consistent with plans approved in Condition #1.
12. No Final Inspection for a sign covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design professional that the signs have been installed to comply with applicable building codes.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by the sign installer.