



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, **March 13, 2024** at 7:00 p.m. via Zoom

<https://newtonma-gov.zoom.us/j/87139260812>

Ruthanne Fuller,
Mayor

The Chair, Michael Kaufman, called the meeting to order at 7:02 P.M.

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

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

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I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, and Bill Winkler. Visda Saeyan joined at 7:25 p.m. Anthony Ciccariello, Commissioner of Inspectional Services and Shubee Sikka, Urban Designer, were also present.

II. Regular Agenda

Sign Permits

1. 131-181 Needham Street – Newton Nexus; Veterinary Specialists

Applicant/Representative: Applicant not present at the meeting

Proposed Sign:

- One arbor mounted sign, internally illuminated, with approximately 8.95 sq. ft. of sign area facing Needham Street.

Presentation and Discussion:

- Staff informed the Commission that the sign company who applied for the sign review has shut down. The owner has informed staff that the business owner will look to hire a new sign company and apply again with a new application.

Mr. Kaufman asked if the Commission felt there were any applications they could approve without discussion. The Commission agreed to approve the following signs without discussion:

Sign Permits

2. 12 Austin Street – Comella's

Proposed Sign:

- One wall mounted principal sign, internally illuminated, with approximately 14 sq. ft. of sign area on the northern façade facing Austin Street.

5. 1239-1247 Washington Street – Blooms' Blind & Shade

Proposed Sign:

- One wall mounted principal sign, internally illuminated, with approximately 15 sq. ft. of sign area on the southern building façade facing Washington Street.

MOTION: Mr. Kaufman made a motion to approve the sign at 12 Austin Street – Comella’s and 1239-1247 Washington Street – Blooms’ Blind & Shade. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Bill Winkler, and Jim Doolin in favor and none opposed.

UDC recommended the applicant consider changing the background color of the sign for Blooms’ Blind & Shade from black to a color that is more complimentary with the color of the brick, maybe a maroon or some other color. So, the sign would still be a dark background with all white letters.

3. 839-853 Washington Street – Cookie Monstah

Applicant: Melissa Gale,

Building owner: Scott Lombardi

Proposed Sign:

- One wall mounted secondary sign, internally illuminated, with approximately 9 sq. ft. of sign area on the western building façade perpendicular to Washington Street.

Presentation and Discussion:

- Building owner summarized the proposal. This is at the trio development at Washington and Walnut Street. The Cookie Monstah space is the only retail space that doesn't have any Washington or Walnut facing storefront. So, it's called a satellite space in the back of the development facing the parking lot. As a result, they wanted to find a way to get some directional wayfinding signage to let people know that this business is back around the parking lot side of the building. Last month the applicant proposed a 48-inch round building mounted illuminated sign, replacing the P of the illuminated parking sign which is 48 inches round with the new directional signage to get people behind the building to Cookie Monstah. At the last meeting, UDC commented to put it within the sign band or lower below the sign band. Applicant did some research and found that probably the best option is to stay below the sign band, so they shrunk the size of the sign a little bit it's now 36 inches round.
- The Commission recommended to black out the white portion of the sign, so it doesn't shine at night.

MOTION: Mr. Kaufman made a motion to approve secondary sign with a condition at 839-853 Washington Street – Cookie Monstah. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, William Winkler, and Jim Doolin in favor and none opposed. The UDC recommended the principal sign for approval on the **condition** that the white background is blacked out at night, so it doesn't shine at night and applicant submit a revised comprehensive sign package.

4. 1150-1152 Walnut Street – Free-standing sign

Applicant: Robert Joyce

Proposed Sign:

- One free-standing principal sign, non-illuminated, with approximately 17 sq. ft. of sign area in the front yard perpendicular to Walnut Street.

Presentation and Discussion:

- UDC asked about the height of the sign from the ground since from the drawing, it doesn't appear to be 36 inches from the ground. If the sign was 36 inches from the ground, then it will probably look very different. UDC requested the applicant to show the dimensions on the drawing. It appears either 51 inches by 48 inches dimension of the sign is not correct, or 36 inches height is not correct. The correct dimensions on the drawing will clarify it. Applicant responded that he was out for medical reasons, but he believes the total height of the sign from the ground is 85 inches or maybe it is 86 or 87 inches, will need to check.
- The Commission asked if the sign is parallel to the street or perpendicular to the street? Applicant responded that the sign is perpendicular to Walnut Street so it could be visualized by traffic heading north or south on Walnut Street and on the front line as shown in the picture, roughly about halfway between the main entrance and the end (left side of the building).
- The Commission commented that the applicant should show the exact location of the sign since it's an intersection, so there's no visibility issue for the traffic. Staff commented that a few months ago, staff checked with the DPW Transportation division, and they said there are not many issues with the sight lines. Staff checked the email again and the email from Transportation department recommend a 3 FT minimum setback from back of sidewalk to accommodate for this conflict. In this case that leaves the majority of the lawn acceptable for the sign placement. Applicant commented that he envisions having the sign approximately 56 or 58 inches from the sidewalk. The Commission commented that it all sounds good but there are no accurate drawings showing any of this information. The Commission commented that they have the option of asking for the sign to be accurately located on either a drawing or a photograph, maybe the Commission could recommend the sign for approval with that condition. The Commission can provide a recommendation with the following conditions:
 - Submit drawings to city council showing height and location on the site
 - Recommend that the sign is not closer than five feet to the front property line and 25 feet from the corner.
- **Public Comment:** Schuyler Larrabee asked where the sign is along the wall, is it close to the parking or close to the corner? Mr. Larrabee commented that he would be concerned about obscuring the view of people coming out. Mr. Larrabee recommended that the sign be closer to the walkway going up the steps because it makes a better association of sign and walkway, so a little further away from obscuring any traffic coming from Lake Ave. Mr. Winkler and Ms. Saeyan agreed. Mr. Kaufman also agreed and suggested to include that as a recommendation to the City Council, the sign is closer to the stairs and the entrance.
- Mr. Kaufman commented that the applicant has indicated that the sign is halfway between the front door and Lake Avenue but there are no drawings to show that. Applicant commented that there are four shutters on the first floor, the sign would be around the third shutter from the left or near that corner on the left. Applicant commented that he can provide photos.

MOTION: Mr. Kaufman made a motion to recommend the sign for approval the proposed sign with conditions at 1150-1152 Walnut Street – free-standing sign to the Land Use Committee of the City

Council. All the members present voted, with a 5-0 vote, Michael Kaufman, John Downie, Visda Saeyan, William Winkler, and Jim Doolin in favor and none opposed. The UDC recommends approval for the proposed free-standing sign with the following conditions:

- Applicant submit scaled plans, drawings showing accurate sign location, sign height, clearance from the ground, and sign width.
- UDC recommends the sign be at least 25 feet away from the property line on Lake Street, 5 feet from the front sidewalk, and 5 feet from the entry sidewalk.

Old/New Business

1. Meeting with Commissioner of Inspectional Services Department

Commissioner Anthony Ciccariello was present at the meeting. Mr. Kaufman greeted the Commissioner and thanked him for coming to the UDC meeting. Mr. Kaufman commented that one of the reasons UDC invited the Commissioner was due to things that have happened in the past. Commissioner Ciccariello is the new commissioner, so we have a clean slate. Some examples are:

- In the past, UDC has made recommendations/voted and then found that the applicants had gone to ISD Commissioner and UDC's recommendations were overturned for one reason or another. So, UDC would like to keep a dialogue open between UDC and ISD. Particularly, if UDC has turned down an application and they appeal to ISD and ISD approves it, it will be helpful for UDC to know the reasoning behind the approval. It will be helpful to keep communication open, to understand the reasoning for these decisions. Commissioner responded that he understands that and has no problems with that.
- Another issue is that there are places in the ordinance that are clear to UDC about what the ordinance says but UDC has found that ISD has a different view than what appears clear to them. For example:
 - Differences in definition of an awning sign. The definition of awning says it needs to be something that's retractable so if the sign covers less than 20% of the awning area, then it is allowed by right and is considered an awning sign. UDC knows that there have been times when applicants have applied for signs on awnings that are permanent, and they have been allowed. UDC's interpretation is if it's a fixed awning then that sign should be treated as a regular building sign. UDC would like to know how the interpretation works and how the reading of the ordinance works. The Commissioner responded that he's new to this so he will look at the recommendations that UDC provides and review them and if he sees it differently, then he will let the UDC and the reasoning for the difference.
 - Another example of where there have been disagreements on are the signs on the Turnpike. The way that UDC have looked on that is that signs need to face a street or a parking area. UDC knows that ISD in the past has said that the turnpike counts as a street even though there are two train tracks between the street and the building that sign is on. According to UDC, it doesn't really fit with the ordinance about a street. The understanding was that people would be able to drive, see a sign on the building and be able to either pull up in front of that building or park in the in the parking lot that would be next to it with where the sign would be helpful. UDC's interpretation is that putting a sign on the building facing the Turnpike is essentially a billboard, which is not allowed in any ordinances. So that's a question of interpretation. UDC would like to see is probably that signs on the

Turnpike should probably have to go for a special permit, let the City Council figure out whether they think it's appropriate or not. In the past, we have denied signs that were not that, that were directly on basically on the train tracks, and that those had been overturned and been approved.

- Mr. Kaufman commented that it will be great to have a dialogue. It would be good to figure out why we're in disagreement and figure out if there's a way, we can sort of come to a mutual understanding on issues.
- Mr. Winkler asked the Commissioner if they see something's going the wrong way, can UDC just send an email to staff or Commissioner directly instead of filing a complaint on the website? For example – there are couple of places on Commonwealth Avenue, where there are some signs that don't look like have permits or if UDC members see a fence that doesn't look compliant with the fence ordinance. The Commissioner responded that in ISD, they follow and track all complaints and keep an eye on it. After a complaint is filed, ISD will have conversations with the person who filed the complaint and with the offender and its important to keep track of everything. Unfortunately, if the offender doesn't meet compliance, sometimes the city must go to court over certain things, so needs to have the documentation. Typically, complaint isn't revealed unless it has to go to court and the complainant has to testify. With NewGov, it is a very easy process that can be done at any time, 24 hours a day, 7 days a week.
- Mr. Doolin commented that he filed a complaint once and it worked out very well.
- Commissioner commented that the complaints are always looked at, of course, by severity. Depending upon how severe there are things that take precedence, probably over a sign. So sometimes it takes a little time, but ISD will get to it.
- Mr. Doolin asked if there was a way they could specify on request for zoning enforcement form, that the complaint is from a UDC member? It's probably hard to keep up with fence violations all over the city that are inconsistent with the fence ordinance.
- Mr. Doolin asked if ISD has any communication with current fence contractors. There are probably a few fence companies who do most of the work in Newton. Asked the Commissioner if he had any ideas on how to communicate with fence contractors? The Commissioner responded it's very difficult to keep with new fences that keep showing up throughout the city.
- Mr. Kaufman asked if ISD can issue a metal tag for the fence to be affixed to the fence when a fence permit is issued. So, if there's no tag, and if anyone drove by it, a fence without a tag is probably in violation. Commissioner responded that anyone could type an address on NewGov website and check if there is a permit issued or not, its very easy to check.
- Mr. Kaufman said it's a problem when the fence contractors don't apply for a permit and a lot of times, homeowners don't know that they are supposed to apply for a permit before they spend thousands of dollars for a fence. Also, so homeowners don't come back to UDC and ask for relief after the fact.
- Mr. Kaufman asked about fines? Commissioner commented that fines are ideally just for leverage to get the job to comply, seldom does the city ever recoup any fine. Unless it's egregious in such a way where it's been going on for a really long time. But the fines are mainly for leverage and compliance.
- Mr. Kaufman asked if the city could fine for a permit that is applied for after the fact. Commissioner responded that if it is after the fact permit, then it's doubled. Staff commented that planning department doesn't have an application fee for fence appeal

applications and staff will investigate it. Mr. Kaufman responded he doesn't have any issues with fence appeal applications but with fence appeal applications that come in after the fact.

- UDC would like to incorporate lighting into the sign ordinance.
- UDC thanked and appreciate the Commissioner for joining UDC meeting.

Design Review

1. 329-331 River Street Design Review

Applicant/Representative:

Ron Jarek
Alex Kogan
Lucas
Alec Polnarev
Trevor O'Leary

Documents Presented: Context plan, context photos, site plan, elevations, floor plans, 3D renderings, lighting plan, planting plan, landscaping plan.

Project Summary:

The applicants summarized the design. The project is located at 329-331 Street on a 31,464 square foot parcel. The applicant is proposing to replace existing nonconforming two-family dwelling and a single-family dwelling with 6 attached dwellings. The applicant is seeking a zone change from SR3 to MR1 and special permit for 6 single-family attached dwellings. The idea is to have a 25-foot perimeter setback for this project.

Presentation and Discussion:

The Commission had the following comments:

Mr. Downie commented that having six units in this sort of arrangement is fantastic and is a great addition to the city, it's the way these properties need to be dealt with. A couple of questions. First is, how is it that the attic spaces don't count in FAR? Applicant responded because it's considered half story, if we made the five-foot to seven-foot rule which is in the zoning code. Mr. Downie responded he doesn't believe it's true and recommended to check it again because it looks like it should count in the FAR. Mr. Jarek responded that because it's a special permit, they try to meet FAR requirements but are not required to meet FAR requirements. Secondly, that five feet to seven-foot height rule that Lucas described, has a formula where the area that's at five feet is greater than two times the area of seven, which then negates the requirement to count any attic space as habitable or in the FAR.

Mr. Doolin asked if these are for sale or rental? The applicant responded they will be for sale.

Mr. Downie commented he appreciates the look of the architecture, and it's appropriate to the area. Not sure about the color scheme though. The White House with the black trim, has become almost a caricature in the city. Like every development is a White House with black window trim. Mr. Downie asked the applicant to relook at that and look around the city and see how many of those kinds of projects there are.

Ms. Saeyan asked the applicant if they have looked at how the trash is going to be picked up? If there's heavy snow, there is no room for a cloud truck to make it turn around if there are cars parked. Applicant pointed to the locations that they will use for recollection. There will be cars parked there but the applicant believes that they will have enough room to turn around. Regarding trash, the applicant is still working on the trash, there will either be a dumpster or each of the units will have their own trash can. Ms. Saeyan said there is not enough room for a dumpster to turn around. Applicant responded that the trash will be picked up on River Street. All the residents will have to roll their trash cans to the curb. Mr. Kaufman commented it will be helpful to locate where the trash cans can be stored.

Mr. Winkler commented that he liked the elevations that show the porches and things for the front door. He asked about the dimensions for the depth of the porch. It would be nice if it were deep enough to have a chair or two on there. They look kind of not very deep and it adds a little more to the elevations to have that. It looks like the posts that are holding it look better in the elevations than they do in the plan. So that's a plus. On the site plan, there are fences that divide the property so that everybody has their own yard, that's good to see.

Mr. Winkler commented that there will probably be around 15-30 people living in this development, it will be nice to have a community space to get together, it's a little enclave of neighbors.

Mr. Winkler asked about the bedrooms in the basement if they need another way out and does it need to be treated? Applicant responded that they have egress window. Mr. Downie responded that there must be a way out of that area, like a ladder or a way to climb out. There can be a window with sill as high as 44 inches.

Ms. Saeyan asked where will the additional cars be parked, there's a winter ban in Newton? Either for visitors or if the units have five occupants with maybe two, three cars or four cars? Applicant responded they didn't plan for additional cars because they didn't want to add any more impervious area than needed. The key concept is to have less impervious surface. Mr. Downie commented that we only require two spaces per unit.

Mr. Doolin commented that like John commented this is a terrific project, great idea, and concept. Also, agree with John about white and black. Mr. Doolin commented that if every building is the exact same color, then it looks like a big complex than it might feel like individual units, encourage the applicant to think about that. Whatever the outcome on color is overall, but within variation.

Mr. Doolin also recommended canopy trees for the street trees, not shrubs. If there's a 25-foot setback from the back of the sidewalk, he encouraged the applicant to think about a landscape palette that will eventually lead to canopy trees to help cover some of the pavement. Applicant responded that there are some mature trees in the corners of the property and sidewalk setback area. The landscape plan will evolve as we get further into the development stage. Mr. Doolin recommended the applicant plant more canopy trees for their profit. There could be other kinds of landscaping underneath the trees. Mr. Doolin also recommended to look interior to the site, where the cars are parked between the buildings in the "T" area, no reason to not have canopy

trees, that could help shade the paved area. Mr. Kaufman clarified that Mr. Doolin is saying instead of having a permanent hedge or a permanent screen, it's probably a good place to have deciduous canopy trees, that will help to make it part of the streetscape.

Mr. Kaufman commented that the architecture is very good and appreciate what the applicant is doing and commend it. Also commend the applicant for providing garages in the middle rather than on the ends because this allows a lot more exterior space for the living area.

Mr. Kaufman also commented that he noticed some of the existing houses had some gable dormers rather than shed dormers. It may help to break up some of the shed dormers. And maybe one of those could be a gable dormer, here and there and maybe break it up to add a little interest to that.

Mr. Kaufman recommended to depress the garage or pull the front out a little bit further; applicant could probably find room between the two put trash cans right up against the garage there to give enough width and depth to put a couple of the city's recycling bins so it will be out of the way.

Mr. Kaufman commented that the two secondary spaces for the front two units are not placed well. There's an issue having parking spaces so close to the living space. Other than a couple of issues, all in all, this is a great project and commend the applicant on this one.

Mr. Kaufman commented that since the applicant is already applying for a special permit, there is an opportunity to make some changes even if they require a relief from the city council, particularly if it is explained to the city council. It will be worth it to have additional spaces for porches, worth it to have grass blocks for parking spaces or a different surface that is not asphalt. It will help to break up the drive visually as well. Applying for a special permit gives some flexibility to ask for relief.

Mr. Kaufman thanked the applicant for the presentation. This is a good-looking project and hopefully the applicant will take some of the Commission's comments into consideration. Biggest thing was to not do a combination of black windows and white house. Since there are three buildings, maybe have three complementary colors. A perfect location for this project, at the edge of the commercial area, it's a nice transition from commercial to single family homes. Well done!

Public Comment:

Schuyler Larrabee commented on the project. Mr. Larrabee commented about the black windows, it's a plague, seeing it everywhere. One of the reasons is that with those metal windows, you can put them right out of the face of the building and that's unfortunate because most homes have the windows recessed slightly and that helps to give more texture to the elevations. So, rethink about the color black and push them a little bit. Mr. Larrabee agreed that this is a good prototype for this kind of development and hope that other small developers are going to look back at this kind of project and say this is a good way to go.

Mr. Larrabee commented about the secondary parking spaces. Do all those parking spaces have to be paved with asphalt? Can they be grass? Applicant responded that they could do that but in Newton, even if they do pervious surface for parking spaces, they will still count as impervious.

Mr. Larrabee also recommended to increase the size of the porch so it's usable on a beautiful day. Applicant responded the reason why they didn't do it is because they are already maximizing lot coverage.

Mr. Larrabee commented to think about big stuff getting moved in.

Mr. Larrabee also recommended to preserve as many trees as possible. Applicant responded that one of their intentions is to have the area as green as possible so they will try to recreate it.

III. Old/New Business

2. Meeting minutes

The Commission reviewed the minutes of February meeting.

MOTION: Mr. Kaufman made a motion recommending approval of the regular meeting minutes for February as submitted. All the members present voted, with a 5-0 vote, Michael Kaufman, John Downie, Visda Saeyan, Jim Doolin, 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 8:36 p.m.

Respectfully submitted by Shubee Sikka

Approved on June 12, 2024.