



City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: June 14, 2024

TO: City Council

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

SUBJECT: **Petition #255-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a free-standing sign along the Walnut Street frontage at 1150-1152 Walnut Street Ward 6, Newton Highlands, on land known as Section 52 Block 21 Lot 01, containing approximately 8,596 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec. 7.3.3, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



1150-1152 Walnut St.

I. Project Description

Use – office

Zone – Business 2 (BU2)/Village Center 2 (VC2)

Lot size – 8,596 square feet

Existing Nonconformities – stories, minimum lot area, height

Proposal- The petitioner is seeking to construct a free-standing sign outside of the property at 1150-1152 Walnut St. No construction or change of use is proposed.

Analysis

Planning believes that the sign meets the intent and purpose of Section 5.2 of the City of Newton Zoning Ordinance, which regulates signs. This section regulates signs to prevent hazards and blighting influences while promoting easy recognition and preserving the visual quality of the City. The sign as proposed will not interfere with any lines of sight for pedestrian or vehicular traffic in the area and has received design approval from the Urban Design Commission, will promote the visual quality of the City and not provide a blighting influence. Given 1150-1152 Walnut Street is formerly a two-family dwelling and still maintains the design of a residential dwelling, a free-standing sign is appropriate where by-right options may not be adequate or legible. Given the site’s location in the Newton Highlands Village Center and Business 2 zone, signs of similar scale and design are common and serve as important tools for attracting customers and aiding in wayfinding.

II. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
§5.2.13.A	To allow a free-standing sign	S.P. per §7.3.3

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

III. Criteria for Consideration per §7.8.2.C.2:

- The site in the BU2 zone is an appropriate location for the proposed free-standing sign (§7.3.3.C.1).
- The proposed sign will not adversely affect the neighborhood (§7.3.3.C.2).
- The proposed sign will not create 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)

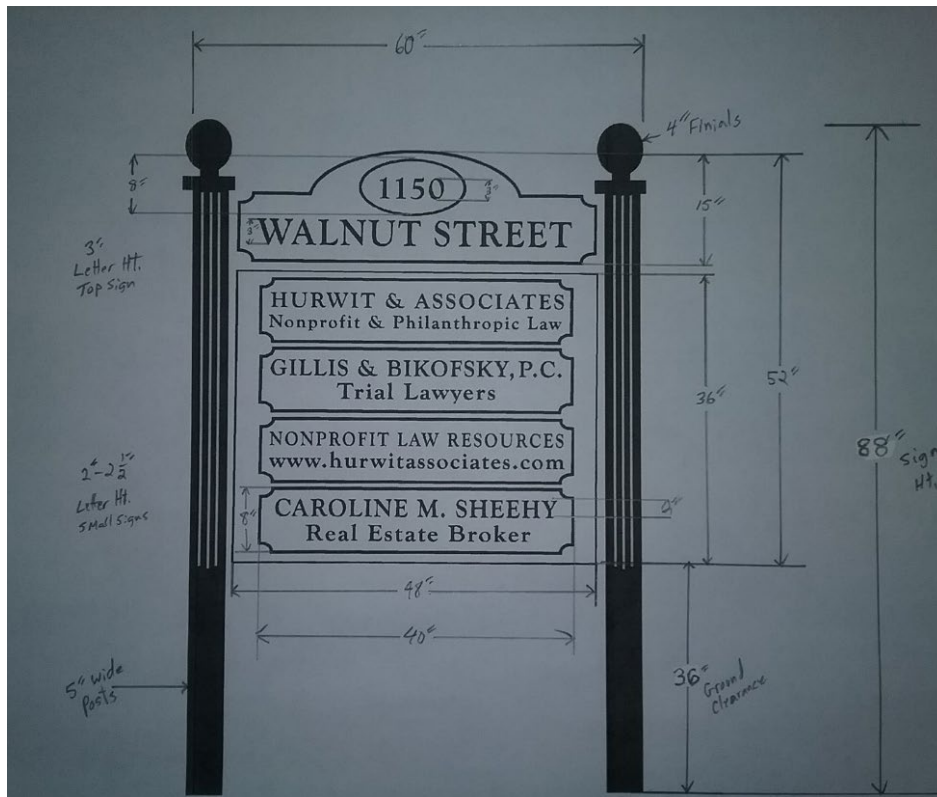
- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

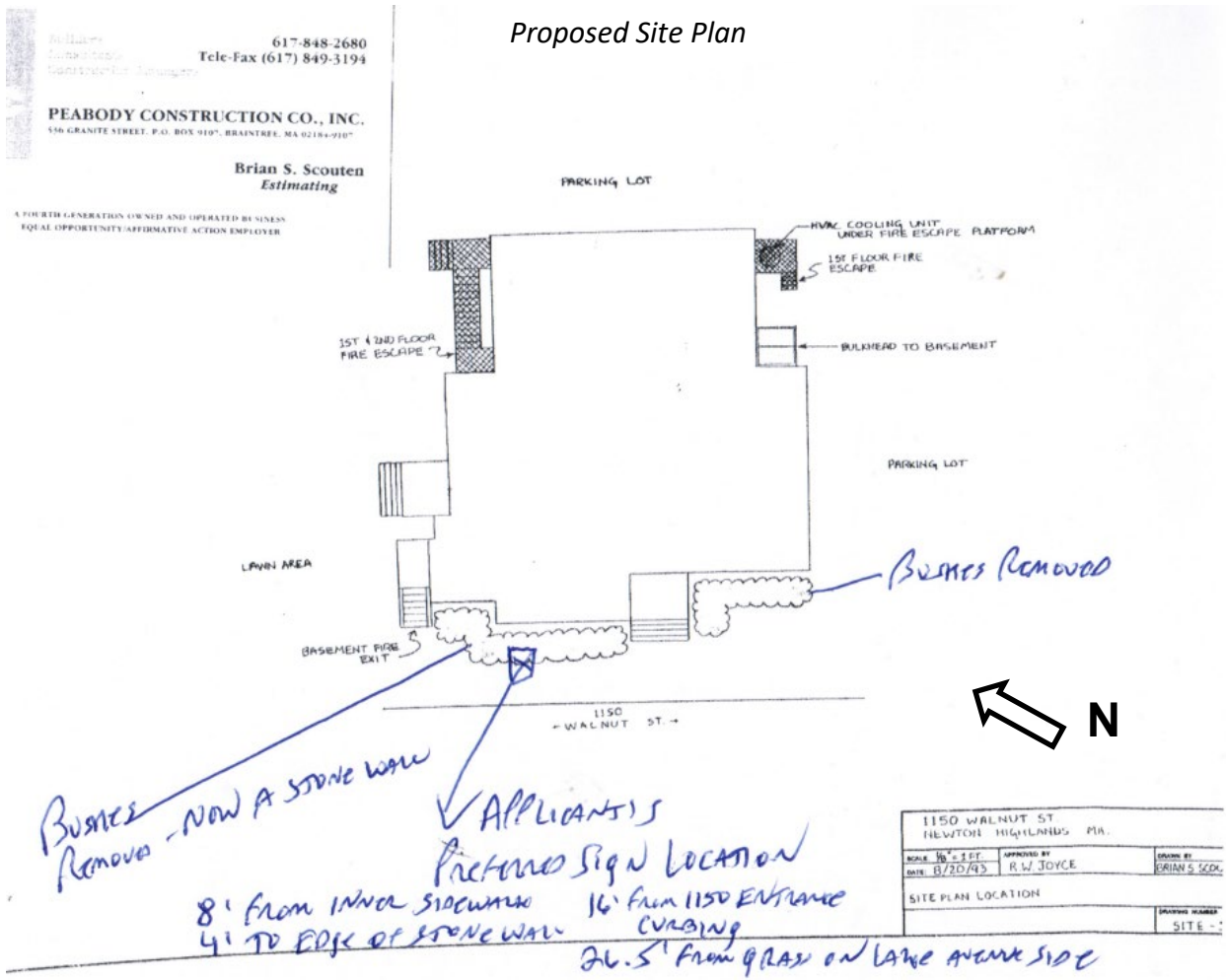
IV. Project Proposal and Site Characteristics

The 8,596 square foot lot at 1150-1152 Walnut Street is improved with a 2.5-story office building that was formerly a two-family dwelling constructed in 1910. The building's current tenants include offices for lawyers and real estate. There are twenty marked parking stalls to the rear of the building and the building has a small lawn to the west side facing Walnut Street. The petitioner proposes to place the sign facing Walnut Street adjacent to the main entrance.

The proposed sign frame will be 88" tall and 60" wide, with the sign covering approximately seventeen square feet. It will be free-standing and non-illuminated. The top panel will identify the address in three-inch letters and will be fifteen inches tall. Below, there will be four eight-inch panels listing the tenants in two-inch type. The sign will be set back eight feet from the curb.

Proposed Sign Plan





I. Interdepartmental Review

No departmental review is required.

II. Petitioner's Responsibilities

The petition is complete.

ATTACHMENTS:

ATTACHMENT A: Zoning Review Memorandum

ATTACHMENT B: DRAFT Council Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 13, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Robert W. Joyce, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request to allow a free-standing sign**

Applicant: Robert W. Joyce	
Site: 1150-1152 Walnut Street	SBL: 52021 0001
Zoning: BU2	Lot Area: 8,596 square feet
Current use: Offices	Proposed use: No change

Background:

The property at 1150-1152 Walnut Street is located in the Business 2 district and is improved with a multi-tenanted office building formerly used as a residential duplex at the corner of Walnut Street and Lake Avenue. The petitioner seeks to allow a free-standing sign along the Walnut Street frontage.

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

- Zoning Review Application, prepared by Robert W. Joyce, applicant, dated 4/19/2024
- Conceptual signage, submitted 4/19/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a free-standing sign along the Walnut Street frontage of the corner lot. The sign will reach a maximum height of 7.3 feet with a 5 foot width. The advertising area is proposed at 17.3 square feet, with the top panel indicating the address of the property and four panels below advertising the tenants. Per section 5.2.13, a special permit is required for a free-standing sign.

2. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§5.2.13.A	To allow a free-standing sign	S.P. per §7.3.3

CITY OF NEWTON

IN 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 allow for a free-standing sign as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site in the Business Use 2 (BU2) zone is an appropriate location for the proposed free-standing sign due to its location in a commercial center and village center where a variety of signs are present. (§7.3.3.C.1)
2. The proposed sign as designed will not adversely affect the neighborhood because the proposed sign is limited to seventeen square feet and appropriately designed to support the use as an office. (§7.3.3.C.2)
3. The proposed free-standing sign will not create a nuisance or serious hazard to vehicles or pedestrians because it will aid in wayfinding for visitors to the site and eliminate potential confusion for visitors to the site due to lack of signage. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises and are in the public interest because the site is located within a BU2 zone and by-right options for permanent signs per Section 5.2.6 are not appropriate for the site. (§5.2.13)

PETITION NUMBER: #255-24

PETITIONER: Robert Joyce

LOCATION: 1150-1152 Walnut Street, Newton Highlands, on land known as Section 52 Block 21 Lot 01, containing approximately 8,596 sq. ft. of land

OWNER: Robert Joyce

ADDRESS OF OWNER: 1150 Walnut Street
Newton Highlands, MA 02461

TO BE USED FOR: Office

RELIEF GRANTED: Special Permit per §7.3.3 to allow for a free-standing sign (§5.2.13.A)

ZONING: Business Use 2

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. Site Plan and proposed sign location prepared by Peabody Construction Company dated August 20, 1993 as edited by Robert Joyce and submitted May 17, 2024
 - b. A sign plan prepared by Mike Millman submitted May 15, 2024.
2. 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.
3. 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.