



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, July 10, 2024**

DATE: July 8, 2024

TO: Urban Design Commission

FROM: Shubee Sikka, Urban Designer

SUBJECT: Additional Review Information

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.

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. 74-78 Langley Road – Luxury Realty Partners

PROJECT DESCRIPTION: The property located at 74-78 Langley Road is within a Business 2 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, externally illuminated, with approximately 30 sq. ft. of sign area on the western façade facing Union Street.
2. One canopy mounted secondary sign, non-illuminated, with approximately 10 sq. ft. of sign area on the southern façade facing Langley Road.

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 50 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed 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 10.6 feet, the maximum size of the sign allowed is 10.6 sq. ft., which the applicant is also not exceeding.

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

2. 303 Walnut Street – Bank of America

PROJECT DESCRIPTION: The property located at 303 Walnut Street is within Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 24 sq. ft. of sign area on the eastern building façade facing Walnut Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 24 sq. ft. of sign area on the northern façade facing Austin Street.
3. One wall mounted directional sign, non-illuminated, with approximately 3 sq. ft. of sign area on the northern façade facing Austin 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 66 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed 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 66 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- The proposed directional sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, directional signs of up to 3 sq. ft. are allowed, which the applicant is not exceeding.

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

Fence Appeal

1. 36 Swallow Drive Fence Appeal

PROJECT DESCRIPTION: The property located at 36 Swallow Drive is within a Single Residence 3 district. The applicant is proposing the following fence:

- a) South Side Lot Line (South Fence)— The applicant is proposing to add a fence, set at the south side property line, 6 feet tall solid with a 1-foot chestnut topper red cedar wooden fence for a total height of 7 feet, 182.40 feet in length.
- b) East Rear Lot Line (East Fence A)— The applicant is proposing to add a fence, set at the east rear property line, 6 feet tall solid with a 1-foot chestnut topper red cedar wooden fence for a total height of 7 feet, 84.55 feet in length.
- c) North Side Lot Line (North Fence A)— The applicant is proposing to add a fence, set at the south side property line, 6 feet tall solid with a 1-foot chestnut topper red cedar wooden fence for a total height of 7 feet, 60.5 feet in length.
- d) East Rear Lot Line (East Fence B)— The applicant is proposing to add a fence, set at the east rear property line, 6 feet tall solid with a 1-foot chestnut topper red cedar wooden fence for a total height of 7 feet, 95.85 feet in length.
- e) North Side Lot Line (North Fence B)— The applicant is proposing to add a fence, set at the south side property line, 6 feet tall solid with a 1-foot chestnut topper red cedar wooden fence for a total height of 7 feet, 22 feet in length.

TECHNICAL REVIEW:

The proposed fences along the side property lines appear to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

The proposed fence (East Fence A) along the rear property line appears to be not consistent with the fence criteria outlined in §5-30(d)(3) of the Newton Code of Ordinances.

The proposed fence (East Fence B) along the rear property line appears to be consistent with the fence criteria outlined in §5-30(d)(3) of the Newton Code of Ordinances.

According to §5-30(d)(2), "Fences bordering side lot lines: No fence or portion of a fence bordering or parallel to a side lot line shall exceed six (6) feet in height except as provided in subsection (6) below, and further, that any portion of a fence bordering a side lot line which is within two (2) feet of a front lot line shall be graded to match the height of any fence bordering the front lot line."

According to §5-30(d)(3), "Fences bordering the rear lot line: No fence or portion of a fence bordering or parallel to a rear lot line shall exceed six (6) feet in height, provided, however, that

the height of a rear lot line fence may be increased to a maximum of eight (8) feet if no portion of such rear lot line constitutes a side lot line for an adjoining lot or as provided in subsection (6) below.

(6) Fences bordering side or rear lot lines where the entire length of said side or rear lot lines immediately abut nonresidential or public use zoning districts may be increased to a maximum of eight (8) feet in height."

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City's Fence Ordinance. The proposed fence, however, must be found to comply with the "requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise." The UDC must also determine whether the "desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good."

The applicant is seeking an exception to allow 7 foot tall (6 feet tall solid and 1 foot lattice) red cedar fence at the side property lines for a length of 182.4 + 60.5 + 22 feet for a total of approximately 265 feet, where the ordinance would permit such a fence to be 6 feet tall.

The applicant is seeking an exception to allow 7 foot tall (6 feet tall solid and 1 foot lattice) red cedar fence at the rear property line for a length of 84.55 feet, where the ordinance would permit such a fence to be 6 feet tall.

The applicant's stated reasons for seeking this exception are "Our property abuts to pools on either side. This will add a level of privacy for pool use. In addition, to the East of the property is Grove street at an elevation of +/- 12'. A taller fence at the east side will add to backyard privacy."

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff's technical review, planning department seeks recommendation from the Commission.

III. Old/New Business

1. Approval of Minutes

Staff has provided draft meeting minutes from the June meeting that require ratification (Attachment A).

Attachments

- Attachment A – Meeting Minutes 6/12/24 UDC meeting



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, June 12, 2024 at 7:00 p.m. via Zoom

<https://newtonma-gov.zoom.us/j/81409006183>

Ruthanne Fuller,
Mayor

The Chair, Michael Kaufman, called the meeting to order at 7:01 P.M.

Barney Heath,
Director
Planning & Development

I. Roll Call

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

Shubee Sikka,
Urban Designer
Planning & Development

II. Regular Agenda

Sign Permits

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:

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

3. 2-12 Windsor Road – Waban Market

Proposed Sign:

- One wall mounted principal sign, internally illuminated, with approximately 42 sq. ft. of sign area on the eastern façade facing Windsor Road.

MOTION: Mr. Kaufman made a motion to approve the sign at 2-12 Windsor Road – Waban Market. 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.

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

1. 2086-2098 Commonwealth Avenue – Keyes Drug

Applicant/Representative: Drew Juliano

Proposed Signs:

- One wall mounted principal sign, internally illuminated, with approximately 22 sq. ft. of sign area on the northern façade facing Commonwealth Avenue.
- One wall mounted secondary sign, internally illuminated, with approximately 22 sq. ft. of sign area on the eastern façade facing Lexington Street.

Presentation and Discussion: Mr. Kaufman asked about sign illumination and if the white background is illuminated. Applicant responded that the background is opaque, only the letter will be lit.

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MOTION: Mr. Kaufman made a motion to approve the signs at 2086-2098 Commonwealth Avenue – Keyes Drug. Mr. Winkler 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.

2. 26 Suffolk Road – First Church in Chestnut Hill

Applicant/Representative: Mark Caggiano

Proposed Sign:

- One free-standing principal sign, externally illuminated, with approximately 21 sq. ft. (71 ½" x 41") of sign area facing Suffolk Road.

Presentation and Discussion:

The Commission asked if a waiver from the Commissioner is required because the sign is 21 sq. ft. Staff responded that a waiver is required because it is a free-standing sign, and it is more than 20 sq. ft.

The Commission asked if there is an existing sign and if there is any change. Applicant responded that the key change is in orientation, and it is a two-sided sign.

MOTION: Mr. Kaufman made a motion to approve the sign with a condition at 26 Suffolk Road – First Church in Chestnut Hill with a condition. Mr. Doolin 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. The sign was approved with the condition that the applicant will need to apply for a **Dover Waiver** to allow the proposed sign.

4. 1199-1217 Centre Street – CVS Pharmacy

Applicant: Gary McCoy, CVS representative

Proposed Signs:

- One wall mounted principal sign, internally illuminated, with approximately 75 sq. ft. of sign area on the eastern building façade facing Centre Street.
- One wall mounted secondary sign, internally illuminated, with approximately 28 sq. ft. of sign area on the northern building façade facing Pleasant Street.
- One awning mounted secondary sign, non-illuminated, with approximately 28 sq. ft. of sign area on the western building façade facing the parking lot.
- One directional sign, non-illuminated, with approximately 3 sq. ft. of sign area on the western building façade facing the parking lot.

Presentation and Discussion:

- The Commission asked about the window signs. Applicant explained that window signs are required by pharmaceutical law, hours of operation, manager's name and address, time delay for safe.

MOTION: Mr. Kaufman made a motion to approve the signs at 1199-1217 Centre Street – CVS Pharmacy. 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.

III. Old/New Business

1. Approval of Minutes

The Commission reviewed the minutes of March and May meetings.

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

2. Commission Election – to Elect Chair and Vice Chair

MOTION: Mr. Downie made a motion nominating Mr. Kaufman as Chair and Mr. Doolin as Vice Chair. Mr. Winkler seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed. RESOLVED to elect Michael Kaufman as Chair and James Doolin as Vice Chair.

IV. ADJOURNMENT

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

The meeting was adjourned at 7:44 p.m.

Respectfully submitted by Shubee Sikka

Approved on