



Ruthanne Fuller  
Mayor

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Barney Heath  
Director

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## STAFF MEMORANDUM

Meeting Date: **Wednesday, October 9, 2024**  
DATE: October 3, 2024  
TO: Urban Design Commission  
FROM: Shubee Sikka, Urban Designer  
**SUBJECT: Additional Review Information**

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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.

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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. 846 Walnut Street – Directory Sign***

**PROJECT DESCRIPTION:** The property located at 846 Street is within a Business 2 zoning district and has a free-standing sign authorized by a special permit via Board Order #234-90, dated July 9, 1990 (attachment A and B). The applicant is proposing to replace and install the following sign:

- One free-standing principal sign, non-illuminated, with approximately 22 sq. ft. of sign area perpendicular to Walnut Street.

**TECHNICAL REVIEW:**

- The proposed free-standing sign is a replacement of an existing free-standing sign authorized by a special permit. The special permit was approved with the following conditions:
  1. *“That the proposed sign shall be located and constructed in accordance with the submitted plans entitled “Site Plan” dated May 12, 1990 by Philip F. Jones.*
  2. *That the sign shall be located two (2) feet from the sidewalk and shall be aligned with the north side of the building. The final location of the sign shall be reviewed and approved by the Director of Planning and Development.*
  3. *That the sign including the base shall be made of wood and that Plexiglas shall not be used.*
  4. *That the sign shall be illuminated only until 10:00 PM.*
  5. *That there shall be no other wall signs on the building.*
  6. *That no permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:*
    - a. *A final landscape plan for the area around the base of the sign, including lighting and fixture design, indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and a statement certifying such approval shall have been filed with the City Clerk and the Inspectional Services Department.”*
- As per a drawing submitted by the applicant, the proposed free-standing sign appears to be less than 2 feet from the sidewalk.
- It is not clear what is the material of the sign. As per the special permit, the sign shall be made of wood.

**STAFF RECOMMENDATION:** Staff is waiting to hear back from the applicant regarding the correct distance of the sign from the sidewalk and the material of the sign. Staff will provide a recommendation after receiving the above requested information.

**2. 26 Elliot Street – Cannabis Redi**

**PROJECT DESCRIPTION:** The property located at 26 Elliot Street is within a Business 2 zoning district and has a special permit via Board Order #41-19, dated May 6, 2019 (attachment C) to allow a marijuana retailer. The applicant is proposing to reface the following sign:

- Reface one wall mounted principal sign, internally illuminated, with approximately 60 sq. ft. of sign area on the northeastern building façade facing the parking lot.

**TECHNICAL REVIEW:**

- Per Zoning Ordinance §6.10.3. Registered Marijuana Use, “E.6. All signage shall conform to the requirements of 105 CMR 725.105(L) and 935 CMR 500.105(4) and to the requirements of Sec. 5.2. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an RMD or Marijuana Establishment. The City Council may impose additional restrictions on signage to mitigate impact on the immediate neighborhood”.
- Reface of the proposed wall mounted 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 exceeding, and on this façade of 204 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

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

### **3. 15 Cypress Street – Camp Schodack**

PROJECT DESCRIPTION: The property located at 15 Cypress Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

- One wall mounted principal sign, non-illuminated, with 25 sq. ft. of sign area on the southern façade perpendicular to Cypress Street.

TECHNICAL REVIEW:

- The proposed wall mounted 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 exceeding, and on this façade of 90 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is not exceeding.

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

### **4. 269-287 Grove Street – Multiple Signs**

PROJECT DESCRIPTION: The property located at 269-287 Grove Street is within a Business 4 zoning district. This development is subject to Board Order #40-97(2) and #512-99 (attachment C) for signage. The applicant is proposing to install the following signs:

1. Reface one free-standing sign, externally illuminated, with approximately 62 sq. ft. (22'-5"x2'-9") on the fieldstone wall that is 132 sq. ft. (25'-5" x 5'-2") facing Grove Street. This free-standing sign includes the following signs:
  - a. 275 Grove
  - b. Health Advances
  - c. TechTarget
  - d. Parexel
  - e. Siemens Healthineers
2. One free-standing principal sign for Kendall Kitchen, non-illuminated, with approximately 48 sq. ft. of sign area facing Grove Street.

3. One wall mounted secondary sign (275 Grove), internally illuminated, with approximately 26 sq. ft. of sign area on the eastern building façade facing Grove Street.
4. One wall mounted secondary sign (275 Grove), internally illuminated, with approximately 26 sq. ft. of sign area on the western building façade facing the side parking lot.
5. One wall mounted secondary sign (275 Grove), internally illuminated, with approximately 26 sq. ft. of sign area on the southern building façade facing the rear parking garage.

**TECHNICAL REVIEW:**

- This property is subject to Board Order #512-99. The board order is to allow a free-standing sign. The drawings show that a free-standing sign of 30 sq. ft. on a fieldstone wall was approved. Applicant is proposing a 62 sq. ft. sign. The proposed reface appears to be not consistent with the special permit. Applicant will need to apply for an amendment to allow this free-standing sign.
- As per condition #9 of Board Order #40-97(2), *“Those services such as a restaurant, coffee shop, newsstand, dry cleaning drop-off and pick-up, ATM, and similar accessory uses to service the primary office use of the building are allowed. There shall be no advertising or promotion of such uses to the public. There shall be no advertising of such uses on the exterior or grounds of the office building. The accessory restaurants shall meet all applicable Health Department requirements.”* Applicant will need to amend the special permit to also allow a sign for Kendall Kitchen.
- The three proposed secondary signs appear to be not 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 300 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is not exceeding.
- Update since September UDC meeting: The Commission recommended applicant look at other placement options for the Kendall Kitchen sign. Applicant has submitted revised options for discussion at October meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the two secondary signs. Staff seeks recommendation from UDC to the Land Use Committee of the City Council regarding the proposed reface of the existing free-standing sign and Kendall Kitchen free-standing sign and one secondary sign.

## **Fence Appeal**

### **1. 126 Parker Street**

**PROJECT DESCRIPTION:** The property located at 126 Parker Street is within a Single Residence 3 district. The applicant has added the following fence:

- a) **South Front Lot Line (South Fence)** — The applicant has added a fence, set at the south front property line, 4 feet tall cedar baluster fence, 31 feet in length.
- b) **South Front Lot Line (Tapered South Fence)** - Applicant has added a fence that tapers from 4 feet to 6 feet with a 1-foot open top baluster fence, set at the front property line for a length of 16 feet.

- c) Corner Front Lot Line (Corner Fence) — The applicant has added a fence, set at the southwest corner front property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 5 feet in length.
- d) West Front Lot Line (West Fence) — The applicant has added a fence, set at the west front property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 5 feet, 48 feet and 39 feet in length, for a total length of 92 feet.
- e) North Side Lot Line (North Fence) — The applicant has added a fence, set at the north side property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 32 feet in length.
- f) East Side Lot Line (East Fence) — The applicant has added a fence, set at the north side property line, 5 feet tall cedar solid with a 1-foot open top baluster fence for a total height of 6 feet, 58 feet in length.

TECHNICAL REVIEW:

The built fence (South Fence) along the front property lines appears to be consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

The built fences (Tapered South Fence, Corner Fence, West Fence) along the front property lines appear to be not consistent with the fence criteria outlined in §5-30(d)(1) and §5-30(f)(7) of the Newton Code of Ordinances.

Part of the built fence (North Fence) along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

The built fence (East Fence) along the side property line appears to be consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

*According to §5-30(d)(1), "Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line."*

*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(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.”*

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 a tapered 4 to 6-foot tall (with 1 foot lattice) cedar fence at the front property lines for a length not specified, where the ordinance would permit such a fence to be 4 feet tall.

The applicant is seeking an exception to allow 6-foot tall (5 feet tall solid and 1 foot lattice) cedar fence at the front property lines (Corner Fence and West Fence) for a length of 5 + 5 + 48 + 39 feet for a total of approximately 97 feet, where the ordinance would permit such a fence to be 4 feet tall.

The applicant is seeking an exception to allow 6-foot tall (5 feet tall solid and 1 foot lattice) cedar fence at the side property line (North Fence) for a length of 32 feet, where the ordinance would permit such a fence to be 4 feet tall which is within 2 feet of the front property line. Height of 6 feet is allowed for rest of the 30 feet fence length.

The applicant’s stated reasons for seeking this exception are *“This is written as part of my fence appeal process regarding a fence that was installed to replace my 27-year-old one. During a spring storm this year, two panels of my fence on the Parker street side came down. Upon closer inspection, it was clear that some parts of the fence needed to be replaced. One of the requirements in the appeal is my notification to all abutters that are within 100 feet of my property.*

*Let me give you some background: I have lived at 126 Parker Street, Newton Centre for 46 years. I am among the oldest residents both in terms of age, being 78 years old and the length of time I have resided in this wonderful neighborhood. In 1994 and in 1997 I adopted my children from China. Physical safety for children is always the first priority for any parent. To that end, 27 years ago I installed a 6' "Brattle Street" fence on my property so that my girls could play safely in my yard.*

*Let me describe my Parker Street location in terms of safety for children. As you already know, either as residing on Parker Street or in the Glenwood Ridge neighborhood, Parker Street is a highly trafficked street which is a major connecting route between Route #9 and downtown Newton Centre. Even after the installation of traffic signals close to my house, major speeding continues with drivers ignoring the traffic signals at all times of day and night. Therefore, when needing to replace my fence this year, I chose the same type of 6' fence for the Parker Street side for the same reasons, to address the safety issues for my three-year granddaughter who is living with me. Please note: the fence on the Parker Street side is placed on my front property line because I have three very large, established maple trees whose root systems are very close to my front property lines. See attached photos.*

*My replacement fence was installed on June 13th and June 14th of this year by the Reliable Fence Company. Note: This fence company has installed many fences in Newton. They did not notify me that a Newton ordinance had been passed in 2020 which forbids 6' fences being installed on the front side of a house.*

*On June 26th, I received an orange "Zoning Enforcement Notice" regarding installing a fence without a permit. I immediately called Andrew Mavrelis from the Newton Inspectional Services who informed me that I needed a permit to install a fence and that a fence on the front side of a house could not be 6' high. This city-wide ordinance had been passed in 2020. When I asked him the reasons for this ordinance, he stated that "people do not like not being able to see into someone's property" that "they feel shut out." It should be noted that in every major connecting street in Newton— Beacon, Centre, Homer, just to name a few— 6' high fences on the front side of homes are often the norm. I was told by Mr. Mavrelis that an anonymous person had reported that my replacement fence did not meet the 2020 ordinance. I am on excellent terms with my neighbors, so I was puzzled why someone did not come to me directly during the two days that the fence was being installed. Receiving the zoning enforcement notice on 6/26 after I had already installed and paid \$21,820 for the unpainted fence (\$28,520 when painted) was very concerning to me. It would be a financial hardship for me to replace portions of the new fence.*

*To summarize: I was not aware of the 2020 fence ordinance before my replacement fence was installed and paid for; I was replacing a 6' fence that had been there for 27 years; the fence was installed on June 13th and 14th, but I did not receive the violation notice until June 26th; putting the fence two feet back from my front property line is not possible given the three mature maple trees whose root systems reach out close to the property line; and the most important reason for having a 6' high fence on the Parker side of my property is to provide safety for my 3 year old granddaughter so she would be able to play safely in my yard."*

Update since September UDC meeting: UDC didn't make a decision on the appeal because UDC felt it was fence company's (Reliable Fence) fault to not apply for a permit before installing the permit and the city should hold the fence company liable to fix it or fine them. UDC requested the staff to check if ISD can do something about it. Commissioner of ISD has informed us that ISD can't fine Reliable Fence since the contract is between the homeowner and the fence company so it's a private matter.

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

## **2. 6 Locksley Road**

PROJECT DESCRIPTION: The property located at 6 Locksley Road is within a Single Residence 3 district. The applicant has added the following fence:

- a) Front Lot Line — The applicant has added a fence, set 19 to 21 inches from the front property line along Centre Street, 6 feet tall solid vinyl fence, 71 feet in length.
- b) Side Lot Line — The applicant has added a fence, set at the side property line, 6 feet tall solid vinyl fence, 58 feet in length. The fence starts 23 inches from the front property line.

### TECHNICAL REVIEW:

The proposed fences along the front property line appears to be not consistent with the fence criteria outlined in §5-30(d)(1) and §5-30(d)(2) of the Newton Code of Ordinances.

*According to §5-30(d)(1), "Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line."*

*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."*

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 6-foot-tall solid fence, set 19 to 21 inches from the front property line along Centre Street, 6 feet tall solid vinyl fence, 71 feet in length, where the ordinance would permit such a fence to be 4 feet tall solid with 1-foot lattice.



The applicant is also seeking an exception to allow 6-foot-tall solid fence at the side property line for a length of 1 inch, where the ordinance would permit such a fence to be 5 feet tall since it is within 2 feet of the front property line. Height of 6 feet is allowed for rest of the side fence.

The applicant's stated reasons for seeking this exception are *"Solid fence is needed for the following reasons:*

- 1. In addition to being a huge inconvenience, removing the recently installed fence will be a massive expense for our family because it will require the removal of eight mature trees.*
- 2. The fence's height is important to us for safety reasons. It shields our young grandchildren (whom we watch daily) from the very busy, heavily trafficked road.*
- 3. The fence is our only source of privacy for our family from the heavy foot traffic in the area. Additionally, there was an occasion where strangers inappropriately engaged with our grandchildren.*
- 4. The vinyl fence installed earlier this summer replaced our previous 6-foot wooden fence that had been in place for more than 20 years.*
- 5. Centre St. is not affected by this fence that is only 3/4 length of the side of our house.*
- 6. Other houses similar to ours have solid fences facing Centre St.*
- 7. This fence adds aesthetic beauty to Centre St. Our old wooden fence that we could have left for much less money was worn down. We are being punished for enhancing the beauty of our yard and the neighborhood.*
- 8. The contractor installed the fence exactly in position of our old fence.*
- 9. As mentioned, if the fence is moved any further back, there are 8 beautiful mature trees that will have to be removed at our personal expense and the trees will die as they are too large to be relocated.*
- 10. The space in dispute only amounts to an additional 6 inches in places. This is a major undertaking for such a small area.*

*We are asking the city of Newton to please consider this appeal as the new vinyl fence has been up for almost 2 months and our neighbors have complimented us on the beauty and protection it provides our entire neighborhood."*

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

### 3. **11 Dedham Street**

PROJECT DESCRIPTION: The property located at 11 Dedham Street is within a Single Residence 3 district. The applicant is proposing to install the following fence:

- a) Front Lot Line— The applicant is proposing to add a fence, set 16 inches from the front property line along Dedham Street, 6 feet tall solid vinyl fence, 55 feet in length.

#### TECHNICAL REVIEW:

The proposed fences along the front property line appears to be not consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

Applicant has indicated to staff that the fence will be compliant with the fence ordinance for Visibility on Corner Lots, and they are not seeking relief for the corner.

*According to §5-30(d)(1), "Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line."*

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 6-foot-tall solid fence at the front property line for a length of 55 feet, where the ordinance would permit such a fence to be 4 feet tall solid with 1-foot lattice.

The applicant's stated reasons for seeking this exception are *"Dedham St. is a main road, right next to a very busy intersection that always backs up with waiting traffic, where delivery trucks/buses/landscaping always park in front of our yard even though there is a no parking sign, there is commercial zoning directly across the street, and our neighbors have full 6' 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. Sign Ordinance and Policy Changes***

#### ***2. Approval of Minutes***

Staff has provided draft meeting minutes from the August meeting that require ratification (Attachment I).

### **Attachments**

- Attachment A – 846 Walnut Street Board Order #234-90
- Attachment B – 846 Walnut Street Plan
- Attachment C – 24-26 Elliot Street Board Order #41-19
- Attachment D – 269-275 Grove Street Board Order #512-99 and Drawings
- Attachment E – Combined Letters of Support for 126 Parker Street
- Attachment F – Combined Letters of Support for 6 Locksley Road
- Attachment G & H – 6 Locksley Road – examples of solid fences in the neighborhood (from the applicant)
- Attachment I – Draft Meeting Minutes August 13 UDC Meeting

CITY OF NEWTON  
IN BOARD OF ALDERMEN

July 9, 1990

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted in accordance with the recommendation of the Land Use Committee and based upon the following specific findings, facts and conclusions, and the reasons given by the Committee therefor through its Chairman, Susan M. Basham:

1. The Board finds that the sign will help identify businesses in a business district and will provide flexibility in identifying tenants.
2. The Board finds that the existing facade of the structure will be preserved and facade signs eliminated.
3. The Board finds that the sign will be located so that it will not interfere with sight line distances of vehicular travel.

Petition number: 234-90

Petitioner: Janet Edsall Fields

Location: 846 Walnut Street, Ward 6, Section 64,  
Block 5, Lot 6A, containing approximately  
5,315 square feet.

Owner: Janet Edsall Fields

Address of Owner: 58 Brentwood Avenue  
Newton Centre, MA 02159

To be used for: Free standing sign

Construction: Wood

Explanatory notes: Section 30-20(1) of the zoning ordinances  
allows the Board of Aldermen to grant a  
SPECIAL PERMIT for a free-standing sign.

Land referred to is in a: Business 2 District

Approved, subject to the following conditions:

1. That the proposed sign shall be located and constructed in accordance with the submitted plans entitled "Site Plan" dated May 12, 1990 by Philip F. Jones.
2. That the sign shall be located two (2) feet from the sidewalk and shall be aligned with the north side of the building. The final location of the sign shall be reviewed and approved by the Director of Planning and Development.
3. That the sign including the base shall be made of wood and that Plexiglas shall not be used.
4. That the sign shall be illuminated only until 10:00 PM.
5. That there shall be no other wall signs on the building.
6. That no permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
  - a. A final landscape plan for the area around the base of the sign, including lighting and fixture design, indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and a statement certifying such approval shall have been filed with the City Clerk and the Inspectional Services Department.
  - b. That the Petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed.
  - c. That a certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent  
(Ald. Vance)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on July 9, 1990. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT and SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the Planning and Development Board and the City Clerk.

ATTEST:



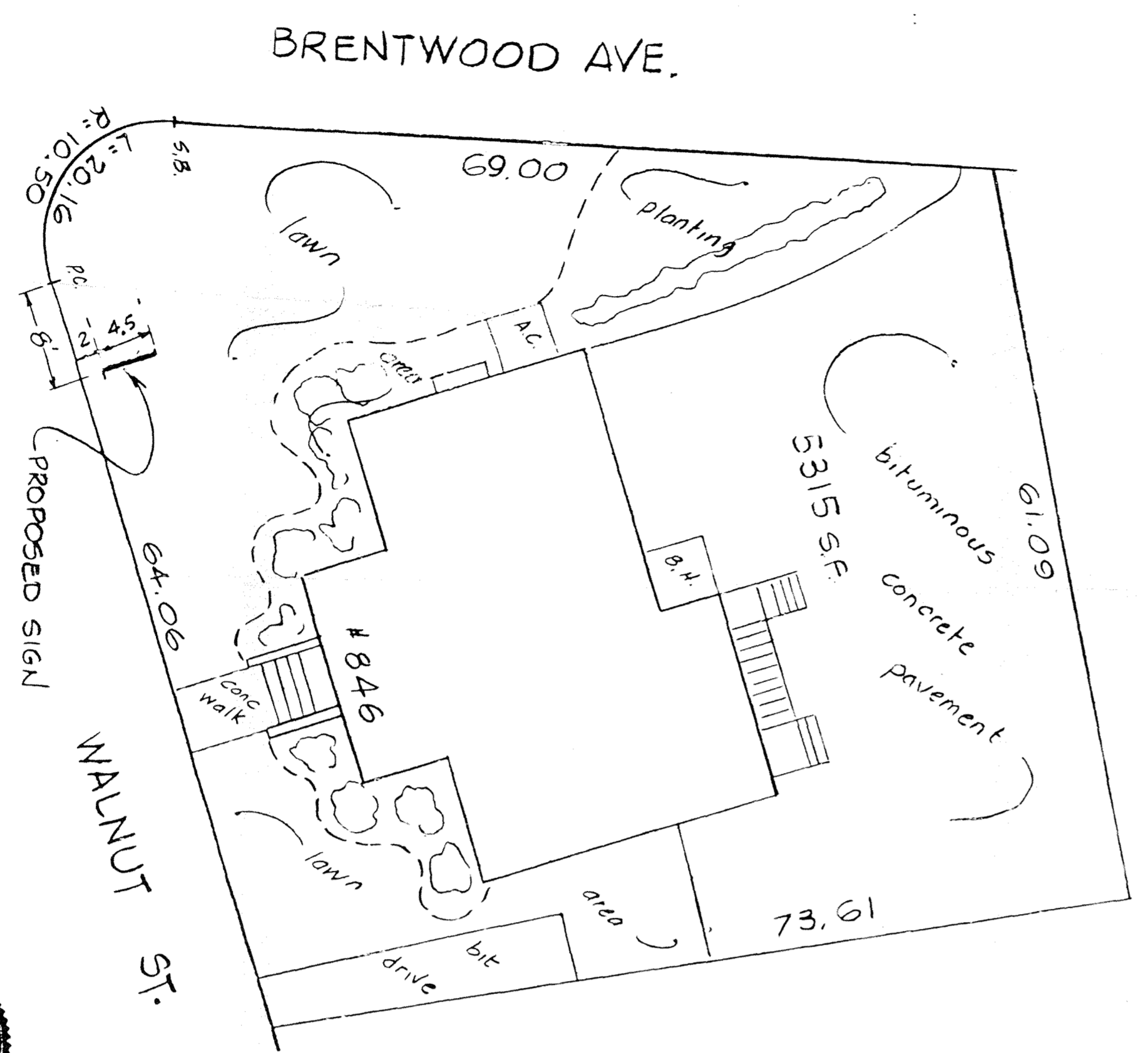
(SGD) EDWARD G. ENGLISH, City Clerk  
Clerk of the Board of Aldermen

I, Edward G. English as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON hereby certifies that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on July 9, 1990 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

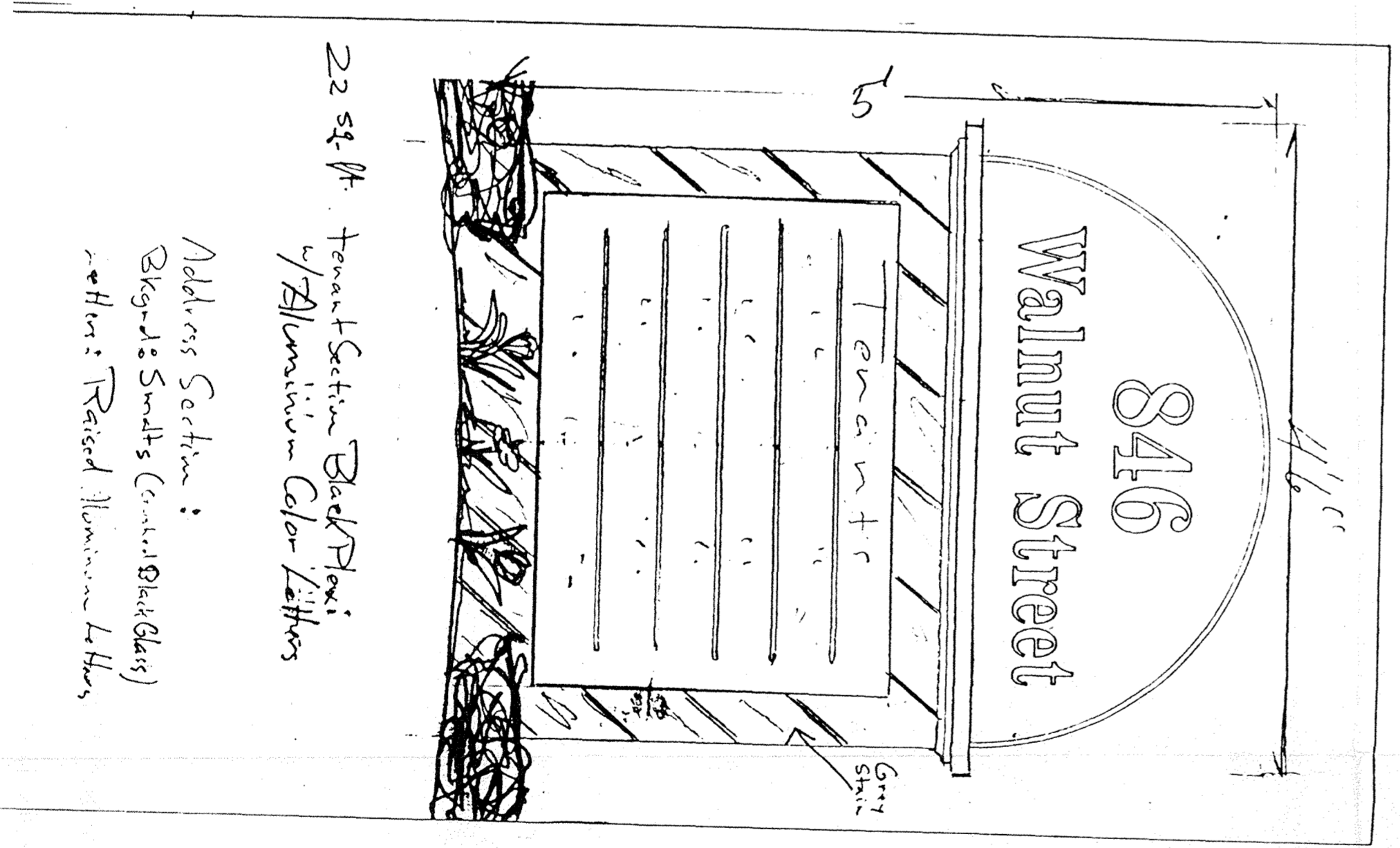
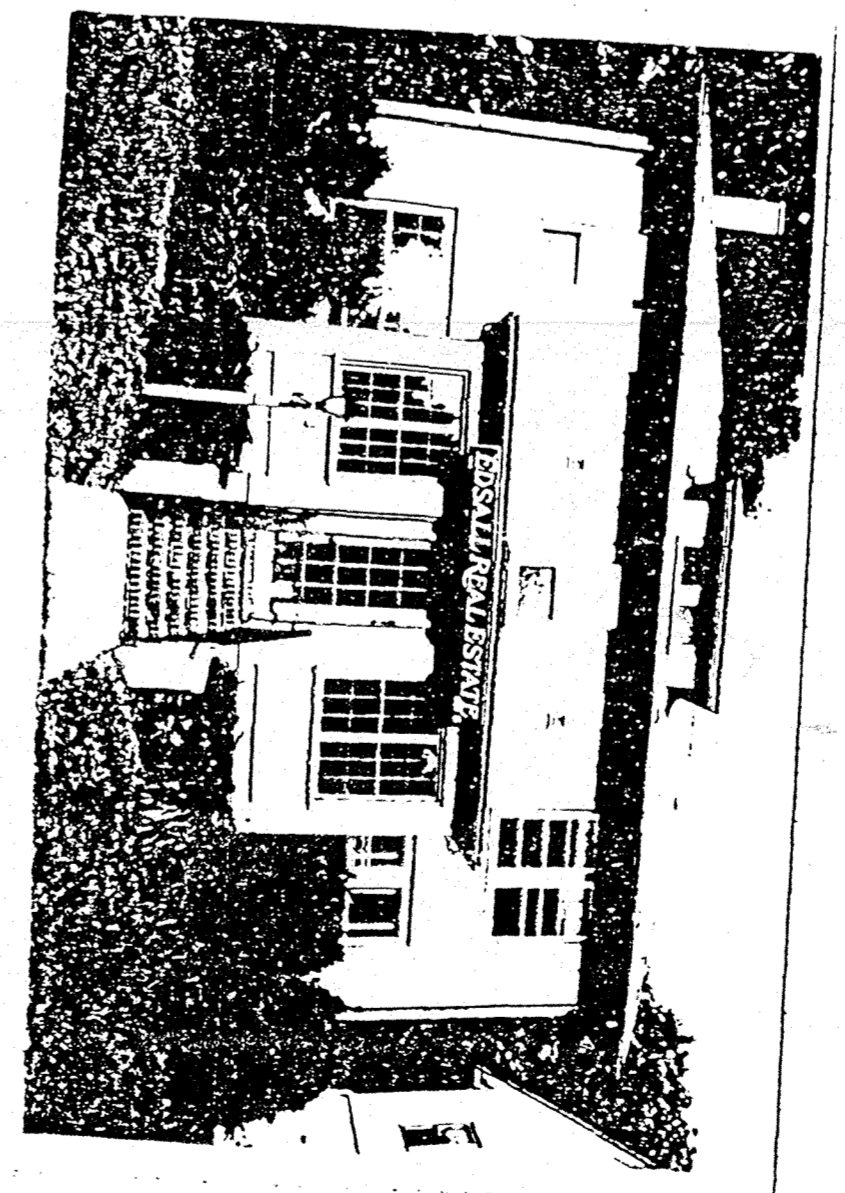
ATTEST



EDWARD G. ENGLISH, City Clerk



SITE PLAN  
 SCALE 1" = 10'  
 PHILIP F. JONES, P.E., P.L.S.  
 NEWTON, MA



**CURB'S SET**  
**# 234.90**

65720 WASHINGTON  
 CITY CLERK  
 11:47 AM 31 MAY 03  
 DEPARTMENT OF  
 PLANNING AND DEVELOPMENT  
 CITY HALL  
 1000 COMMERCIAL STREET  
 NEWTON, MASSACHUSETTS 02459

13 pp

24-26 Elliot Street

#41-19

CITY OF NEWTON

IN CITY COUNCIL

May 6, 2019

RECEIVED  
NEWTON CITY CLERK  
2019 MAY - 8 PM 1:09  
CITY OF NEWTON, MASS.  
NEWTON, MA 02459

ORDERED:

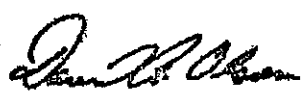
That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the 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 Council Order #288-18 to allow a co-located registered medical marijuana dispensary (RMD) with the retail sale of recreational marijuana (hereinafter a "Marijuana Retailer"), and to waive the transparency requirement of the Marijuana Retailer as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed Marijuana Retailer due to its location within the Business Use 2 zone. (§7.3.3.1)
2. The proposed Marijuana Retailer as developed and operated will not adversely affect the neighborhood given its proximity to the varied uses along the Boylston Street/Route 9 corridor and the petitioner's proposals to manage traffic and parking. (§7.3.3.2)
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved given the site's proximity to regional roadways such as Boylston Street/Route 9. (§7.3.3.3)
4. There will be no nuisance or serious hazard to vehicles or pedestrians due to the petitioner's upgrades to the site, including new sidewalks along the site's frontage and within the interior of the site. (§7.3.3.4)

With regard to special permits concerning the Marijuana Retailer on site, pursuant to §6.10.3.G:

5. The lot is designed such that it provides convenient, safe, and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.G.1.a)
6. Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
7. The Marijuana Retailer is designed to minimize any adverse impacts on abutters. The Council finds a waiver of the 25% transparency requirement is appropriate given the structure's setback from Elliot Street and the narrow shape of the structure. (§6.10.3.G.1.c)

A True Copy  
Attest



City Clerk of Newton, Mass.

24-26 Elliot Street, Newton - Book 72175, Page 274



- 8. The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.G.2.a)
- 9. Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Retailer will not create a significant adverse impact on nearby uses. (§6.10.3.G.2.b)
- 10. The building and lot have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.G.2.c)
- 11. The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)
- 12. The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
- 13. The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
- 14. The Marijuana Retailer's hours of operation will have no significant adverse impact on nearby uses given the mixed-use nature of the Boylston Street/Route 9 corridor. (§6.10.3.G.2.g)

PETITION NUMBER: #41-19

PETITIONER: Cypress Tree Management, Inc.

LOCATION: 24-26 Elliot Street, on land known as SBL 51, 25, 01, containing approximately 25, 320 square feet of land

OWNER: 24-26 Elliot Street, LLC

ADDRESS OF OWNER: 15 Dimick Street, Unit C  
Somerville, MA 02143

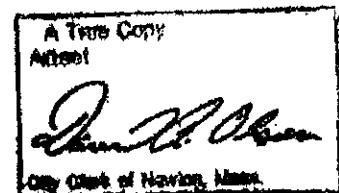
TO BE USED FOR: Marijuana Retailer

CONSTRUCTION: Concrete

EXPLANATORY NOTES: Special Permits per §7.3.3 to: amend Council Order #288-18 which allowed a Registered Medical Marijuana Dispensary within five hundred feet of a school and which legalized the site's nonconformities regarding parking facilities; allow a Marijuana Retailer (§4.4.1 and §6.10.3.D); and waive the 25 percent transparency requirement (§6.10.3.F.15)

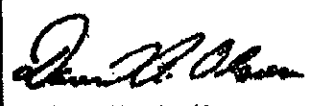
ZONING: Business Use 2 District

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #41-19 are null and void.



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. Existing Conditions Site Plan signed and stamped by Verne T. Porter, Professional Land Surveyor, dated January 7, 2019.
  - b. Proposed Site Plan signed and stamped by Verne T. Porter, Professional Land Surveyor, dated January 7, 2019, revised March 20, 2019.
  - c. Area Plan signed and stamped by Verne T. Porter, Professional Land Surveyor, dated January 7, 2019.
  - d. Architectural Plans, signed and stamped by Jana Gooden Silsby, Registered Architect, dated May 3, 2018.
  - e. Proposed Landscape Plan, signed and stamped by Elizabeth Giersbach, Registered Landscape Architect, dated April 17, 2019.
  - f. Proposed Lighting Plan, prepared by G2 Collaborative Landscape Architecture, dated May 31, 2018.
2. The petitioner shall employ a police detail, subject to availability of such police details, on site from 3:45 p.m. to 7:45 p.m. Monday through Friday for 180 days from the commencement of operations of the Marijuana Retailer or the RMD. At the end of such term, the Director of Planning and Development, in concert with the Commissioner of Public Works and the Newton Police Department, shall determine whether the term for the detail shall be extended or whether other changes shall be made to address queuing along Elliot Street. At that time, the officials shall also discuss whether a speed bump or a similar traffic calming measure should be installed at the curb cut at the northeast boundary to prevent vehicles from using the site as a "cut-through." The Director of Planning and Development shall notify the Land Use Committee and the Ward 5 Councilors in writing of the decision reached by the officials.  
Should the petitioner choose to commence operations of the Registered Medical Marijuana Dispensary use first, without the retail sale of recreational marijuana, the above requirements regarding the police shall be in place at the at the commencement of RMD operations and shall restart upon commencement of the retail sale of recreational marijuana.
3. The petitioner shall see all patrons to the Marijuana Retailer on an appointment only basis. Given that the petitioner requires each patron to be served individually by a customer service representative, the "appointment only" requirement is intended to ensure a smooth flow of patrons arriving to and leaving from the site, to avoid patrons waiting outside the building for a customer service representative to be available, and to allow the petitioner to anticipate patron volume.  
The petitioner may use reasonable flexibility to accommodate patrons where events such as, but not limited to, traffic delays, public transportation scheduling or changes in patrons' schedules affect the appointment schedule. The petitioner shall also accommodate those

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City Clerk of Newton, Mass.

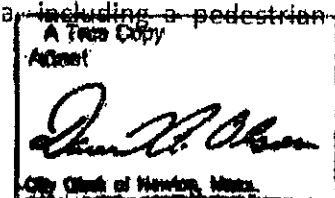
patrons who need to wait inside the building either before or after their scheduled appointments. This "appointment only" condition will permit "first available" (i.e., no waiting period) appointments only when a customer service representative is immediately available to serve that patron.

Six months after commencement of operations of the Marijuana Retailer authorized by this Order, the petitioner may submit a letter to the Commissioner of Inspectional Services, the Director of Planning and Development and the Clerk of the Council requesting an appearance before the Land Use Committee to no longer require that all patrons be served by appointments only. Such letter shall only be filed after the petitioner has completed the following:

- Met with the Commissioner of Public Works, the Director of Planning and Development, and the Newton Police Department to discuss pedestrian and traffic safety, site security, and valet parking in accordance with Condition #2 above and with Condition #8 below.
- Met with the Commissioner of Public Works and the Director of Planning and Development regarding Transportation Demand Management and the Employee Parking Plan in accordance with Conditions #7 and #21 below.
- Appeared before the Newton Upper Falls Area Council to discuss the operations of the Marijuana Retailer, including the number of patrons coming to the site during peak times and the petitioner's desire to no longer serve patrons by appointment only.

The Commissioner of Inspectional Services and the Director of Planning and Development may administratively waive the "appointment only" requirement if they determine that the petitioner is able to maintain an orderly flow of patrons, accommodate all patrons waiting to see a customer service representative inside the building, and accommodate patron parking on site without the "appointment only" requirement. Prior to any decision on the petitioner's waiver request, the Commissioner of Inspectional Services and the Director of Planning and Development shall consult with the Land Use Committee of the City Council regarding the waiver request in the same manner as the Land Use Committee is consulted when a "consistency" ruling on a special permit is requested from the Commissioner of Inspectional Services.

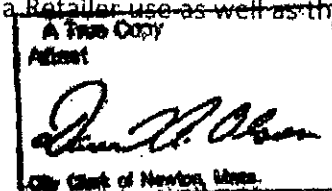
4. The Marijuana Retailer may only operate between the hours of 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from 12:00 p.m. to 6:00 p.m. on Sunday.
5. There shall not be more than twenty (20) staff members, including valet attendants, on site at any one time.
6. The petitioner shall update the sidewalks along the Elliot Street frontage and shall install a catch basin at the entrance to the site to the satisfaction of the City Engineer. Such improvements shall be completed prior to the issuance of a temporary occupancy certificate.
7. The petitioner shall implement a Transportation Demand Management Plan to prevent employees from parking on site and to reduce vehicle trips to the site. The Plan shall include, but not be limited to:
  - a. Displaying all transit schedules serving the immediate area, including a pedestrian wayfinding map, in a central location within the facility;



- b. Participating in the City of Newton Bikeshare program. If the program is unsuccessful, the petitioner shall purchase no less than three bikes for employees to commute to and from work;
- c. Providing a secure bicycle storage area on site;
- d. Establishing an on-site car-pool, rideshare program with guaranteed ride home; and
- e. Subsidizing the cost of parking at satellite parking facilities and the cost of travel to and from such facilities.

The petitioner shall keep records detailing how employees are commuting to and from the site, including the number of employees utilizing transit, parking at satellite lots, and using alternative methods of transportation such as the bikeshare. Two months after the commencement of operations for the Marijuana Retailer, the petitioner shall provide an update to the Director of Planning and Development and the Commissioner of Public Works regarding the results of the petitioner's TDM Plan. Should the TDM plan be deemed insufficient, the petitioner shall be required to revise the TDM plan to the satisfaction of the Director of Planning and Development and the Commissioner of Public Works. The petitioner shall be required to meet again with the officials above at six months and at 12 months after the receipt of a temporary certificate of occupancy.


8. The petitioner shall offer valet parking during all operating hours for the first 60 days of medical marijuana sales as well as the first 60 days of the retail sale of recreational marijuana. At the end of such terms, the Director of Planning and Development, in consultation with the Commissioner of Public Works and the City of Newton Police Department, shall determine whether valet parking shall be continued during all operating hours or reduced to specific periods. The Director of Planning and Development shall notify the Land Use Committee and the Ward 5 Councilors of the decision reached by the officials.
9. Prior to the issuance of any building permit for the project, the petitioner shall make a payment to the City for \$25,000 to be used by the City to: a) conduct a Road Safety Audit (RSA) of the intersections of Boylston Street/Route 9 and Elliot Street as well as Boylston Street/Route 9 and Ramsdell Street; and b) implement certain improvements recommended by the RSA.
10. Prior to the issuance of any building permit for the project, the petitioner shall provide a final landscape plan to the Director of Planning and Development for review and approval.
11. Security lighting shall be in accordance with the standards imposed by the Cannabis Control Commission. Additionally, security lighting shall be directed downward, shall not shed light on abutters' properties, and shall comply with the Lighting Plan identified in Condition 1 above.
12. The petitioner shall locate, secure, and screen the dumpster to minimize its visibility from the public way. The dumpster shall be kept closed and secured and the area surrounding the dumpster shall be kept free of debris.
13. The granting of a special permit to allow a Marijuana Retailer to operate at this site applies only to the petitioner and does not run with the land. When the petitioner has permanently stopped operations at the site, for whatever reason including but not limited to the loss of its registration with the Cannabis Control Commission, the Marijuana Retailer use as well as the additional relief granted by this Order shall expire.



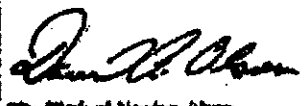
14. Snow shall not be stored on site.
15. Should the petitioner seek to extend the Marijuana Retailer use authorized by this Order, including but not limited to, increasing the number of employees, or extending the hours of operation, it shall seek an amendment to this Order.
16. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
17. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
18. The petitioner shall maintain its registration with the Cannabis Control Commission. Within one (1) week from the date of the initial and annual renewal of its registration, the petitioner shall file a copy of the same with the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department. The petitioner shall immediately notify the Clerk of the City Council, the Commissioner of Inspectional Services and the Planning Department if its registration is not renewed or is revoked.
19. In order to provide information to the City regarding the operation of the Marijuana Retailer and the effectiveness of the mitigation and conditions imposed through this Council Order, the petitioner shall monitor the Marijuana Retailer's operation in the following areas and at the following intervals, and shall provide reports summarizing such monitoring to the Commissioner of Inspectional Services and to the Director of Planning and Development, and such reports shall also be filed with the Land Use Committee of the City Council:  

Within six (6) months and again at twelve (12) months after commencing operations of the Marijuana Retailer, a report on pedestrian and traffic safety concerns, if any, that may have arisen from the operation of the Marijuana Retailer and on the issue of the security of the facility itself, as well as a report on the number of patrons coming to the site and the peak times when patrons are at the site.

If the Commissioner of Inspectional Services and Director of Planning and Development find that the reports raise concerns regarding the security of the facility or regarding public safety, including pedestrian or traffic safety, created by the operation of the Marijuana Retailer at this site, or if at the time the reports are filed, but independent of the information contained in the reports, the Commissioner of Inspectional Services and Director of Planning and Development have concerns regarding public safety or the security of the facility, the petitioner shall return to the Land Use Committee to see if further mitigation on the operation of the Marijuana Retailer are warranted to address such public safety or security of the facility concerns.
20. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds and implemented. A recorded copy of the O&M shall be submitted to the Engineering Division of Public Works, the Inspectional Services Department, and the Department of Planning and Development.

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

21. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall provide an Employee Parking Plan stating where employees will park off site and how they will travel to the site, to the Director of Planning and Development and the Commissioner of Public Works for review. Employee Parking and the Employee Parking Plan shall be subject to the look-back provisions outlined in Conditions #7 and #19 above.
22. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved security plan to the City of Newton Police Department for review and approval.
23. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved emergency response plan to the City of Newton Fire Department for review and approval.
24. Prior to the issuance of a temporary certificate of occupancy, the petitioner shall submit a state approved Operation and Management plan to the Inspectional Services Department and the Department of Planning and Development for review and approval.
25. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this Council 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 Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Made a payment to the City in accordance with Condition #9 above.
  - d. Received approval of the final engineering, utility, and drainage plans from the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
  - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
26. No Final Inspection and/or Occupancy Certificate for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer final as-built plans in paper and digital format signed and stamped by a licensed land surveyor and a registered architect.
  - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works.
  - d. Provided the City Engineer, Department of Inspectional Services, and the Department of Planning and Development with a recorded copy of the Operation and Maintenance (O & M) plan for Stormwater Management in accordance with Condition #10.

Condition #10 Copy  
Affixed  
  
City Clerk of Newton, Mass.

- e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
  - f. Received approval from the appropriate City Departments in accordance with Conditions #21, #22, #23, and #24 above.
27. Notwithstanding the provisions of Condition #26 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

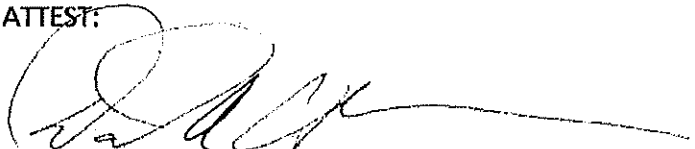
Under Suspension of Rules

Readings Waived and Approved

18 yeas 2 nays (Councilors Cote and Gentile) 2 recused (Councilors Lappin & Lipof) 2 absent (Councilors Auchincloss & Ciccone)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on May 8, 2019. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

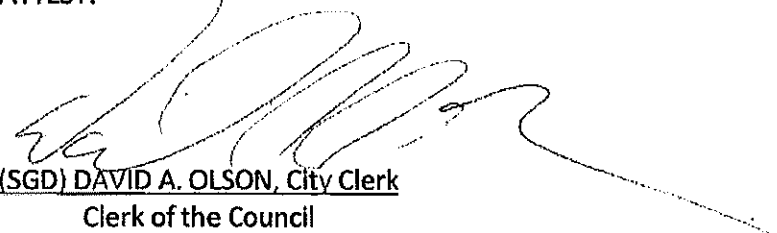
ATTEST:



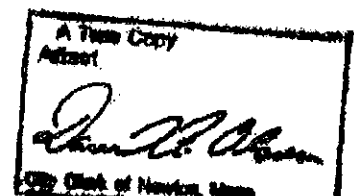
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 5/8 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Council



512.99

Kirkpatrick & Lockhart LLP

75 State Street  
Boston, MA 02109-1808  
617.261.3100  
www.kl.com

Howard A. Levine  
617.951.9290  
Fax: 617.951.9151  
hlevine@kl.com

December 6, 1999

Edward G. English, City Clerk  
Newton City Clerk's Office  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Attention: Linda Finucane, Assistant City Clerk

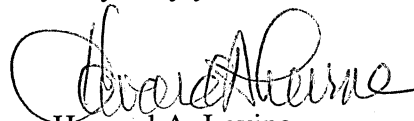
Re: 275 Grove Street, Auburndale

Dear Mr. English:

Enclosed is a Special Permit Application for signage for the 275 (269) Grove Street building, (Special Permit #40-97(2)), together with the filing fee of \$750.00 and 15 folded set of plans.

Please notify us of the date and time for the public hearing. Thank you very much.

Very truly yours,

  
Howard A. Levine

HAL:jec  
Encs.

5519093-0:335319 v1

1999 DEC -6 1 AM 9:16  
CITY CLERK  
NEWTON, MA. 02159



512.99

DATE December 6, 1999

TO THE HONORABLE BOARD OF ALDERMEN, CITY OF NEWTON:

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 1995, as amended or any other sections (PLEASE REFERENCE SECTIONS): 30-11; 30-20; 30-20(F); 30-20(1); 30-23; 30-24

(CHECK APPROPRIATE REFERENCE)

PETITION FOR:  Special Permit/Site Plan Approval  
 Extension of Non-conforming Use and/or Structure  
 Site Plan Approval

STREET/WARD 269 (275) Grove Street, Auburndale, Ward 4

SECTION(S) 43 BLOCK(S) 29 LOT(S) 24

APPROXIMATE SQUARE FOOTAGE 487, 578 square feet

TO BE USED FOR: Signage

CONSTRUCTION: Fieldstone wall; pin mounted metal letters.

EXPLANATORY REMARKS: See Attached "A".

LAND IS LOCATED IN Business 4 ZONED DISTRICT.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the Board of Aldermen in connection with this application.

PETITIONER (PRINT) EOP-Riverside Project LLC

SIGNATURE \_\_\_\_\_

ADDRESS AND TELEPHONE 2 North Riverside, Chicago, Illinois 60690-3879

Attention: Chief Legal Officer  
(781) 235-5140

ATTORNEY OF RECORD Howard A. Levine, Esq.,

Kirkpatrick & Lockhart LLP

ADDRESS AND TELEPHONE (DAY & EVENING) 75 State Street

Boston, MA 02109 (617) 951-9290

NAME, ADDRESS AND EOP-Riverside Project LLC

SIGNATURE OF OWNER \_\_\_\_\_

PLANNING AND DEVELOPMENT DEPARTMENT'S ENDORSEMENT:

DEPARTMENT OF  
PLANNING AND DEVELOPMENT  
CITY HALL  
1000 Commonwealth Avenue  
NEWTON, MA 02459-02180

12.6.99

512.99

Attached "A"

A building identification monument sign is proposed to be located on a fieldstone wall at the edge of the landscape garden, at the driveway to the main entrance. "RIVERSIDE CENTER" and "275 GROVE STREET" are proposed as pin mounted metal letters. The Equity Office logo and the building logo are also on pin mounted metal letters mounted to the fieldstone wall. The entire wall will be illuminated from the front with lighting from the landscaping surrounding the wall. This requires a special permit under Section 30-20(1). The sign is 30 square feet in area.

Two tenant identification signs of 50 square feet in area each are proposed to be mounted on the building's brick facade. Each sign consists of push thru acrylic letters on a metal background panel and each will be illuminated from the back providing a "halo" affect. The first is located on the east facade of the portion of the building to the north of the atrium facing Grove Street. The other sign is mounted on the south facade of the portion of the building located to the south of the atrium, facing the parking lot and the Riverside MBTA station. These signs are allowed "As-of-Right" under the Zoning Ordinance Section 30-20(f)(2).

City of Newton Abutter List: 512-99 Printed: December 23, 1999 Page: 1

SBL	NAME	ADDRESS
43028 0024	BAUMGARTNER KENNETH J & ERIN D	20 NORUMBEGA CT
43028 0021	BERMAN MARJORIE	245 GROVE ST
43025 0001	BRANDSTEIN MARK A & FERN D STARR	400 CENTRAL ST
43030 0005	BUTCHARD EDWARD F	228 GROVE ST
43025 0016	CADMAN ALAN J	59 OAKWOOD RD
43028 0019	CHEN JIANN-NENG	20 RADCLIFFE RD
43027 0009	CHEUNG BEN & STAR	63 WILLISTON RD
43027 0005	CHEUNG CHING SAN	42 OAKWOOD RD
42011 0002	COMMONWEALTH OF MASSACHUSETTS	20 SOMERSET ST
43028 0001	DUFFY JAMES W & CYNTHIA S	88 WILLISTON RD
43025 0011	DWYER ALAN D	37 OAKWOOD RD
43028 0002	GLASS LEONARD L & PEGGY KOHN	72 WILLISTON RD
43028 0003	GLASS LEONARD L & PEGGY KOHN	72 WILLISTON RD
43027 0010	GRAHAM WILLIAM B JR TR	73 WILLISTON RD
43030 0004	GRANESE SHERREN M & ANTHONY	232 GROVE ST
43029 0022	GROSS IRA K	399 CENTRAL ST
43030 0002	HOLCOMB JOHN & AMY	242 GROVE ST
43046 0008	IODICE MICHAEL F JR TR	29 CRAFTS ST SUITE 250
43027 0004	KAPLAN PAUL L	46 OAKWOOD RD
43029 0023	KAY MONTE S & PAULA S	407 CENTRAL ST
43030 0023	LASELL COLLEGE	1844 COMMONWEALTH AVE
43030 0024	LEONARD STEPHEN	248 GROVE ST
43030 0001	LEONARD STEPHEN	248 GROVE STREET
43029 0018	LEVINE HERBERT O & NANCY M	379 CENTRAL ST
43025 0001C	LEVY RICHARD I & KAREN SHAFFER	406 CENTRAL ST
43027 0002	LYNDE DONALD C & BARBARA A	86 30 241ST ST
43046 0009	MASS BAY TRANS AUTHORITY	150 CAUSEWAY
42011 0003	MASS BAY TRANS AUTHORITY	355 GROVE ST
42009 0003	MASS BAY TRANS AUTHORITY	150 CAUSEWAY ST
43029 0019	MASSACHUSETTS TURNPIKE AUTHORITY	80 BOYLSTON ST
42011 0001B	MASSACHUSETTS TURNPIKE AUTHORITY	80 BOYLSTON ST
43025 0015	MILLER ELIZABETH A	51 OAKWOOD RD
43025 0014	MILLER ELIZABETH A	51 OAKWOOD RD
43030 0003	ONANIAN DANA L	238 GROVE ST
43027 0001	PARADISO NICHOLAS A & LUCY E	62 OAKWOOD RD
43028 0020	PIESCIK WALTER J	233 GROVE ST
43028 0023	PRAKASH MAYANK & ARCHANA	19 NORUMBEGA CT
43029 0024	RIVERSIDE PROJECT LLC	P O BOX A3879
43029 0020	SANGIOLO JOHN & AMY MAH	387 389 CENTRAL ST
43028 0018	TINER RALPH W & BARBARA J	P O BOX 612
43027 0006	VACCARO JOSEPH P & PATRICIA A	36 OAKWOOD RD
43025 0001A	WATSON RON P & SUSAN BAZETT	378 CENTRAL ST
43025 0013	WEINER PATRICIA	45 OAKWOOD RD
42009 0007	WOODLAND GOLF CLUB OF AUBURNDALE	1897 WASHINGTON ST
43028 0022	YEAW JOYCE	11 NORUMBEGA CT

CITY OF NEWTON  
PUBLIC HEARING NOTICE  
FOR  
TUESDAY, JANUARY 11, 2000

Public Hearings will be held on TUESDAY, JANUARY 11, 2000 at 7:45 PM, Second Floor, NEWTON CITY HALL, before the LAND USE COMMITTEE of the BOARD OF ALDERMEN for the purpose of hearing the following petitions, at which time all parties interested in these items shall be heard.

Notice will be published Tuesday, December 28, 1999 and Tuesday, January 4, 2000 in the NEWS TRIBUNE and on Thursday, January 6, 2000 in the NEWTON TAB, with a copy of said notice posted in a conspicuous place at Newton City Hall. Copies of petitions are on file in the office of Board of Aldermen.

- #510-99      CATHOLIC CHARITIES-ARCHDIOCESE OF BOSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING STRUCTURE to add a new elevator for handicapped accessibility at 295 Rear ADAMS STREET, Ward 1, NEWTON, on land known as Sec Blk Lot , containing approximately 291,058 sf of land in a district zoned MULTI-RESIDENCE 2. REF: 30-24, 30-23, 30-21(a)(3)b) of the City of Newton Zoning Ords., 1995.
- #511-99      MARK & STEVEN J. DONATO petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE/STRUCTURE to enclose approximately 3,200 sf of existing 2' above street level open showroom space, located above existing garages at 1197-1213 WASHINGTON STREET, Ward 3, WEST NEWTON, on land known as Sec 31, Blk 6, Lots 13, 14, 15, containing approximately 43,941 sf of land in a district zoned BUSINESS 1 and 2. REF: 30-24, 30-23, 30-21, 30-20, 30-19(m), 30-15, 30-11(g)(3), of the City of Newton Rev. Zoning Ords.
- #512-99      EOP-RIVERSIDE PROJECT LLC petition for building identification monument signage on a fieldstone wall 269(275) GROVE STREET, Ward 4, AUBURNDALE, on land known as Sec 43, Blk 29, Lot 24, containing approximately 487,578 sf of land in a district zoned BUSINESS 4. REF: 30-24, 30-23, 30-11, 30,20(f) and (l) of the City of Newton Rev. Zoning Ords.
- #513-99      CHESTNUT HILL SCHOOL INC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE for new parking and driveway layout and enhanced landscaping, as approved in Certificate of Hardship, and picket fence and relocation of play structures, as approved in Certificate of Appropriateness issued by the Chestnut Hill Historic District Commission on June 17, 1999, for 428 HAMMOND STREET, Ward 7, CHESTNUT HILL, on land know as Sec 63, Blk 31, Lot 10, containing approximately 208,087 sf of land in a district zoned SINGLE RESIDENCE 1. REF: 30-24, 30-23, 30-21, 30-20, 30-19, 30-19(m), 30-15, 30-8, 30-5 of the City of Newton Rev. Zoning Ords., 1995.

LAND USE COMMITTEE PUBLIC HEARINGS

TUESDAY, JANUARY 11, 2000

Page 2

- #398-99(2) SPRINT SPECTRUM LP d/b/a SPRINT PCS/NEWTON HIGHLANDS CONGREGATIONAL CHURCH petition for SPECIAL PERMIT/SITE PLAN APPROVAL for the installation and operation of a wireless telecommunication facility on the façade of the Newton Highlands Congregational Church at 54 LINCOLN STREET, Ward 6, NEWTON HIGHLANDS, on land known as Sec 52, Blk 41, Lot 3, in a district zoned SINGLE RESIDENCE 2. REF: Sec 30-24, 30-23, 30-18(A)(e)(3) of the City of Newton Rev. Zoning Ords.
- #397-99(2) HOLLY CLEANERS/JUDITH L. DAVIDSON petition for SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING STRUCTURE for a second-floor addition exceeding 24' in height and a waiver of parking at 1314 CENTRE STREET, Ward 6, NEWTON CENTRE, on land known as Sec 62, Blk 12, Lot 1A, containing approx 8,945 sf of land in a district zoned BUSINESS 2. REF: Sec 30-24, 30-23, 30-19(m), 30-15 Table 3 of the City of Newton Rev Zoning Ords.

Attest:

Edward G. English, City Clerk



City of Newton, Massachusetts  
 Department of Planning and Development  
 Michael J. Kruse, Director

512.99  
 Telephone  
 (617) 552-7135  
 Telefax  
 (617) 965-6620  
 E-mail  
 mkruse@ci.newton.ma.us

David B. Cohen  
 Mayor

Public Hearing Date: January 11, 2000  
 Land Use Action Date: March 14, 2000  
 Board of Aldermen Action Date: March 20, 2000  
 90-Day Expiration Date: April 10, 2000

2000 JAN -7 PM 3:21  
 CITY CLERK  
 NEWTON, MA. 02459

TO: Mayor David B. Cohen  
 Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
 Kenn Eisenbraun, Senior Planner/ Landscape Designer

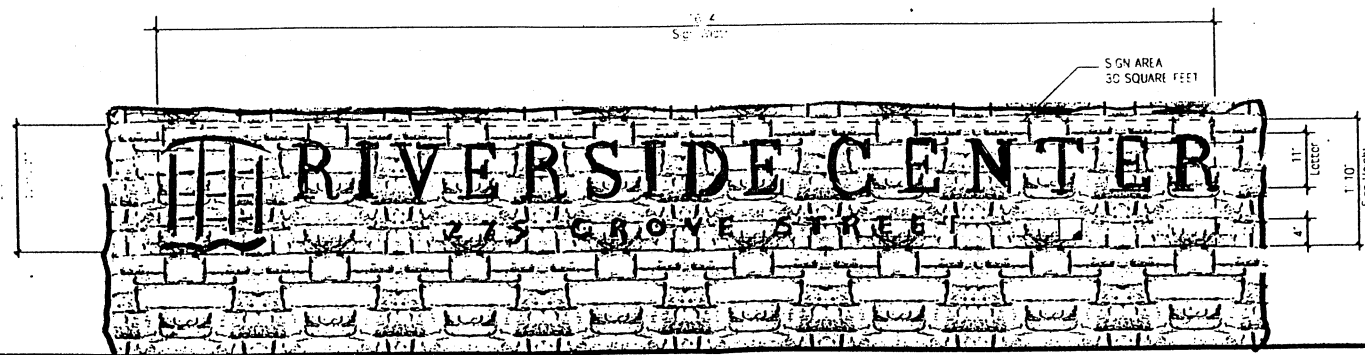
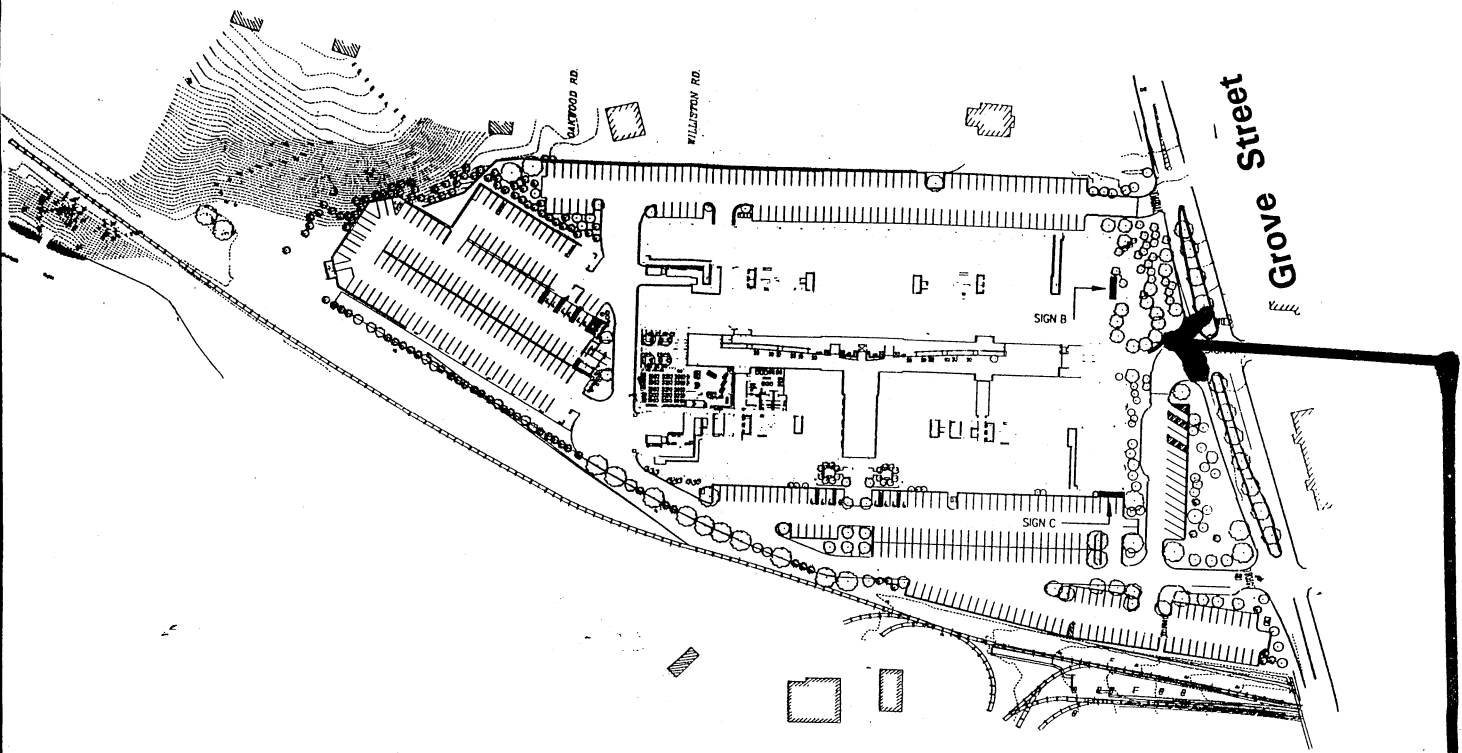
SUBJECT: Petition #512-99 of EOP- RIVERSIDE PROJECT LLC requesting a SPECIAL PERMIT/SITE PLAN APPROVAL to erect a free-standing monument identification sign to be located on a natural stone wall at 269 (275) GROVE STREET, Ward 4, Auburndale, on land known as Section 42, Block 29, Lot 24 containing approximately 487,578 sq. ft. of land in a Business 4 District.

The purpose of this memorandum is to provide the Mayor, Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will consider in its discussion at a subsequent Working Session.

I. ELEMENTS OF THE PETITION

The petitioner is requesting a special permit to erect a sign on a newly constructed curved fieldstone wall located in a landscaped area to the right of the main driveway entrance to the site. This fieldstone wall will be angled towards the entrance drive and the traffic coming from the west on Grove Street. The sign will be comprised of pin mounted metal letters approximately 11" in height. The lettering will read "Riverside Center" (11" high) and "275 Grove Street – Equity Office" (4" high).

A simple, well-designed logo approximately 1 ft. 10" high will also be located on the wall. The total area of the lettering will be approximately 30 sq. ft. in area. Lighting from the base of the wall will externally illuminate the lettering on the wall. The petitioners will also



**Proposed 30 sq. ft. Sign**

To be located on stone wall at entrance drive.

**CITY OF NEWTON, MASSACHUSETTS  
Department of Planning and Development**

Petition: #512-99

**Business 4 District**

Petitioner: EOP – RIVERSIDE PROJECT LLC

Petition: Free-Standing Sign

be erecting 2 as-of right, 50 sq. ft. signs on the building façade, which together with the proposed free-standing monument sign on the fieldstone wall have been reviewed and approved by the Urban Design and Beautification Commission.

## II. BACKGROUND

Board Order #40-97(2) allowed the redevelopment of a 600,000 sq. ft. manufacturing warehouse and office building to be used as a 5 story office building. The redevelopment of this existing building included reducing the size of the existing building by approximately 103,00 sq. ft. and the addition of an 8 level parking structure, including 2 levels below grade, on the northern end of the building. The office building also includes an accessory restaurant with not more than 50 seats for the use of employees in the building.

## III. SIGNIFICANT ISSUE FOR CONSIDERATION

*The primary issue for the Board to consider is whether an additional free-standing sign for public identification is necessary.*

## IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Site

The site consists of a 487,578 sq. ft. triangular shaped parcel of land adjacent to the MBTA Riverside station. The parcel is primarily level with a steep grade change on its northeastern corner, which slopes upward approximately 65 ft. to higher ground. The redeveloped warehouse (now office) building occupies the major area of the front and middle portions of the site. The office building is set back approximately 38 ft. from Grove Street. Linear parking lots run along both sides of the building. A new parking structure is located at the rear of the building. Though not completed, the new office building will provide extensive landscaped islands along the front of the building facing Grove Street.

### B. Neighborhood

To the west of the site is the MBTA Riverside station (zoned Public Use), a Holiday Inn (zoned Business 5) and Route 128. The MBTA Green line tracks run along the southeast portion of the site. Immediately to the west of the rear portion of the site and part of the MBTA land is a steeply sloped (45 ft. elevation change) area leading to the Charles River which is approximately 100 ft. to the west. Immediately to the north is a spur of a rail line that belongs to the MBTA. Further to the north is the commuter rail line.

To the east of the site are several residential areas zoned Single Residence 3. Central Street lies to the east of the rear portion of the site and is at an elevation almost 80 feet above the site. The Oakwood Road and Williston Road neighborhoods are about 15 feet above the elevation of the site. The houses at the ends of the street are close to the property line of the site. Across Grove Street to the south is a Multi-Residence 2 District with a 126 unit garden apartment complex. Further to the south is the Woodland Country Club.



V. ANALYSIS

A. Technical Considerations

The following table compares the dimensional requirements of the ordinance with the free-standing sign proposal:

	Ordinance	Proposed
Sign Size	35 s.f.	30 s.f.
Sign Height	16 ft. max.	3.5 ft. approx. to top of wall
Sign Width	10 ft max.	16 ft. length of lettering on wall

As can be seen from the table above, the proposed sign is proposed to be mounted on a stone wall approximately 3.5 ft. high, approximately 12.5 ft lower than the 16 ft. maximum allowed by the ordinance and, therefore, does not exceed the ordinance requirement for height.

Although the length of lettering on the wall (the sign) exceeds the 10 ft. maximum width allowed by the ordinance, the overall size of the proposed sign is 5 sq. ft. less than the 35 sq. ft. maximum allowed by the ordinance. Even though the width is greater than allowed, the linear arrangement of the lettering does provide for improved readability. Section 30-20(l) allows the Board of Aldermen to grant exceptions to the dimensional requirements of the ordinance if it is determined that such exceptions would be in the public interest.

B. The Urban Design and Beautification Commission

The members of the Urban Design and Beautification Commission have approved the as-of-right wall signs for two tenants that will occupy the major portions of this building. The Commission also felt the proposed free-standing sign on the fieldstone wall was appropriate and recommended approval of this sign as presented.

C. Site Plan Approval Criteria

1. Convenience and safety of vehicular and pedestrian movement.

The proposed free-standing sign is located at motorist eye level and may assist visitors to quickly identify the premises and proceed to the parking areas.

2. Avoidance of major topographical changes and soil removal.

The proposed free-standing sign will not require additional grade changes to the site not previously planned for the proposed landscaping.

D. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure.

Other than the landmark quality of the building's scale, there are only two tenant identification wall signs on the upper portions of the façade to identify this building. A low free-standing sign located at the entrance to this site would appear to be helpful to motorists.

2. There will be no nuisance or serious hazard to vehicles or pedestrians.

The proposed free-standing sign should assist motorists and pedestrians and should not create additional hazardous conditions.

V. SUMMARY

The proposed free-standing sign is attractive and well designed. The metal lettering and logo are clearly rendered. The fieldstone wall on which the letting is mounted faces the west, as most of the traffic for this site will be coming from Rt. 128. The wall is also an appropriate design element and, at approximately 3 ft. in height, will be at motorist eye level. Integrated within the landscape by the fieldstone wall, the proposed standing sign appears to be an appropriate. The Urban Design and Beautification Commission has recommended both the as-of-right wall signs and the proposed free-standing sign.

Should the Board choose to approve this petition, the Planning Department suggests that the lighting for the new free-standing monument sign be concealed within the landscaping fronting the wall so that the lighting source is not visible.



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
Michael J. Kruse, Director

512.99

Telephone  
(617) 552-7135

Telefax  
(617) 265-6620

Email  
mkuse@ci.newton.ma.us

RECEIVED  
FEB - 8 PM 11:44  
CITY CLERK  
NEWTON, MA 02459

**MEMORANDUM**

**To:** Land Use Committee of the Board of Aldermen  
**Fr:** Michael J. Kruse, Director, Planning and Development Department  
**RE:** Reply to Questions Raised During the January 2000 Land Use Hearing /  
Special Permit Petitions  
**Date:** February 4, 2000

In response to queries raised for each land use petition that was heard during the January 11, 2000 Land Use Committee hearing and in preparation for the Committee's Tuesday, February 8, 2000 working session, the Planning Department has prepared the following list of answers and clarifications on the respective land use memoranda.

**PETITION # 510-99, CATHOLIC CHARITIES**

- **The Non-Conformity of the Height:** The 46' height refers to the non-conforming height of the front portion of the structure and not the proposed elevator, which has a height of 30'. It should be noted that an elevator penthouse can be 15' higher than the roof line, and would need to be over 53' in height to be a factor. Regarding ADA, the Law Department felt that the statute (MGL 40A s.3) was specific "shall apply to handicapped access ramps", and that the elevator would need to meet dimensional requirements.

**PETITION #511-99, (DONATO CAR DEALERSHIP - 1197 - 1213 WASHINGTON STREET)**

The Inspectional Services Department was requested to make a determination in response to the questions posed by the Board regarding the non-conformities of this site. The information below was distilled from a January 27<sup>th</sup> memo from Peter Bronson, Zoning Administrator:

- The Existing Non-Conformities of the Site:

Front Setback:

“The required front setback is ( the average of the setbacks f the building nearest thereto on either side). It appears from the ISD memo that the required setback for the existing building would be 10 ft. Since the building is located almost on the front lot line, it appears to have a non-conforming front setback.

Side Setback:

“The required side setback is (one-half the building height or a distance equal to the side yard setback of the abutting property at any given side yard). For the purposes of implementing this provision, each side setback requirement must be calculated separately.”

Though ISD did not indicate if any of the side setbacks are non-conforming, it appears from the plans provided by the petitioner that the eastern side setback on the rear half of the central lot is non-conforming. This rear half of the lot contains the rear portion of the “L-shaped” building. The building is approximately 3-4 ft. from the lot line. This would make this side setback non-conforming since it does not equal “one-half the building height”.

Rear Setback:

Since the rear lot line abuts a Multi-Residence 1 district, the required rear setback is “½ the building height or 15 ft., whichever is greater.” Because the building is located toward the front of the site, it conforms to the required setback.

Non-conforming Use:

According to ISD the sale and display of cars has been allowed by special permit only since 1951. ISD has determined that the current use is non-conforming and requires a special permit for any expansion or extension of use.

In general, the Zoning Administrator felt that it was the responsibility of the petitioner’s architect and land surveyor to answer the questions about the exact nature of the non-conformities of this site. ISD, therefore, made no stated determinations on the non-conformities of the petitioner’s site.

- The Clarification of Gross Floor Area:

The existing outside display area can not be counted as GFA since it does not meet the criteria for the definition of GFA ...”the floor area within the perimeter of the outside walls of the building...”

If this outdoor display area is being enclosed with walls and a roof, it is being converted to gross floor area.

• **Conditions from Previous Board Orders:**

There appears to be only one Board Order with conditions for this site. The following conditions were taken from Board Order in the Planning Department Files:

Board Order #193-58 (two conditions only)

1. That the front three units have four 40-watt bulbs each in one-half circle lights all facing into the parking area and all other lights to be shown on the plan on file in the City Clerks office with this petition. All lights to be shaded with white milk glass and the tubing to be white fluorescent.
2. That all lights are to be off at 9:30 P.M. and that there are to be no lights whatsoever on the parking lot on Sundays.

**PETITION #512-99, (EMPLOYMENT EQUITY & RIVERSIDE CENTER)**

The petitioner is providing an example of the stone wall. The petitioner has indicated that that the fieldstone wall could be quickly repaired in the event of any damage due to the type of material that it is comprised of.

The petitioner has also provided examples of the letter size and believes that the proposed adjusted size of the lettering will be more legible.

The petitioner has addressed the lighting concerns of the Aldermen in the following manner:

Lighting of the building signs will go off at 10:30 P.M.

Lighting for the fieldstone wall sign will be on a timer to illuminate at dusk and to automatically turn off at dawn.

**PETITION #513-99 CHESTNUT HILL SCHOOL, INC – 428 HAMMOND STREET**

- **Asphalt coverage for proposed parking area:** The proposal calls for a net increase of 3,655 sq. ft. of asphalt in front of the school building to accommodate the reconfigured parking area. The net increase does not include the concrete platforms that will be removed during the relocation of the play areas. If the concrete platforms were included in the net increase calculations for hard surfaces, the petitioner would be adding a total of 963 sq.ft. of hard surface on the site.

Despite the additional paved covering, the proposal calls for an additional 1,200 sq.ft. of landscaping/green open space that will be added to the island that lies within the Essex Street vegetative buffer zone and because there is a reduction of three parking spaces from what currently exists in the buffer zone, there will be a decrease of 500 to 600 sq.ft. of pavement within the buffer zone.

- Clarification of Changes within the Vegetative Buffer Zone (net decrease of parking spaces within the front setbacks): Details of the site will be reviewed during the working session to illustrate the existing and proposed parking spaces within the buffer zone.
- Extension of the Essex Road Island Curb: The land use memo incorrectly noted that the petitioner would extend the curb of the Essex Road island further out onto Essex Road to match with the curb line to the north and south. The Essex Road curb will not be altered.
- Illustrations of proposed parking area / visual impact: Please refer to the photos and renderings of the proposed parking area in the April 13, 1999 proposal document submitted by the petitioner under Petition # 119-99.
- Protection of existing trees and landscaping: The proposal does not call for the removal of any tree on the site. The petitioner has submitted a report dated May 13, 1999 on the state of the existing trees and landscaping on the site. The land use memorandum's condition to replace trees is conditional on the future removal of a tree and not on any stated plan to remove existing species.

According to the City's Parks and Recreation Department (conversation with Richard Metro on 4 February 2000), the impact of the proposed parking area improvements on the Black Oak Tree (located half way up on the right of the south side of the current driveway) cannot be fully assessed until the petitioner discusses the details of the construction around the tree with Mr. Metro.

Finally, Mr. Metro noted that he should be present during the construction and placement of the new play areas to be located on the southeasterly side of the school's lot.

- Results of Existing Incentives for Alternate Means of Transportation/Commuting: The Chestnut Hill School reports that since the 1999 implementation of the carpooling program, the number of students travelling to the school in carpools has risen from 10% to 23%. Furthermore, the School administration provides eight staff members with MBTA monthly passes as a promotion of public means of transportation. Similarly, the school claims that the estimated overall impact of their Transportation Demand Management program is a reduction in site traffic of 100 vehicle trips per day.

- Student Enrollment: The proposed renovations to the parking area are not linked to the number of students enrolled in the school. The parking area is reserved for school staff and visitors. The number of spaces proposed is greater than the required number of grandfathered spaces (1 space for 2 employees). The proposed parking area is intended to increase traffic and pedestrian safety at the school entrance since the current configuration lacks clearly defined parking, pedestrian and drive-through areas.
- The Striping of the Proposed Perpendicular Parking Spaces: The City's Traffic Engineer provided a verbal confirmation to the Planning Department that the proposed perpendicular parking configuration would work equally well as the alternative angle striping configuration.

#512-99

CITY CLERK  
NEWTON, MA. 02159

2000 MAR -2 PM 3:56

CITY OF NEWTON  
IN BOARD OF ALDERMEN

February 22, 2000

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the placement of the proposed freestanding sign will improve access to the site and therefore improve public safety.
2. The Board finds that the proposed freestanding sign will create an appropriate means of identifying the main entrance to the site buildings.
3. The Board finds that the fieldstone wall blends in with the site landscaping.
4. The Board finds that the fieldstone wall is appropriate to the scenic road on which the development is located.

PETITION NUMBER: 512-99

PETITIONER: EOP – Riverside Project LLC

LOCATION: 269 (275) Grove Street, Ward 4, Section 43, Block 29, Lot 24, containing approximately 487,578 sq. ft. of land.

OWNER: EOP – Riverside Project LLC

ADDRESS OF OWNER: 2 North Riverside  
Chicago, Illinois 60690

TO BE USED FOR: Freestanding sign

CONSTRUCTION: Fieldstone wall and pin-mounted, metal letters.



EXPLANATORY NOTE: Section 30-20(1) allows the Board of Aldermen to grant a special permit to allow standing signs with exceptions to the limitations on the size, (length of sign), of signs.

Land referred to is located in a Business 4 District.

Approved, subject to the following conditions:

1. The standing sign shall be located and constructed consistent with plans entitled, "Proposed Sign Locations, Plan Diagram Main Entrance Stone Wall, Sign A, dated 12/6/99", submitted by the petitioner and filed herewith.
2. The petitioner shall be permitted to modify the stroke width of the lettering on the fieldstone wall sign.
3. Lighting for the fieldstone wall sign will be on a sensor to illuminate at dusk and to automatically turn off at 10:30 p.m.
4. All conditions of Special Permit Board Order #40-97(2) except as expressly modified by this board order with regard to freestanding sign shall remain in effect.
5. No building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
  - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
  - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules


Readings Waived and Approved

21 yeas 0 nays 2 absent (Ald. Baker and Salvucci) 1 excused (Ald. Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on March 2, 2000. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL

PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk  
Clerk of the Board of Aldermen

I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 3/2/2000 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk  
Clerk of the Board of Aldermen

**From:** [Joan Thompson](#)  
**To:** [Heather Zaring](#)  
**Subject:** Fwd: Letter of Support - Joan Thompson Fence Permit Appeal 126 Parker St. From Carrie and Bob O'Leary  
**Date:** Wednesday, September 11, 2024 4:37:58 PM

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[**DO NOT OPEN** links/attachments unless you are sure the content is safe. ]

Joan Thompson  
Jthomyoga@gmail.com  
617-794-0197

Begin forwarded message:

**From:** Joan Thompson <jthomyoga@gmail.com>  
**Date:** September 11, 2024 at 3:48:44 PM EDT  
**To:** hzaring@newtonma.com  
**Subject:** Fwd: Letter of Support - Joan Thompson Fence Permit Appeal

**From:** Caroline O'leary <carolinewoleary@verizon.net>  
**Date:** September 10, 2024 at 10:57:44 PM EDT  
**To:** Joan Thompson <jthomyoga@gmail.com>  
**Subject:** Letter of Support - Joan Thompson Fence Permit Appeal

We are writing in support of Joan Thompson's fence permit appeal at 126 Parker Street. We have been Joan's neighbors since 1999. Joan installed her fence at least 25 years ago, when her children were very small, so that they could play safely in her yard without worrying about the traffic speeding past on Parker Street. Recently, she made major repairs to the fence, leaving parts of the original fence and replacing some sections. There has been no change to the fence as it faces Parker Street. Where possible, while

maintaining the prior design for safety along Parker Street, she has opened up the spacing for more visibility along the side. The repaired fence is the same height and in the same location on the lot as it has been for over 25 years.

Joan's lot has magnificent mature trees at the property line, so it is not possible to move the fence back without damaging to trees and roots. And she is now lucky enough to have her young granddaughter living with her, so the need for privacy, safety and security of a young child remains. We have absolutely no objection to the height or location of the fence, and we firmly support Joan's fence permit appeal.

Bob and Caroline O'Leary  
29 Glenwood Avenue

[Sent from the all new AOL app for iOS](#)

**From:** [Joan Thompson](#)  
**To:** [Heather Zaring](#)  
**Subject:** Fwd: Fence appeal support letter 126 Parker Street  
**Date:** Wednesday, September 11, 2024 4:31:07 PM

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You don't often get email from jthomyoga@gmail.com. [Learn why this is important](#)

[**DO NOT OPEN** links/attachments unless you are sure the content is safe. ]

Joan Thompson  
Jthomyoga@gmail.com  
617-794-0197

Begin forwarded message:

**From:** Stephen Koster <skoster71@gmail.com>  
**Date:** September 11, 2024 at 4:17:57 PM EDT  
**To:** jthomyoga@gmail.com  
**Subject:** Fence

Joan

We understand that an issue has been raised about the portions of your fence that have been recently replaced. We have been your neighbors and enjoyed your fence for more than two decades. We are only sorry that the damage caused by the tree limb falling necessitated your replacing some of the panels, but it looks fine and in keeping with others in the neighborhood.

Stephen and Laurie

**From:** [Vicki Danberg](#)  
**To:** [Jennifer Caira](#)  
**Cc:** [Heather Zaring](#); [jthomyoga@gmail.com](mailto:jthomyoga@gmail.com)  
**Subject:** Fence at 126 Parker Street  
**Date:** Wednesday, September 11, 2024 4:30:31 PM

---

To: Shubee Sikka  
Chair, Urban Design Commission  
City of Newton, MA

Dear Ms. Sikka,

The issue of a partial fence replacement at 126 Parker St., Newton Centre, has come to my attention and I would like to offer my support to the owner, Ms Joan Thompson to be allowed to keep the fence as installed by Reliable Fence.

The fence has been in existence for 27 years. Reliable fence, which replaced portions of the fence, has done business in the City for many years and should know about and be familiar with the Newton Fence ordinance, which postdates Ms. Thompson's original fence. The fence company should have known that a permit is required for the work they did but did not apprise Ms. Thompson of this fact. Had they done so, she would have gladly applied for the permit.

At this point, it would be a hardship for Ms. Thompson to pay to move or replace the new portions of the fence. I hope that the Urban Design Commission will take these circumstances into account and grant her a permit allowing her to keep her fence.

Thank you for your consideration,

Vicki Danberg

**Vicki Danberg**  
**Councilor at Large, Ward 6**  
Newton Centre & Newton Highlands  
City of Newton, Massachusetts  
[vdanberg@newtonma.gov](mailto:vdanberg@newtonma.gov)  
508-641-4500

*Please note, the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.*

**From:** [Shubee Sikka](#)  
**To:** [Heather Zaring](#)  
**Subject:** FW: support letter for Fence Appeal 126 Parker St. From John Xavier Abutter at 125 Parker St.  
**Date:** Wednesday, September 11, 2024 3:22:34 PM

---

-----Original Message-----

From: Joan Thompson <jthomyoga@gmail.com>  
Sent: Wednesday, September 11, 2024 3:08 PM  
To: Shubee Sikka <ssikka@newtonma.gov>  
Subject: Re: support letter for Fence Appeal 126 Parker St. From John Xavier Abutter at 125 Parker St.

[DO NOT OPEN links/attachments unless you are sure the content is safe. ]

>>>>> On Sep 2, 2024, at 12:45 PM, John Xavier <xavier.j.m@gmail.com> wrote:

>>>> Hi Joan,

>>>> I hope you are well. I got your letter about the new fence you put up after that bad storm we had. I like the fence and I am not familiar with any ordinance related to its height either. I am not sure why anyone would want a clearer view of your house also. People should really just mind their own business.

>>>>

>>>> I did not notify the city and don't consider it my job to do so. I am sure the city has people on staff whose job that is.

>>>>

>>>> I like your new fence and feel free to use this email as showing my support of it. To place the burden of a new fence on a homeowner in Newton with the climate of inflation we currently live in is not fair.

>>>>

>>>> Best,

>>>> John Xavier

>>>> 125 Parker St, Newton Centre, MA 02459

>>>> (617) 306-4557

>>>>

**From:** [Shubee Sikka](#)  
**To:** [Heather Zaring](#)  
**Subject:** FW: Support note for Fence Appeal 126 Parker St. Joan Thompson  
**Date:** Wednesday, September 11, 2024 3:23:39 PM

---

**From:** Joan Thompson <jthomyoga@gmail.com>  
**Sent:** Wednesday, September 11, 2024 12:18 PM  
**To:** Shubee Sikka <ssikka@newtonma.gov>  
**Subject:** Fwd: Support note for Fence Appeal 126 Parker St. Joan Thompson

**[DO NOT OPEN links/attachments unless you are sure the content is safe. ]**

**Hi Shubee. Attached is support letter from Gail Marsh Abutter at 115 Parker St.  
\*\*see page 2.**

**Joan Thompson**  
[Jthomyoga@gmail.com](mailto:jthomyoga@gmail.com)  
**617-794-0197**

**Begin forwarded message:**

**From:** Joan Thompson <[jthomyoga@gmail.com](mailto:jthomyoga@gmail.com)>  
**Date:** September 11, 2024 at 12:09:39 PM EDT  
**To:** [cmoore@newtonma.gov](mailto:cmoore@newtonma.gov)  
**Subject:** Support note for Fence Appeal 126 Parker St. Joan Thompson

**\*\* Please forward to Shubee Sikka Urban Planning committee  
chairman for 7:00 meeting tonight. Thank you. Joan Thompson**

<IMG\_0414.jpg>

<IMG\_0413.jpg>

**Joan Thompson**  
[Jthomyoga@gmail.com](mailto:jthomyoga@gmail.com)  
**617-794-0197**



Hi Joan Hope you and your  
girls are well

Joan Thompson  
126 Parker Street  
Newton Centre, MA 02459

page 1 of 2

August 25, 2024

Gail Marsh  
115 Parker St.

Subject: Fence Permit Appeal—126 Parker Street

\* see page 2  
for abutter  
support of  
fence—

Dear Gail—

I am writing to you regarding the Fence Appeal application that I am submitting to the City of Newton relating to a new fence. This fence was installed to replace my 27 year old one. During a spring storm this year, two panels of my fence on the Parker street side came down. Upon closer inspection, it was clear that some parts of the fence needed to be replaced. One of the requirements in the appeal is my notification to all abutters that are within 100 feet of my property.

Let me give you some background: I have lived at 126 Parker Street, Newton Centre for 46 years. I am among the oldest residents both in terms of age, being 78 years old and the length of time I have resided in this wonderful neighborhood. In 1994 and in 1997 I adopted my children from China. Physical safety for children is always the first priority for any parent. To that end, 27 years ago I installed a 6' "Brattle Street" fence on my property so that my girls could play safely in my yard.

Let me describe my Parker Street location in terms of safety for children. As you already know, either as residing on Parker Street or in the Glenwood Ridge neighborhood, Parker Street is a highly trafficked street which is a major connecting route between Route #9 and downtown Newton Centre. Even after the installation of traffic signals close to my house, major speeding continues with drivers ignoring the traffic signals at all times of day and night. Therefore, when needing to replace my fence this year, I chose the same type of 6' fence for the Parker Street side for the same reasons, to address the safety issues for my three year granddaughter who is living with me. Please note: the fence on the Parker Street side is placed on my front property line because I have three very large, established maple trees whose root systems are very close to my front property lines.

My replacement fence was installed on June 13th and June 14th of this year by the Reliable Fence Company. Note: This fence company has installed many fences in Newton. They did not notify me that a Newton ordinance had been passed in 2020 which forbids 6' fences being installed on the front side of a house.

On June 26th, I received an orange "Zoning Enforcement Notice" regarding installing a fence without a permit. I immediately called Andrew Mavrelis from the Newton Inspectional Services who informed me that I needed a permit to install a fence and that a fence on the front side of a house could not be 6' high. This city wide ordinance had been passed in 2020. When I asked him the reasons for this ordinance he stated that "people do not like not being able to see into someone's property" that " they feel shut out." It should be noted that in every major connecting street in Newton—Beacon, Centre, Homer, just to name a few— 6' high fences on the front side of homes are often the norm. I was told by Mr. Mavrelis that an anonymous person had reported that my replacement fence did not meet the 2020 ordinance. I am on excellent terms with my neighbors so I was puzzled why someone did not come to me directly during the two days that the fence was being installed. Receiving the zoning enforcement notice on 6/26 after I had already installed and paid \$21,820 for the unpainted fence (\$28,520 when painted) was very concerning to me. It would be a financial hardship for me to replace portions of the new fence.

To summarize: I was not aware of the 2020 fence ordinance before my replacement fence was installed and paid for; I was replacing a 6' fence that had been there for 27 years; the fence was installed on June 13th and 14th, but I did not receive the violation notice until June 26th; putting the fence two feet back from my front property line is not possible given the three mature maple trees whose root systems reach out close to the property line; and the most important reason for having a 6' high fence on the Parker side of my property is to provide safety for my 3 year old granddaughter so she would be able to play safely in my yard.

Thank you very much for reading my fence appeal letter. There will be a public hearing regarding my fence appeal at 7:00pm on September 11th via Zoom. The Zoom information will be available on the City's website two days prior to the meeting.

Sincerely,

Joan

Joan Thompson  
jthomyoga@gmail.com  
617-794-1-0197

To Joan Thompson

OK fence  
Gail Marshe  
115 Parker St  
Newton MA 02459  
Good lucks

**From:** [MARIA LOMBARDO](#)  
**To:** [Shubee Sikka](#)  
**Subject:** Fwd: Letter Regarding the Removal of our New Vinyl Fence (6 Locksley Road)  
**Date:** Tuesday, October 1, 2024 10:22:56 AM

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You don't often get email from lombardoma@aol.com. [Learn why this is important](#)

**[DO NOT OPEN** links/attachments unless you are sure the content is safe. **]**

Sent from my iPhone

Begin forwarded message:

**From:** MARIA LOMBARDO <lombardoma@aol.com>  
**Date:** October 1, 2024 at 9:40:06 AM EDT  
**To:** ssikka@newtoma.gov  
**Subject:** Fwd: Letter Regarding the Removal of our New Vinyl Fence (6 Locksley Road)

Sent from my iPhone

Begin forwarded message:

**From:** Mary Matveychuk <mmatveychuk22@gmail.com>  
**Date:** September 9, 2024 at 11:34:43 AM EDT  
**To:** MARIA LOMBARDO <lombardoma@aol.com>  
**Subject:** Re: Letter Regarding the Removal of our New Vinyl Fence (6 Locksley Road)

I drove past your fence this morning.. It looks fine to me!  
Mary

Sent from my iPad

On Sep 8, 2024, at 6:15 PM, MARIA LOMBARDO  
<lombardoma@aol.com> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** MARIA LOMBARDO <lombardoma@aol.com>  
**Date:** September 8, 2024 at 12:23:21 PM EDT  
**To:** allieandwillboston@gmail.com  
**Subject:** Fwd: Letter Regarding the Removal of our  
New Vinyl Fence (6 Locksley Road)

Sent from my iPhone

Begin forwarded message:

**From:** lombardoma@aol.com

Hi Mary,

The City of Newton is asking us to replace the fence we installed earlier this summer based on a new ordinance. We are naturally pretty frustrated as they had previously approved a permit before installation. Our appeal requires us to formally contact neighbors abutting our property.

Never a dull moment!

Thanks for taking the time to read the following letter.

Best,  
Maria and Bob

---

September 7, 2024

Abutters of 6 Locksley Road Newton  
Center, MA 02459

Dear Neighbors,

Our house borders Centre Street and for safety and privacy reasons, we have maintained a solid 6 foot wooden fence around our property for almost 20 years. Fifteen years ago, we replaced it with another wooden fence. In the past several years, it has become increasingly difficult to maintain the wooden fence because it was rotting and falling apart.

We wanted a new fence that was aesthetically pleasing to the neighborhood, so we selected a white vinyl fence. Our contractor, Lowes

received a permit on June 7 from the city of Newton and proceeded to replace our old wooden fence. Last week, the city notified Lowes that our new fence would have to be removed based on a new ordinance. Their suggested replacement would require a.) the fence be moved two feet closer to our house, in turn forcing us to cut down and destroy 8 beautiful mature trees (at our personal expense); b.) the top 2 feet of the new fence must have openings, which takes away from our safety and privacy. We are appealing the city's order to replace the fence.

Hopefully you agree that the current white vinyl fence adds to the beauty of neighborhood while it provides an appropriate barrier protecting us from the heavy foot and vehicle traffic on Centre Street.

We appreciate your support in this matter.

Your neighbors,

Robert and Maria Trifiletti

**From:** [MARIA LOMBARDO](#)  
**To:** [Shubee Sikka](#)  
**Subject:** Fwd: Letter Regarding the Replacement of our New Fence (6 Locksley Road)  
**Date:** Tuesday, October 1, 2024 10:23:54 AM

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Sent from my iPhone

Begin forwarded message:

**From:** MARIA LOMBARDO <lombardoma@aol.com>  
**Date:** October 1, 2024 at 9:41:40 AM EDT  
**To:** ssikka@newtoma.gov  
**Subject:** **Fwd: Letter Regarding the Replacement of our New Fence (6 Locksley Road)**

Sent from my iPhone

Begin forwarded message:

**From:** MARIA LOMBARDO <lombardoma@aol.com>  
**Date:** September 7, 2024 at 3:41:10 PM EDT  
**To:** Joanne Baker <msjojobahome@gmail.com>  
**Subject:** **Re: Letter Regarding the Replacement of our New Fence (6 Locksley Road)**

Thank you for your quick response, Joanne, we are pretty upset and appreciate your support. We'll let you know if we need signatures. It is reassuring to have supportive neighbors.  
Maria and Bob  
Sent from my iPhone

On Sep 7, 2024, at 3:24 PM, Joanne Baker <msjojobahome@gmail.com> wrote:

Bob and Maria,  
I'm happy to sign anything that may help you, just let me know.  
I'm sorry you have to deal with "city hall," it's never easy!  
Joanne

Sent from my iPhone

On Sep 7, 2024, at 3:05 PM,  
lombardoma@aol.com wrote:

Hi Joanne,

The City of Newton is asking us to replace the fence we installed earlier this summer based on a new ordinance. We are naturally pretty frustrated as they had previously approved a permit before installation. Our appeal requires us to formally contact neighbors abutting our property.

Never a dull moment!

Thanks for taking the time to read the following letter.

Best,

Maria and Bob

---

September 7, 2024

Abutters of 6 Locksley Road Newton  
Center, MA 02459

Dear Neighbors,

Our house borders Centre Street and for safety and privacy reasons, we have maintained a solid 6 foot wooden fence around our property for almost 20 years. Fifteen years ago, we replaced it with another wooden fence.. In the past several years, it has become increasingly difficult to maintain the wooden fence because it was rotting and falling apart.

We wanted a new fence that was aesthetically pleasing to the neighborhood, so we selected a white vinyl fence. Our contractor, Lowes received a permit on June 7 from the city of Newton and

proceeded to replace our old wooden fence. Last week, the city notified Lowes that our new fence would have to be removed based on a new ordinance. Their suggested replacement would require a.) the fence be moved two feet closer to our house, in turn forcing us to cut down and destroy 8 beautiful mature trees (at our personal expense); b.) the top 2 feet of the new fence must have openings, which takes away from our safety and privacy. We are appealing the city's order to replace the fence.

Hopefully you agree that the current white vinyl fence adds to the beauty of neighborhood while it provides an appropriate barrier protecting us from the heavy foot and vehicle traffic on Centre Street.

We appreciate your support in this matter.

Your neighbors,

Robert and Maria Trifiletti



**From:** [MARIA LOMBARDO](#)  
**To:** [Shubee Sikka](#)  
**Subject:** Fwd: Letter Regarding Replacement of our New Vinyl Fence (6 Locksley Road)  
**Date:** Tuesday, October 1, 2024 10:23:21 AM

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Sent from my iPhone

Begin forwarded message:

**From:** MARIA LOMBARDO <lombardoma@aol.com>  
**Date:** October 1, 2024 at 9:40:47 AM EDT  
**To:** ssikka@newtoma.gov  
**Subject:** Fwd: Letter Regarding Replacement of our New Vinyl Fence (6 Locksley Road)

Sent from my iPhone

Begin forwarded message:

**From:** Pamela Frorer <pamfrorer@gmail.com>  
**Date:** September 7, 2024 at 11:05:25 PM EDT  
**To:** lombardoma@aol.com  
**Subject:** Re: Letter Regarding Replacement of our New Vinyl Fence (6 Locksley Road)

Hi Maria,

I'm so sorry to hear that after granting permit approval for this replacement fence, the City of Newton is now back tracking and adding on extra requirements most likely at great expense to you.

Both Mark and I are very happy with the fence. We don't know of any neighbors who are upset with it. We understand it protects the privacy of your backyard. Pretty much everyone else with the same corner backyard layout as you seems to have a fence. If I lived in your house I would need that fence.

The previous wooden fence began rotting and "swaying" (almost collapsing) fairly soon after installation. This fence, in contrast, will

remain straight and strong for a long time. It's a gorgeous white fence. People whose back yard (because of being on the corner) is essentially on Centre street really need a fence to mitigate the incredible noise from the heavy traffic. Drivers on Centre speed beyond the posted speed limits and do not respect the residential nature of the neighborhood. In our opinion, the fence is necessary.

We wish you the best of luck with your appeal.

Best,

Pam and Mark

On Sat, Sep 7, 2024 at 3:00 PM [lombardoma@aol.com](mailto:lombardoma@aol.com)  
<[lombardoma@aol.com](mailto:lombardoma@aol.com)> wrote:

Hi Pam,

The City of Newton is asking us to replace the fence we installed earlier this summer based on a new ordinance. We are naturally pretty frustrated as they had previously approved a permit before installation. Our appeal requires us to formally contact neighbors abutting our property.

Never a dull moment!

Thanks for taking the time to read the following letter.

Best,

Maria and Bob

---

September 7, 2024

Abutters of [6 Locksley Road Newton Center, MA 02459](#)

Dear Neighbors,

Our house borders Centre Street and for safety and privacy reasons, we have maintained a solid 6 foot wooden fence around our property for almost 20 years. Fifteen years ago, we replaced it with another wooden fence.. In the past several years, it has become increasingly difficult to maintain the wooden fence because it was rotting and falling apart.

We wanted a new fence that was aesthetically pleasing to the neighborhood, so we selected a white vinyl fence. Our

contractor, Lowes received a permit on June 7 from the city of Newton and proceeded to replace our old wooden fence. Last week, the city notified Lowes that our new fence would have to be removed based on a new ordinance. Their suggested replacement would require a.) the fence be moved two feet closer to our house, in turn forcing us to cut down and destroy 8 beautiful mature trees (at our personal expense); b.) the top 2 feet of the new fence must have openings, which takes away from our safety and privacy. We are appealing the city's order to replace the fence.

Hopefully you agree that the current white vinyl fence adds to the beauty of neighborhood while it provides an appropriate barrier protecting us from the heavy foot and vehicle traffic on Centre Street.

We appreciate your support in this matter.

Your neighbors,

Robert and Maria Trifiletti

2024-07-09 10:00:00 AM (UTC-04:00) [Download Image]

Image description: [Download Image]

Property Information: [Download Image]

101-1010  
101-1010  
101-1010



Page: 1  
Date: 10/20/2023  
Time: 10:00:00 AM  
Location: 10000 S. 100th St., Omaha, NE 68134  
Job: 10000 S. 100th St., Omaha, NE 68134  
Job ID: 10000 S. 100th St., Omaha, NE 68134  
Job Name: 10000 S. 100th St., Omaha, NE 68134  
Job Address: 10000 S. 100th St., Omaha, NE 68134  
Job City: Omaha, NE 68134  
Job State: NE  
Job Zip: 68134



10000 S. 100th St., Omaha, NE 68134



# CITY OF NEWTON, MASSACHUSETTS

## Urban Design Commission

### MEETING MINUTES

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

<https://newtonma.gov.zoom.us/j/82295226313>

Ruthanne Fuller,  
Mayor

**The Chair, Michael Kaufman, called the meeting to order at 7:02 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

Staff gave the following three updates to the Commission:

- 303-321 Washington Street – Newton Corner Dental Care – Applicant submitted revised window signs with dimensions, and they appear to be less than 25% of the window area.
- 650 Washington Street – Newtonville Gas & Auto – Applicant informed staff just before the meeting that they would like to move forward with three signs, reface of the free-standing sign and 2 wall mounted signs. They will not move forward with the canopy signs.
- 1229 Washington Street – Buggy – Applicant has submitted property owner authorization.

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

##### **1. 191 Sumner Street – Carvalho & Roth**

Applicant/Representative: Jeff

##### Proposed Signs:

- One wall mounted principal sign, non-illuminated, with approximately 32 sq. ft. of sign area on the eastern façade facing Sumner Street (sign B).
- One wall mounted secondary sign, non-illuminated, with approximately 15 sq. ft. of sign area on the northern façade facing Lyman Street (sign A).
- One wall mounted secondary sign, non-illuminated, with approximately 32 sq. ft. of sign area on the southern façade facing the rear parking lot (sign C).

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

[www.newtonma.gov](http://www.newtonma.gov)

##### Presentation and Discussion:

- The Commission asked the applicant to clarify the location of all three signs. Staff shared her screen to show the site plan showing location of all three signs and building facades showing the three signs.

- Commission asked if the applicant is allowed two principal signs. Staff responded that the applicant would need to provide dimensions to be allowed two principal signs. According to the sign ordinance, frontage on the second street must be at least 75% of frontage on first street, which doesn't appear to be the case here.

**MOTION: Mr. Kaufman made a motion to approve the signs at 191 Sumner Street – Carvalho & Roth. 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. 303-321 Washington Street – Newton Corner Dental Care**

Applicant/Representative: Frank Meroney

Proposed Signs:

- One wall mounted secondary sign, internally illuminated, with approximately 10 sq. ft. of sign area on the eastern façade facing Bacon Street and Washington Street.
- Two window signs, non-illuminated, with approximately 11 and 12 sq. ft. of sign area, on the southern and eastern façade facing Washington Street and Bacon Street.

Presentation and Discussion:

The Commission had clarifying questions about the location of all the signs, existing, proposed and window signs. Staff shared her screen to show the location of all proposed signs.

Applicant also commented that the business has expanded into a new space and hence would like to have more signage. Staff also clarified that the applicant has submitted revised window signs which are less than 25% of the window area.

**MOTION: Mr. Kaufman made a motion to approve the revised signs at 303-321 Washington Street – Newton Corner Dental Care. 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.**

## **3. 650 Washington Street – Newtonville Gas & Auto**

Applicant/Representative: Amy Murray

Proposed Signs:

1. Reface one free-standing principal sign, internally illuminated, with approximately 33 sq. ft. of sign area.
2. One wall-mounted secondary sign, non-illuminated, with approximately 36 sq. ft. of sign area on the northern façade facing Washington St. (Newtonville Gas & Auto).
3. One wall-mounted secondary sign, non-illuminated, with approximately 25 sq. ft. of sign area on the western façade facing the canopy (Foreign & Domestic – All Major Repairs).

Presentation and Discussion:

Staff summarized that the applicant has changed the signs they would like to move forward with: Reface of the free-standing sign, two existing wall mounted signs. Staff also commented the two wall mounted signs cannot be on the same wall, hence applicant is proposing to move one sign to the western façade. Applicant commented there will be no canopy signs anymore, just blue and red canopy reskinning and there will be down lighting. Commission asked about lighting on the canopy. Staff informed the Commission since there are no signs on the canopy, so it won't be restricted by sign ordinance, but lighting ordinance may apply. Applicant responded the lighting is very shielded and very pointed right at the canopy.

There was discussion about blanking out the white background on the free-standing sign, so it does not shine at night, so only the red letters shine through at night. Applicant commented she will go back to the customer to change the colors since red color does not light bright. Commission asked if they will be willing to switch the letters to white and the background could be red or blue and the applicant agreed.

**MOTION: Mr. Kaufman made a motion to approve the signs at 650 Washington Street – Newtonville Auto & Gas 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 Commission recommended the free-standing sign for approval with a condition that the letters are white, and the background is either red or blue.

#### **4. 430 Centre Street – Evans Park at Newton Center**

Applicant/Representative: Sandy Kurson

Proposed Signs:

1. One wall mounted principal sign, externally illuminated, with approximately 32 sq. ft. of sign area on the western building façade facing Centre Street.
2. One free-standing sign, fence mounted, non-illuminated, with approximately 15 sq. ft. of sign area facing Vernon Street. Applicant has informed staff that they don't want to pursue the fence sign anymore. Hence this sign is no longer part of the application. There was no discussion about this sign.

Presentation and Discussion:

Staff clarified that the applicant has withdrawn the fence mounted sign, which would be considered a free-standing sign.

Mr. Winkler recommended to lower the sign by six inches and move it to the right about 6 inches so that the masonry on the wall shows through, so it looks like a sign against a wall and not one that's hanging off the edge.

**MOTION: Mr. Kaufman made a motion to approve the sign at 430 Centre Street – Evans Park at Newton Center with a recommendation. 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.** The Commission recommended the wall



mounted sign for approval with a **recommendation** to lower the sign by six inches and move it to the right about 6 inches, so masonry is visible.

### **5. 1229 Washington Street - Buggy**

Applicant/Representative: Craig Murphy, CRG Graphics

Proposed Signs:

1. One wall-mounted principal sign, internally illuminated, with approximately 72 sq. ft. of sign area on the southern façade facing Washington Street.

Presentation and Discussion:

Staff clarified that the applicant has withdrawn the fence mounted sign, which would be considered a free-standing sign.

Mr. Winkler recommended to lower the sign by six inches and move it to the right about 6 inches so that the masonry on the wall shows through, so it looks like a sign against a wall and not one that's hanging off the edge.

**MOTION: Mr. Kaufman made a motion to approve the sign at 1229 Washington Street - Buggy. 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.**

### **Design Review**

#### **1. 49 Dalby Street**

Applicant/Representative: Niko

Documents Presented: Context plan, context photos, site plan, elevations, floor plans, and 3D rendering.

Project Summary:

The project is located at 49 Dalby Street on a 13,290 square foot parcel. The applicant is proposing to replace existing single-family home on an MR zoned lot with four units. The applicant will be seeking relief for setback and FAR.

Presentation and Discussion:

The applicants summarized the design. The Urban Design Commission had the following comments and recommendations:

Mr. Kaufman commented that these are attractive. He asked how far are the houses from the street? Applicant responded that they would need to adhere to the required setbacks, which is 25 feet from the property line.

Mr. Winkler recommended to flip the plan (for the front left unit) so that it was a mirror image of the unit behind, then the two garages would be next to each other, and there would be windows with habitable spaces facing the street. Take the front unit and mirror it so the garage

is inside the garage, rather than facing the street so the two garages are adjacent to each other so you would get more mileage out of windows and natural light facing the street. Applicant responded that's a good point and he will look into it.

Mr. Kaufman asked what relief were they looking for? Applicant responded its for number of units, oonly 2 units are allowed in MR zone. Also seeking relief for area, about 1,000 sq. ft. It's actually only 250 sq. ft. per unit (125 sq. ft. per floor per unit).

How large is the site? Applicant responded its 13,000 sq. ft.

Mr. Downie asked about dormers on the third floor. Is the third floor habitable? Applicant responded their intention is to make it finished storage, finish the attic. There won't be any bedroom or bathroom on third floor. Mr. Downie asked if it will be counted against FAR and applicant responded it won't because they have kept the average height to under seven feet. It's seven feet in the middle and then there's sloped roof and most of the third floor can't be used.

Mr. Doolin commented that the project looks good. Are these for sale? Applicant responded yes. Appreciate the rational thinking about separating buildings versus one building. Don't like that there is a lot of pavement in the middle of the lot. Applicant responded that the site plan is not 100% done yet and they intend to carve out more green space out of the paving. They would like to meet the by right open space and lot coverage requirements. Rendering was more intended for the buildings themselves, not necessarily the site plan.

Didn't see anything about neighborhood context, how do these buildings fit in the street after construction? As this project moves forward, it will be very important to see other buildings in the setting. Applicant responded that both buildings would meet by right building height requirements. By right, building height can be 36 feet and these buildings will be 35 feet tall. Neighborhood buildings are about 30 feet tall on average.

Encourage canopy trees. Applicant responded that behind this lot, there is a big parking lot, so they would like to maintain as much vegetation as possible, so the residents are not looking into a parking lot. Will save as many trees as possible and plant as well.

Will there be a perimeter fence around this project building? Applicant responded that there is a cedar picket fence. The fences on either side will be sort of decided by the neighbors. Will there be a fence on the front? Applicant responded probably wouldn't put a fence in the front. If anything, there may be a 4-foot-tall picket fence in the front.

Commission asked if the applicant was considering pervious pavers for the driveway? Applicant responded they haven't reached that far yet. Maybe put pavers in specific spots, like parking area. Pervious materials might help to eliminate trench drains too.

Mr. Downie asked if the units would have outdoor private outdoor space? Applicant responded yes, because we were adhering to all the by right setbacks, the rear units would have no less than 15 feet on in the rear, which means that the side setbacks are going to be no less than 10 feet. And then the front is 25 so each person, while it's not a ton of outdoor space, each unit

will have about 100 sq. ft. of exclusive outdoor space with six-foot fences in between. People really like the idea of being able to let their dog out to use the bathroom without having to actually take them outside or worry about it.

Going back to the elevations, it will help to tone down the white siding, maybe warmed up a little bit, so it would be a little closer to the intensity of the wood siding.

Commission asked about trash receptacles. Applicant responded that the garage is big enough to keep the trash receptacles inside.

Mr. Kaufman commented if the applicant has a chance to come back after making changes any changes, Commission would love to see it otherwise, hopefully applicant will take some of Commissions thoughts and suggestions and incorporate them.

### **III. Old/New Business**

#### **1. Sign Ordinance and Policy Changes**

Planning staff that attended the meeting: Barney Heath, Zacher LeMel, and Nora Masler

Staff from the Long-Range Planning Division attended the meeting to present on the possible process and policy language for administrative review of signs that are being replaced in kind, as well as minor corrections to the sign ordinance.

Ms. Masler presented a PowerPoint presentation regarding administrative review of signs for replacement in kind and to hear Commission's thoughts on longer term changes to the sign ordinance and lay out the process for how those changes can be made.

Summary of the presentation:

- Heard from small business owners that reducing or shortening permitting processes in any way would be helpful while also appreciating the value added by Urban Design Commission.
- Also looking at streamlining sign review for signs which are very unlikely to raise questions or concerns from the UDC.
- UDC reviewed 93 business signs in the past year, 19.5 were recommended for approval with clarifying questions, 17.5 were recommended for approval with requests for changes, 2.5 were not recommended, and 24 were recommended for approval with no questions. So, roughly those 24 are the ones that will be targeted for administrative review and the plan is to target those signs specifically by limiting administrative review to replacement in kind signs.
- Ms. Masler reviewed some examples of signs that would fall under the category of signs that are replacement in kind. For example: The Waban Market at 2-12 Windsor Road, CVS Pharmacy at 1199 Centre Street, Walnut Dental at 1197-1203 Walnut Street, CG Color and Extensions at 35-41 Lincoln Street.
- The process will be admin review for signs that are being replaced in kind, specifically in the same location, the same size or smaller. UDC will continue to review the replacement on all free-standing signs, whether it is replacement in kind or not. If the previous sign didn't have the phone number and the email address on the sign, then it is not considered replacement in kind.

- Admin staff will also have discretion to bring any signs to the UDC for review.

Mr. Kaufman asked if all these changes to the sign ordinance is in response to the docket item by City Council. Ms. Sikka clarified that the changes that Ms. Masler listed don't need an ordinance change. These changes can be made through a letter that will be issued by the Commissioner of Inspectional Services.

Mr. Kaufman recommended that it will be helpful monthly to supply UDC with what signs have been approved administratively so UDC can see what's going on. Staff agreed with the suggestion.

UDC also recommended to review all signs that are internally illuminated with white background.

Below is a summary:

- **Administrative review**

- Supply UDC with signs that have been approved administratively monthly
- Anything internally illuminated and the background is white should come to the UDC if staff's request to change white background is not met administratively (not including signs that are not changing illumination).
- Anything freestanding goes to UDC

- **Larger sign ordinance changes**

- Add clear preamble describing **intent and purpose** of the sign ordinance,
  - For example, signs are intended to help a customer find and get to the business
  - Aesthetics of signage - don't want every sign to look the same and lack creativity, balanced with avoiding sign clutter or confusion
- **Remove**
  - Allowance for exposed illumination
  - Allowance for illumination with white background
- **Explore Options to regulate/alter**
  - Signs above the first floor - would be helpful to have more guidance on that.
    - This includes larger buildings looking to have corporate name on top of the building
  - Awning Sign definition
    - Could remove the word retractable and set dimensions
    - Concerned with awning and principal sign, both being allowed.
  - Signs on Mass Pike
  - Comprehensive Sign Packets/Sign Master Plan

- Sign packages for multiple tenant building - trigger requirement (2018 draft - any property with more than 5 tenants)
- Location of principal sign
  - Relative to the business
- **Organization**
  - Look at Somerville

UDC asked if the policy change must go to Council or is it just a policy within the department? Staff responded it's an internal policy. Once the memo is drafted and signed by ISD Commissioner, then it would be in effect.

## 2. Approval of Minutes

The Commission reviewed the minutes of July meeting.

**MOTION: Mr. Kaufman made a motion recommending approval of the regular meeting minutes for July as submitted. Mr. Downie 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.**

## IV. ADJOURNMENT

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

**The meeting was adjourned at 8:41 p.m.**

**Respectfully submitted by Shubee Sikka**

**Approved on**