



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, **October 9, 2024** at 7:00 p.m. via Zoom

<https://newtonma.gov.zoom.us/j/81223242654>

Ruthanne Fuller,
Mayor

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

Barney Heath,
Director
Planning & Development

I. Roll Call

Those present were Michael Kaufman (Chair), John Downie, Bill Winkler, and Visda Saeyan joined at 7:06 p.m. Shubee Sikka, Urban Designer was also present.

Shubee Sikka,
Urban Designer
Planning & Development

II. Regular Agenda

Sign Permits

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

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

2. 26 Elliot Street – Cannabis Redi

Proposed 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.

MOTION: Mr. Kaufman made a motion to approve the sign at 26 Elliot Street – Cannabis Redi. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 3-0 vote, Michael Kaufman, John Downie, and Bill Winkler in favor and none opposed.

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Newton, MA 02459
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1. 846 Walnut Street – Directory Sign

Applicant: Janet Edsall, Stephen Edsall

Proposed Sign:

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

Presentation and Discussion:

The Commission asked staff if she has received additional requested information from the applicant. Staff mentioned that she hasn't heard back from the applicant. Applicant commented that they received the request and mentioned that they have measured the distance from the sidewalk with their foot and it is more than 2 feet from the sidewalk. Applicant also mentioned that the sign will be made of wood. The Commission requested the applicant to submit documents showing the

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distance from the sidewalk (measured with a measuring tape) and that the sign will be made of wood.

MOTION: Mr. Kaufman made a motion to approve the sign with a condition at 846 Walnut Street – Directory Sign. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Bill Winkler, and Visda Saeyan in favor and none opposed. The sign was approved with the condition that the applicant provides the following information:

- Sign is at least 2 feet from the sidewalk
- Sign is made of wood

3. 15 Cypress Street – Camp Schodack

Applicant: Steve Schwede

Proposed Sign:

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

Presentation and Discussion:

The Commission asked if there was a sign before. The applicant responded that there wasn't a sign before. They would like a sign at the proposed location, and they would like to have a sign that is the same size as the one below (Dream Casa).

Commission asked if the sign will be illuminated. Applicant responded it's not illuminated; it is just an aluminum sign with flat letters.

Chair asked Commission members if they were fine with the sign at that height. There was discussion about where else the sign can be placed. Commission asked the applicant if the sign can be placed below the Dream casa sign? Applicant responded that there is something on the wall and not sure if it can be moved or covered with a sign, but the applicant is open to anything. Camp Schodack is a business on the second floor.

Chair mentioned that he would like to see signs below the Dream Casa sign and not above, it looks like a billboard. Other members agreed.

Commission agreed to recommend the sign move down to the location below Dream Casa sign. Applicant mentioned that he may not be able to cover the panel. Commission requested the applicant to let staff know if they are not able to move the sign.

MOTION: Mr. Kaufman made a motion to approve the sign with a condition at 15 Cypress Street – Camp Schodack. 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 Visda Saeyan in favor and none opposed. The sign was approved with the following conditions:

- Sign should be the same width as the dream casa sign
- Move the sign location to below the dream casa sign

4. 269-287 Grove Street – Multiple Signs

Applicant: Kara Must, Evan Allen

Proposed 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
 - f. Kendall Kitchen
2. 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.
3. 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.
4. 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.

Presentation and Discussion:

Applicant summarized the three options that were submitted as response to the comments by the Commission at the September meeting. The Commission requested the applicant to make the Kendall Kitchen sign more integrated and purposeful, so the applicant has three different options for doing that. Staff shared her screen with all 3 options:

- Option 1: This option shrinks all other signage, tenant signage and the address, to make room for Kendall Kitchen signage.
- Option 2: This option places the Kendall Kitchen logo directly onto the stone wall, rather than putting it onto the mesh screen behind it. All other signs are also reduced in this option too. Applicant is also placing the circular logo for Kendall Kitchen on the end of the wall to get visibility from the street in the other direction as well.
- Option 3: This option is most like the previous option shown at the last meeting. Kendall Kitchen has its own free-standing sign and made it more integrated, height has been lowered.

The Commission comments about the three options:

- Option 1
 - Three members of the Commission liked the first option because it looks like all the signs are pulled together nicely and well thought of. Because of the mesh, it's organized better, however the lettering gets smaller on the businesses. Maybe if the Kendall Kitchen is moved closer to the edge, then the four tenant signs could get a little bigger.
 - It will be interesting to see on the signs look with the spotlights on it, the shadows of the mesh and the logos.
 - Applicant commented that the design intent of the mesh is to be as invisible as possible.
 - There was a question if it will be worth it to make it all as one mesh, instead of having separate blocks of it. Some members commented that it's good as five

- separate mesh blocks because there are four separate tenants, and it helps to differentiate them.
- Mr. Kaufman recommended to decrease the space on the rights side of the K sign so the signs can get a little bigger.
 - 275 Grove Street can be a little larger.
- Option 2
 - Mr. Winkler commented that he likes the second option. Like that K is sitting there by itself as a circle. Don't like the mesh, not sure about the contribution of the mesh. Applicant responded that the mesh serves a very functional purpose, which is that the front surface of that wall is extremely uneven, and it has different depths and different heights, it's hard to find a grout line. A more uniform surface is needed to install the signs, so the mesh will get installed on a rail system and then the logos will get installed on the mesh, so they are uniform and consistent.
 - Mr. Winkler commented that he likes the look of the stone. This is a classy office park, just seeing the stone make the names of the companies a little bigger. Get rid of the mesh. There's already a whole lot of black spotlights and stuff on it. Would go for sort of simplifying the whole thing. Mr. Kaufman responded that it is not simple. It will be very difficult to put those signs directly on the wall.
 - Option 3
 - Move Kendall Kitchen sign closer to the wall, it will integrate better. Applicant responded that they want to make it look like intentionally spaced. Don't want it to be close where it might look funky and would like to differentiate it from other tenants in the building. Another parameter to consider is how it will affect on the concrete footing for the wall.
- Mr. Downie asked about condition 9 in the board order, which says that there shall be no advertising or promotion of such uses to the public, referring to things like coffee shops, restaurants. Staff commented that the applicant will need to amend the special permit to allow the sign for Kendall Kitchen. The applicant will also need to amend a special permit to allow a bigger sign area (double of the existing sign area) on the existing free-standing sign stone wall and to allow a third wall mounted secondary sign for the building sign.
 - The Commission looked at the existing sign and compared it to the proposed sign. The existing sign says Riverside Center and the new building sign is just the address. The applicant is also proposing building signs which will be visible from the street.

MOTION: Mr. Kaufman made a motion to approve the signs in option 1 and three wall mounted secondary signs at 269-275 Grove Street. Ms. Saeyan seconded the motion, and one opposed. All the members present voted, with a 3-1 vote, Michael Kaufman, John Downie, Bill Winkler, and Visda Saeyan in favor and Bill Winkler opposed. The sign was approved with the following condition:

- UDC doesn't recommend any more than 4 tenant signs, 1 retail sign, and address sign

At 7:45 pm, Mr. Kaufman suspended the Urban Design Commission and enter the Commission in its role as Fence Appeal Board.

Fence Appeal

1. 126 Parker Street – Fence Appeal

Homeowner: Joan Thompson

Fence Appeal:

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.

A fence violation was issued by the Commissioner of Inspectional Services as noncompliant with the fence ordinance, and the petitioner appealed the decision to the UDC, which is authorized to approve limited fence exceptions.

Presentation and Discussion:

Mr. Kaufman commented the fence was basically a replacement of the old fence. The main issue is if you replace more than 50% of the fence then you need to comply with the fence ordinance, but that makes it very confusing.

Mr. Winkler commented that this is on the corner of a street and 6 feet tall fence goes all the way to the corner, so it's not meeting the 25-foot setback. Is it a public safety issue? Mr. O'Leary (one of the neighbors) responded that the same fence has been there for the past 26 years, and Ms. Thompson keeps it perfect and so the neighbors are asking for this appeal to be granted. Mr. Kaufman responded that the only issue is whether the reason about the rule about cutting the corners back 25 feet, it's a visual issue, when cars take the corner. The worry is if someone new to the area who hasn't been on the street before, will have issues with a tall fence at the corner.

Staff shared her screen to see the exact location of the fence, photos and plans. The photos showed that the fence is placed diagonally and doesn't appear to block the view. There is also an old tree at that corner.

MOTION: Mr. Kaufman moved the motion to grant the appeal as submitted for the existing fence. Ms. Saeyan seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

2. 6 Locksley Road – Fence Appeal

Homeowner: Maria Trifiletti

Fence Appeal:

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.

Presentation and Discussion:

Mr. Kaufman summarized the process so far. Applicant applied for a fence permit and received the permit from the city. Then at the inspection, the city said that the fence was not built according to the fence ordinance.

Applicant commented that they are very proud to be in Newton, and are now retirees in the city, and love their home and the location. The only concern they have had over the years is bordering on Center Street. It's a heavily trafficked area, and cars speed. So, to address the problem, 20 years ago, applicant installed a six-foot wooden fence. Now, over the past few years, it began to deteriorate. So, they hired Lowes this spring to replace the wooden fence, and they obtained a permit from the city of Newton on June 7, 2024 and proceeded to install a six-foot vinyl fence, which covers only 71 feet of the 84-foot border on Center Street. It is 21 inches and 24 inches in. After several months, the city asked them to remove the fence. So, moving the fence to salvage only about three to four inches would cause them to remove eight mature trees from the fence line, and as retirees, they will have to absorb that cost. Also, the city is asking them for a lattice fence. They are on Center Street, and have a heavy foot traffic, and they babysit and take care of their three- and five-year-old grandchildren who play in the yard and people peeking in, they don't feel safe. They have contacted their neighbors. There are about 13, and they've asked them what they think of the fence, and they received written comments that they have shared with staff, and the neighbors have indicated that they find that the fence is not only esthetically attractive to the neighborhood and adds beauty, but also they feel that everyone on Locksley Road, gets some protection from Center Street from the foot traffic as well as the vehicular traffic. So, they really appreciate UDC's consideration of this appeal.

Mr. Kaufman commented that he understands that there are trees, but the ordinance says that if fence is setback two feet from the property line, the fence needs to be two feet lattice on top, if it is a 6-foot-tall fence. If the fence is 1 foot setback from the property line, then the fence can be 5 feet tall with 1 foot lattice on top. So why wasn't the fence built according to the ordinance?

Applicant commented that Lowe's applied for and received the permit for this fence unlike the other appeal application that didn't apply for a permit. This is a safety issue.

Mr. Kaufman commented that the applicant certainly has reason to say that it would be difficult to move the fence two feet away. But still trying to figure out why the fence was not done in compliance with the ordinance. He mentioned that he looked at the permit and it said that the person who signed the permit (a representative of Lowe's), she made an affidavit that she read the fence ordinance and agreed that they would build it in accordance with the fence ordinance. Why didn't they build a fence with two feet lattice on top. Question for the homeowner – did Lowe's discuss with the homeowner that the ordinance requires the two feet of lattice on top? Homeowner responded that they didn't discuss that.

Mr. Kaufman asked for thoughts from other Commissioners. Commission asked if the permit application showed an elevation of the fence. Staff shared her screen with the drawing from Lowe's that was shared with the homeowner before Lowe's did the work. There's a sketch with the application to choose the kind of installation. Homeowner commented that Lowe's said they would get a permit, that it's their responsibility. The fence permit did say that it is a 6-foot-tall white vinyl fence.

Meaghan Wright (from Lowe's) signed the document that she acknowledges that she has read and understood the fence ordinance. If she read the fence ordinance, then why doesn't it comply with the fence ordinance? Mr. Kaufman commented that he is prepared to grant the appeal for its location, but the owner needs to go back to Lowe's and have them get the fence to be compliant with the ordinance. Commission understands that the homeowner wants the solid fence, but the city wants the fence to be compliant with the ordinance. UDC can only grant appeals for a property if there's something unique to a property. There's plenty of busy streets in Newton, so that is not unique to this property.

Homeowner commented that there are other six-foot-tall fences on Center Street. Commission commented that they don't know how old those fences are. The ordinance is about 20 years old so they could be older than the fence ordinance. Homeowner responded that they are new fences. Commission responded that its too bad that they are not enforced. The only way city does enforcement is if someone complains about them. The fence can be 6 feet tall but the top 2 feet need to be lattice.

Applicant asked if out of the 11 panels, perhaps only 5 panels be open, that would give them partial protection for the children. Commission responded that the applicant needs to comply with the ordinance. If the fence is further back than two feet, then the applicant can do that but if the fence is 2 feet or closer then it must be lattice on top. If the fence is anywhere from 2 to 5 feet from the property line, it must be 4 feet solid plus two feet lattice.

MOTION: Mr. Kaufman moved the motion to grant the appeal for the fence's location because there are trees and other things in the way that would prohibit making it further away from the street. The homeowner needs to talk with the contractor who obtained the permit and signed that they read the ordinance and understood it. The contractor needs to come back and fix the fence for the homeowner. The fence needs to be 2-foot lattice on top. Mr. Winkler seconded

the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, Visda Saeyan, John Downie, and William Winkler in favor and none opposed.

Mr. Kaufman commented that the homeowner can back to the Commission if Lowe's doesn't fix it. Staff informed the Commission that if a decision is made today, it can't be changed later for the same fence.

Applicant commented this is a bit unfair to retirees, we've been paying taxes for over 50 years, said they would have to incur a double cost. If we knew this would happen, we would have kept the old wooden fence. Commission commented that the contractor misled the homeowner and didn't follow the law. Homeowner commented that the old wooden fence was in the same spot, at the same height for 20 years and nobody complained about it. We tried to beautify the street, and it wasn't a cheap proposition to do this and now it feels like we are going backwards. It just doesn't seem fair to us, the homeowners. We got a permit and are being punished for trying to do the right thing.

Mr. Kaufman responded that the Commission understands. UDC does not write the ordinance, UDC does not enforce the ordinance. This Commission is in a position that that we basically don't like being in but here we are. And unfortunately, we don't have any reason that we can grant the appeal to this location because you have plantings there that we cannot come up with any rationalization why we should grant you relief for building fence in violation of the ordinance. So, we're going to have to leave it at that. And you're going to talk to your contractor. Also, we are sure that Lowe's is installing other fences in town. So, if they're if they are not installing the correct fence, they need to be informed what they're putting their homeowners against.

3. 11 Dedham Street – Fence Appeal

Homeowner: Jason Contrado

Fence Appeal:

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.

Presentation and Discussion:

Mr. Kaufman asked the homeowner if there is a reason why the fence can't comply with the ordinance? Homeowner responded that regarding the two feet setback, there is a metal part that indicates where the gas line is so we can't setback the fence 2 feet from the property line, it will conflict with the gas line. Homeowner also commented that they are on a very busy road and the yard is basically an extension of the 711-parking lot, which is tough to deal with. Even though there's no parking on Dedham Street, there's landscaping trucks, trash trucks, city DPW trucks that park on both sides of the street and then go to 711, so its just a constant and with all the construction that's been going on, there's a constant queue of traffic waiting at that traffic light, looking right into the house all day long. Addition to that, we have young children so having 16 additional inches helps with the safety.

Commission asked if the homeowner could explain why, it can't be back by 2 feet? Homeowner responded that there are metal things in the ground that indicate where the gas line is, its in the yard. So, that's why the fence can't be placed there. Commission asked if the gas line goes through the property or the sidewalk. Staff shared her screen to show photos of the front, to see the exact location of the metal part. It was not clear how is the gas line interfering with the location of the fence. The metal depicting the gas line is in the front portion and doesn't appear to be an obstruction if the fence is setback 2 feet.

The Commission commented that the applicant hasn't demonstrated why they would need an exemption. The fence can be setback 2 feet from the property line. The fence should be built as per the fence ordinance. The applicant has not demonstrated any hardship.

Applicant asked what would be considered a hardship. The Commission responded a hardship could be due to an existing tree, other physical barriers, natural obstacles. Traffic is not a hardship, there's traffic in all sorts of places in Newton.

MOTION: Mr. Kaufman moved the motion to deny the appeal as submitted for the proposed fence. Mr. Winkler seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

At 8:30 p.m., the Commission adjourned the Fence Appeal Board portion of the meeting and reconvened as the Urban Design Commission.

III. Old/New Business

1. Approval of Minutes

The Commission reviewed the minutes of August meeting.

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

IV. ADJOURNMENT

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

The meeting was adjourned at 8:42 p.m.

Respectfully submitted by Shubee Sikka.

Approved on November 13, 2024.