

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, JULY 19, 2005

Present: Ald. Mansfield (Chairman), Ald. Salvucci, Albright, Merrill, and Fischman;  
absent: Ald. Harney, Samuelson, and Vance

City staff: Ouida Young , Associate City Solicitor; Nancy Radzevich, Chief Planner; and  
Linda Finucane, Chief Committee Clerk

#271-02(2) SOPHIA LAZARIDES petition to install a non-illuminated free-standing sign, and to amend the site plan for the previously-granted Special Permit #271-02 for an enlargement of a non-conforming use and a parking waiver, at 19 PLEASANT STREET, Ward 6, NEWTON CENTRE on land known as Sec 64, Blk 30, Lot 2, containing approximately 5,985 sf of land in a district zoned Business 1. Ref: Section 30-24, 30-23, 30-20(1) of the City of Newton Rev Zoning Ord, 2001.

ACTION: APPROVED 4-1 (Ald. Mansfield)

NOTE: The public hearing for this item opened and closed on June 14. (Present were Ald. Mansfield, Salvucci, Albright, Vance, Fischman, Merrill, Samuelson, and Harney.) Attorney G. Michael Peirce represented the petitioner. The specialized hair replacement salon on the first floor of what architecturally looks like a residential building is a by-right use in the Business 1 zone in which it is located; however, the use combined with the parking requirements of two upstairs apartments resulted in a parking deficit of four spaces. In 2002, the petitioner obtained a special permit (#271-02) for a 4-space waiver. Conditions of the special permit limit the number of employees and hours of operation and stipulate the number of by-appointment-only customers (2) on site at one time. The special permit will expire should a hair replacement salon cease to operate.

Attorney Peirce explained the owner wishes to both identify and attract attention to the business. Several Aldermen questioned the size of the proposed sign given the residential character of the property. He said the Urban Design and Beautification Commission approved the proposed design and size of the sign. Mr. Peirce noted if this petition is approved the existing temporary wall banner will be removed. The initial plan submitted to the Planning Department included "skin care" on the sign; however, the plan submitted with this petition removed "skin care" because it is not a service allowed under the special permit. The Planning Department memorandum questioned the necessity of having the telephone number on the proposed freestanding sign since this business serves long-term clientele by appointment only. It was suggested that "by appointment only" be included on the sign to emphasize the nature of the business and that, like the parking

waiver, the sign be removed should the salon cease to operate. The petitioner agreed. (The Planning Department memorandum also pointed out a freestanding sign on an abutting property. A cursory records search indicated it has no special permit.)

Ms. Polly Sullivan of Crescent Avenue spoke against the proposed sign.

#### July 19 Working Session

Subsequent to the public hearing, the petitioner submitted a revised plan with “by appointment only” lettered on a hanging placard attached to the bottom of the sign. A planting list was included as well. The discussion began about the size of the sign. Several Aldermen felt a smaller sign might be more compatible with the neighborhood while still identifying the business. Although located in a business zone, the property transitions to a residential zone. Ms. Radzevich said the ordinance allows a maximum of 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height; the proposed sign is 15 square feet, 36 x 55 inches, with 3-inch lettering. A question arose about the site distance. The 5-foot setback from the property line provides adequate sight lines. To maintain those sight lines, the committee preferred “by appointment only” on the sign itself, not on the separate placard shown on the revised plan. The petitioner again agreed to revise the plan to include “by appointment only” on the sign face itself.

Alderman Salvucci made a motion to approve the petition, finding that the sign will identify a not easily recognized business, given the architecture of the building and its business use on a transitional site across from a heavily trafficked municipal parking lot whose view is blocked by other buildings. The sign and plantings will help mask the harshness of a brick wall (the rear of an adjacent commercial block); and rid the building of a less attractive temporary wall sign

Conditions include removal of the freestanding sign upon cessation of this business, maintenance of landscaping/plantings at a maximum height of 20 inches to ensure unobstructed sight lines, and final review and approval of the plans by the Planning Director. All other conditions of special permit #271-02 will remain in effect. The committee reminded the petitioner of the specific conditions contained in the original special and advised her that if she wishes to alter or expand the current operation of the business, it will necessitate an amendment to the special permit.

Ald. Mansfield said he would vote against the petition because this particular use at this particular site does not warrant a freestanding sign. He noted that the primary justification of such a sign should be to alert potential customers to the site of a business for which a wall sign would not provide adequate and/or safe identification. He explained that, in this case, there were no site characteristics that prevented identification of this business from Pleasant Street and, furthermore, the nature of this business specifically as permitted by the Board does not justify a sign to attract customers. In addition, he said, transitional business-zoned properties on the edge of village centers abutting residential uses should be locations where commercial signage is minimized. He also pointed out the seemingly illegal freestanding sign on the abutting property, expressing a fear of precedence and subsequent further encroachment into the residential

neighborhood. (As to the freestanding sign on the abutting property, Ms. Radzevich said the Planning Department would notify Inspectional Services.) Ald. Mansfield said that the most he could support was a free-standing sign identifying the location by street number only (which does not appear on the proposed sign).

The committee supported Ald. Salvucci's motion 4-1, with Ald. Mansfield opposed.

The meeting was adjourned at 8:30 PM.

Respectfully submitted,  
George E. Mansfield, Chairman