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STAFF MEMORANDUM

Meeting Date: **Wednesday, July 10, 2019**

DATE: July 3, 2019

TO: Urban Design Commission

FROM: Shubee Sikka, Urban Designer

SUBJECT: Additional Review Information

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development's intention is to provide a balanced view of the issues with the information it has at the time of the application's review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit or Fence Appeal applications.

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. 1844 Commonwealth Avenue – Lasell University

PROJECT DESCRIPTION: The property located at 1844 Commonwealth Avenue is within a Single Residence 2 district. The applicant is proposing to reface the following signs:

1. Refacing of one free-standing sign, non-illuminated, with approximately 8 sq. ft. of text on a 25 square feet granite and brick base at the corner of Commonwealth Avenue and Central Street (sign 1).

2. Refacing of one free-standing sign, non-illuminated, with approximately 8 sq. ft. of text on a 25 square feet granite and brick base at the corner of Myrtle Avenue and Grove Street (sign 2).
3. Refacing of one free-standing sign, non-illuminated, with approximately 34 sq. ft. of text on a 75 square feet granite and brick base at the corner of Commonwealth Avenue and Cheswick Road (sign 3).
4. Refacing of one free-standing sign, non-illuminated, with approximately 34 sq. ft. of text on a 75 square feet granite and brick base at the corner of Forest Avenue and Woodland Road (sign 4).
5. Refacing of one free-standing sign, non-illuminated, with approximately 34 sq. ft. of text on a 75 square feet granite and brick base at the corner of Grove Street and Woodland Road (sign 5).

TECHNICAL REVIEW:

- All the proposed free-standing signs are refacing of the existing signs with the same dimensions.

STAFF RECOMMENDATION: Staff recommends approval of refacing of all the existing free-standing signs.

2. 714-724 Beacon Street – The Village Bank

PROJECT DESCRIPTION: The property located at 714-724 Beacon Street is within a Business 2 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 50 sq. ft. of sign area on the northern building façade facing Beacon Street.
2. One wall mounted principal sign, internally illuminated, with approximately 50 sq. ft. of sign area on the western building façade facing the gas station perpendicular to Beacon Street.

TECHNICAL REVIEW:

- As per §5.2.8, *“A business on a corner lot may be allowed 2 principal signs. Frontage on the second street must be at least 75 percent of frontage on first street.”* Both the proposed principal signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two principal signs are allowed on a corner lot, which the applicant is not exceeding, and on this façade of 33 feet, the maximum size of the sign allowed is 100 square feet, which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both principal signs as proposed.

3. 978 Boylston Street – CVS Pharmacy Minute Clinic

PROJECT DESCRIPTION: The property located at 978 Boylston Street is within a Business 2 district and has a special permit via Board Order # 682-68. The applicant is proposing to replace and install the following signs:

1. Refacing of one free-standing sign, internally illuminated, with approximately 37 sq. ft. of sign area perpendicular to Boylston Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 26 sq. ft. of sign area on the northern façade facing the parking lot.
3. One wall mounted secondary sign, internally illuminated, with approximately 65 sq. ft. of sign area on the northern façade facing the parking lot.
4. Window sign appears to be more than 25% of the window size.

TECHNICAL REVIEW:

- The proposed free-standing sign is a reface of the existing sign with the same dimensions.
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 133 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- The second proposed secondary sign appears 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 133 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is exceeding. Per the Zoning Ordinance, there can be 1 secondary sign per building, entrance or frontage on a street or parking area, the applicant has both the secondary signs on the same wall. Staff has spoken to the applicant and they have expressed interest to apply for a Special Permit to allow the secondary sign with 65 square feet of sign area.
- The Window sign appears to be more than 25% of the window area. Staff has spoken to the applicant to provide the exact dimensions of the window and the window sign.

STAFF RECOMMENDATION: Staff recommends approval of the free-standing sign and the secondary sign with 26 square feet of sign area as proposed. Staff seeks recommendation from UDC to the Land Use Committee of the City Council regarding the secondary sign with 65 square feet of sign area. Staff is waiting to receive exact dimensions for the window sign from the applicant.

Fence Appeal

1. 38 Thurston Road

PROJECT DESCRIPTION: The property located at 38 Thurston Road is within a Multi-Residence 1 district. The applicant is proposing to replace and add the following fence:

- a) Front Lot Line – The applicant is proposing to replace existing fence, set at the front property line with a new fence, 6 feet in height, 90 feet in length along the front lot line along Cottage Road.

TECHNICAL REVIEW:

The proposed fence 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.

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.”*

As proposed, the applicant is seeking an exception to allow 6 feet tall fence at the front property line, where the ordinance would permit such a fence to be 4 feet tall at the front property line. The applicant’s stated reasons for seeking this exception are that *“Our property currently has a solid 6-foot fence that has been in place for more than 20 years. It is wood and has deteriorated badly over the past year. We are proposing to replace it with a 6-foot vinyl fence in a mahogany color. The new fence will improve the appearance of our property from the street dramatically and should prove to be more durable than our current fence.*

In installing the new fence, we will follow the same footprint as the current fence. The only usable exterior space for our home is a deck on the back of our property. The deck is only 24 feet from the sidewalk on Cottage Street. A 6-foot solid fence provides privacy and also acts as a sound buffer against traffic on Cottage and pedestrians on the sidewalk. Cottage is very steep and vehicles climbing the hill often race their engines. The fence also provides somewhat of a safety barrier against vehicles, bikers, and skate boarders. Our fence is about 100 feet from the corner so it will not obstruct the view of drivers on Thurston or Cottage. The only other fences on our block of Cottage are a short

(approximately 25 feet) four-foot picket fence and a short (approximately 25 feet) four-foot chain link fence.”

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff’s technical review, staff seeks advise from Urban Design Commission.