



Land Use Committee Report

City of Newton In City Council

Tuesday, April 14, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Auchincloss, Markiewicz, Downs, Bowman, Laredo

Also Present: Councilors Wright, Krintzman

City Staff Present: Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#351-15(2) Petition to amend Special Permit Council Order #351-15 at 1110 Chestnut Street
CHARLES ZAMMUTTO/1110 CHESTNUT STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND Special Permit Order #351-15 to allow changes to the site plan at 1110 CHESTNUT STREET, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 02, containing approximately 22,800 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 8-0; Public Hearing Continued

Note: Attorney Terry Morris, offices at 5-7 Elm Road represented the petitioner, Mr. Charles Zammutto/1110 Chestnut Street LLC. Atty. Morris presented the request to amend the special permit approved as part of the special permit process in 2015. The as-built conditions do not match the site plans in the Board Order and the petitioner proposes an amendment to the special permit to remedy the discrepancy. The changes to the site include retaining walls on the front and southern lot lines. Atty. Morris explained that the retaining walls were constructed at the request of the Department of Public Works and to ensure there is no runoff. He noted that relief was granted in the 2015 special permit for a retaining wall greater than 4' in the setback and stated that the wall was extended further than was reflected on the plans.

Senior Planner Michael Gleba noted that when a site visit was conducted it was found that the wall within the side setback was not granted in the approved order. While the petitioner sought a consistency ruling, it was determined that an amendment to the special permit is necessary. Mr. Gleba stated that the retaining wall is three times as long as what was reflected on the plans, closer to the side property line as well as higher. He explained that due to the lack of relief granted for a retaining wall greater than 4' in the side setback, the Law Department has confirmed that the petition must be re-advertised.

Atty. Morris noted that there are grade changes at the rear and side of the site ranging from 20'-25' and suggested that additional relief is not necessary because there is no potential for adverse impact to abutters.

The Public Hearing was opened.

Charlie Zammutto, 11 Placid Avenue, explained that the wall had to be built because of the neighboring grades.

The Committee agreed to hold the item, understanding the need to re-advertise the petition. Councilor Downs motioned to hold the item which carried 8-0.

#309-19(2) Petition to amend Special Permit #309-19 at 14 Church Street

ETHAN SOLOMON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition, further increasing the non-conforming lot coverage, further extending the nonconforming open space and increasing the nonconforming FAR from .51 to .56 where .46 is allowed at 14 Church Street, Ward 7, Chestnut Hill, on land known as Section 72 Block 22 Lot 03 containing approximately 4,200 sq. ft. in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 04/14/2020

Note: The petitioner, Mr. Ethan Solomon presented the request for a special permit petition to amend special permit Council Order #309-19. Mr. Solomon noted that the special permit to construct a two-story rear addition was approved in October 2019. After approval of the special permit, prior to issuance of a building permit, it was determined that the basement floor exceeds 4' and counts toward Floor Area Ratio (FAR). No changes have been made to the scope of the project, but relief is necessary to increase the non-conforming FAR and open space.

Chief Planner Neil Cronin presented the requested relief, criteria for consideration and proposed plans as shown on the attached presentation. Mr. Cronin confirmed that the only new relief is for nonconforming open space and FAR.

The public hearing was opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing. Councilor Laredo motioned to approve the petition. Committee members expressed no concerns relative to the request and voted unanimously in favor of approval.

#143-20 Petition to allow an accessory structure greater than 700 sq. ft. at 99 Pine Ridge Road

JOHN AND ANNE AUNINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage structure and replace it with a two-car detached garage and covered porch with a total ground floor area of 796 sq. ft. at 99 Pine Ridge Road, Ward 5, Waban, on land known as Section 53 Block 19 Lot 23 containing approximately 12,000 sq. ft. in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.3.A.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 04/14/2020

Note: Petitioners John and Anne Aunins presented the request for a special permit petition to raze an existing detached garage structure and construct a two-car detached garage and covered porch. Because the proposed garage structure is in excess of 700 sq. ft., a special permit is needed. Mr. Aunins explained that the proposed structure incorporates columns that mimic the design of the main dwelling. He noted that there is an alternative design that could be built as a matter of right, but the architecture is not consistent with the design of the dwelling. The proposed garage structure includes a covered porch, potting shed and attic storage space.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, proposed plans and photos of the site as shown on the attached presentation. Mr. Gleba noted that the attic space within the proposed structure can only be accessed via a pull-down ladder or stair.

The Public Hearing was opened.

Peggy Pober, 85 Pine Ridge Road, stated that she has seen and is supportive of the proposed plans. She believes the new garage will be an improvement upon the existing garage.

No other member of the public wished to speak. Councilor Downs motioned to close the public hearing which carried unanimously. It was noted that the columns are west facing and will face the abutter, not the street. Councilor Downs motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown attached. Committee members expressed no concerns relative to the request and voted unanimously in favor of approval.

#144-20 Petition to extend the nonconforming rear setback at 16 Crehore Drive

ANDERS AND HILARY BIALEK petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze one bay in the existing (two-car) detached garage on the property line and construct an attached two-story two-car addition, extending the nonconforming rear setback from 12' to 8.7' where 15' is allowed at 16 Crehore Drive, Ward 4, Lower Falls, on land known as Section 42 Block 20 Lot 06, containing approximately 7,389 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 8-0; Public Hearing Closed 04/14/2020

Note: Petitioners Anders and Hilary Bialek presented the request for a special permit petition to raze an existing single-car garage and construct an attached two-story garage structure. The existing one-car garage is connected to a second one-car garage on the property line at 16 Crehore Drive. The proposed addition will further extend the non-conforming rear setback from 12' to 8.7' where 15' is allowed. The petitioner's architect David Whitney stated that the petitioners worked to find a location on site that is practical and will allow the garage structure to be subservient to the principal structure.

Planning Associate Katie Whewell presented the requested relief and criteria for consideration proposed plans and photos of the site as shown on the attached presentation. Ms. Whewell noted that the proposed structure results in an increase of approximately 786 sq. ft. but confirmed that no FAR relief is necessary, and the structure has been designed to be subservient to the principal structure.

The Public Hearing was opened.

Thomas Holtey, 10 Crehore Drive, owns the other half of the garage. He noted that he has been assured that no damage will occur to his garage and expressed support for the plan, which will be an improvement.

Seeing no other member of the public who wished to speak, Councilor Markiewicz motioned to close the public hearing which carried unanimously. The Committee expressed support for the modifications to the site, noting that the proposed configuration is an improvement. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions and voted unanimously in favor of approval.

#145-20 **Petition to allow accessory apartment exceeding 1,000 sq. ft. at 169 Hunnewell Avenue**
TOM DOWD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to convert space on the third floor of the existing two-family structure to allow an interior accessory apartment exceeding 1,000 sq. ft. at 169 Hunnewell Avenue, Ward 1, Newton, on land known as Section 71 Block 32 Lot 01, containing approximately 9,568 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 8-0; Public Hearing Continued**

Note: Attorney Jordana Greenman represented the petitioner Tom Down. Atty. Greenman presented the request for a special permit petition to locate an accessory apartment on the third floor of an existing two-family structure at 169 Hunnewell Avenue. Because the third floor is 1,092 sq. ft., the proposed accessory unit requires special permit relief for an accessory unit greater than 1000 sq. ft..

Senior Planner Michael Gleba reviewed the requested relief, criteria for consideration, and proposed floor plans, noting that proposed accessory unit is within the existing structure.

The public hearing was opened. No member of the public wished to speak. Atty. Greenman stated that the petitioner is one of the trustees of the trust that owns the property. She stated that the petitioner intends to establish the accessory unit and move into it, possibly converting the three units into condominiums. The Committee questioned whether the ordinance allows the conversion of a floor into an accessory apartment and subsequent conversion of the dwelling units into condominiums for sale. It was noted that while it is the petitioner's intent is to live in the accessory unit, the conversion of units into condominiums for sale is not consistent with the intent of the accessory apartment ordinance. The Committee asked that the petitioner work with the Planning and Law Departments to verify that the petitioner can proceed with the special permit as requested. With that, the Committee voted unanimously in favor of a motion to hold from Councilor Laredo.

#417-12(2) **Petition to amend Board Order #417-12 to allow sign package at The Street**
CHESTNUT HILL SHOPPING CENTER, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #417-12 to allow an updated Comprehensive Sign package to include relief as follows; to allow free standing signs, to allow a free standing sign exceeding 35 square feet, to waive the definition of a directional sign, to waive the

duration event signs may display event information, to waive the maximum size for a directional sign, to allow more than one free-standing sign on each street frontage and to allow signs which do not conform to the standards for number, size location or design of signs at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 63 Block 37 Lots 18A, 26, 27, 22 and 25 in a district zoned BUSINESS 4. Ref: Sec. 7.3.3, 7.4, 5.2.13.A, 5.2.13.B, 5.2.13.C, 5.2.3, 5.2.8 and 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 8-0; Public Hearing Closed 04/14/2020**

Note: Development Manager Amanda Chisholm, WS Development, represented the petitioner the Chestnut Hill Shopping Center, LLC. Ms. Chisholm presented the request to amend Special Permit Board Order #417-12 to allow a new comprehensive sign package for The Street. The proposed sign package includes 60 on site signs, 43 of which are located in Newton and 31 require special permit relief. The proposed signs include wayfinding signs, entrance signs, directory signs and community boards. An example of each of the proposed signs is shown on the attached presentation.

Planning Associate Katie Whewell reviewed the requested relief, criteria for consideration and proposed sign package as shown on the attached presentation. Ms. Whewell noted that the sign package is well developed and includes signs that conform to the ordinance. Relief is required for free-standing signs, signs that exceed 35 sq. ft., signs that communicate events for a duration longer than 14 days, multiple free-standing signs along street frontage and signs that do not meet the definition of a directional sign. Ms. Whewell noted that 18 new vehicular directional signs are proposed in high traffic areas on site and wherever there is covered parking. Additional signs will be located in walkable and pedestrian focused areas. The proposed sign package will contribute to vehicular and pedestrian safety by providing clear signage and direction.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried 8-0. It was noted that the petitioner has consistently cooperated with the Council, sharing plans and design details with Ward 7 Councilors. Councilor Laredo motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. Ms. Whewell noted that the draft conditions are different from the conditions in the Planning Memo. The modifications include a condition that allows the changing of content on common center signs and a condition that allows for relocation of signs as tenants or facades change. The Committee expressed no concerns relative to the petition and voted unanimously in favor approval.

The Committee adjourned at 8:08 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



PETITION #309-19(2) 14 CHURCH STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #309-19(2) TO FURTHER
INCREASE THE NONCONFORMING
FLOOR AREA RATIO AND TO
EXTEND THE NONCONFORMING
OPEN SPACE



APRIL 14, 2020

Requested Relief



Special Permits per §7.8.2.C.2 of the Newton Zoning Ordinance to:

- Amend Council Order #309-19
- Further extend the nonconforming floor area ratio from .51 to .56, where .46 is the maximum allowed as of right (§3.1.9).
- Extend the nonconforming open space from 59 percent to 60 percent, where 65% is the maximum allowed (§3.1.3).

Criteria to Consider



When reviewing this request, the Council should consider whether:

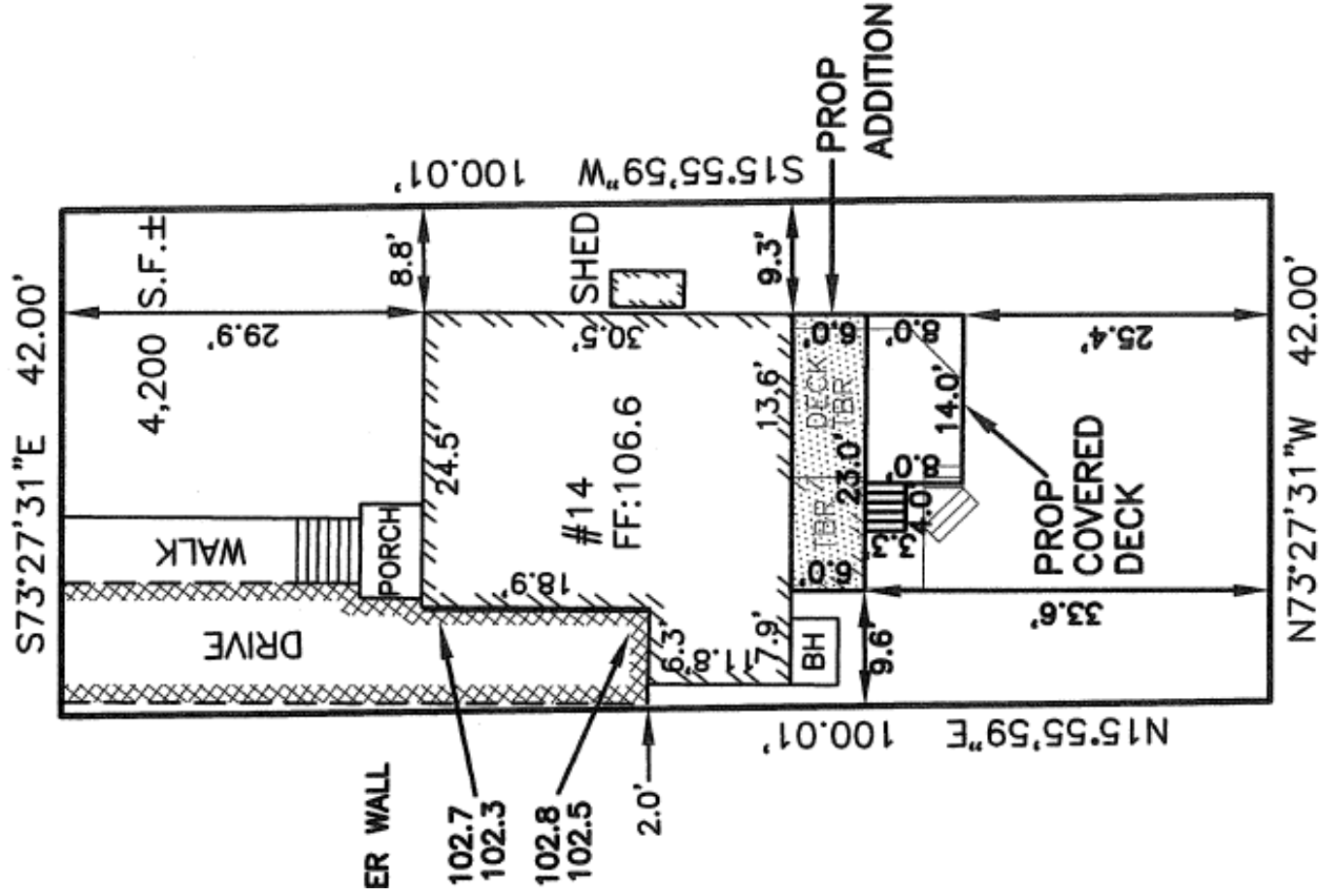
- The increase in the nonconforming floor area ratio is substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3 and §7.8.2.C.2).
- The extension in the nonconforming open space is substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.3 and §7.8.2.C.2).

AERIAL/GIS MAP

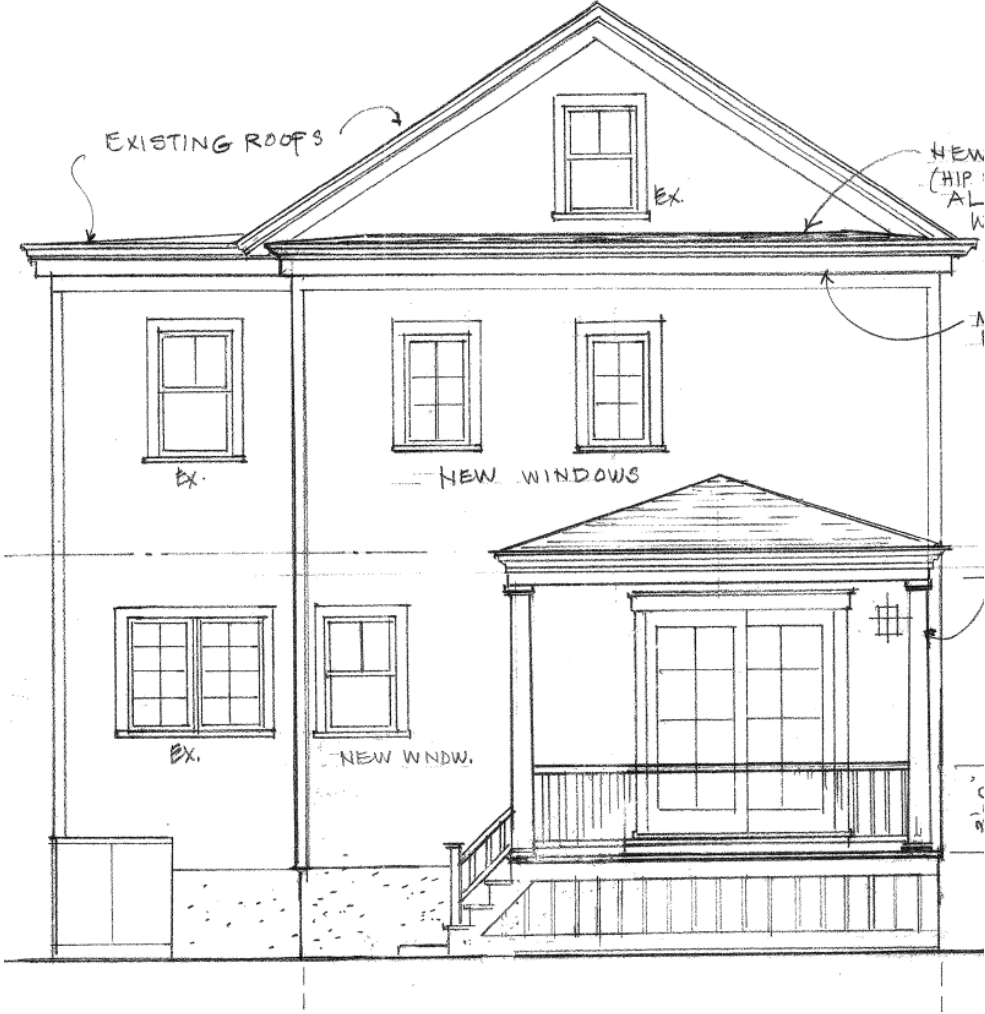


Site Plan

CHURCH STREET



Proposed Rear Elevation



Proposed Findings



1. The proposed increase in the nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed addition is within the footprint and to the rear of the existing structure (§3.1.9 and §7.8.2.C.2).
2. The proposed extension in the nonconforming open space is not substantially more detrimental than the existing nonconforming open space is to the neighborhood because while still nonconforming, the addition increases the amount of open space. (§3.1.3 and §7.8.2.C.2)

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition
3. Standard Certificate of Occupancy Condition

Department of Planning and Development



PETITION # 143-20
99 PINE RIDGE ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO RAZE AN
EXISTING DETACHED GARAGE
STRUCTURE AND REPLACE IT
WITH A TWO-CAR DETACHED
GARAGE AND COVERED PORCH
WITH A TOTAL GROUND FLOOR
AREA OF 796 SQ. FT.

APRIL 14, 2020



Requested Relief



- Special permit per §7.3.3 to allow an accessory structure with a ground floor area greater than 700 square feet (§3.4.3.A.3)

Criteria to Consider



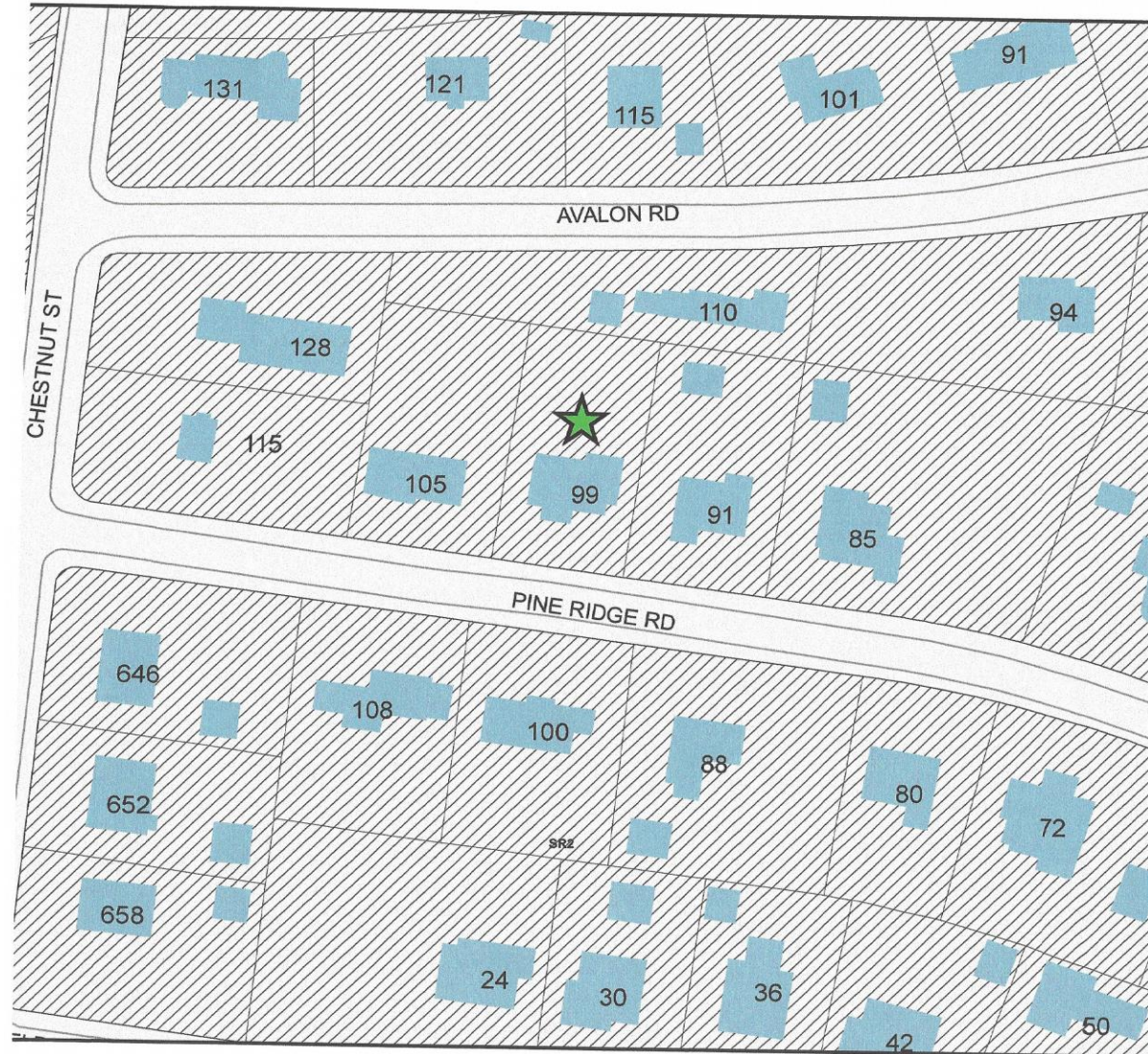
When reviewing the requested special permits the Council should consider whether:

1. The specific site is an appropriate location for the proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space (§7.3.3.C.1)
2. The proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space will adversely affect the neighborhood as (§7.3.3.C.2)
3. The structure as proposed will be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

AERIAL/GIS MAP



Zoning



ATTACHMENT A

Zoning

99 Pine Ridge Road

*City of Newton,
Massachusetts*

Legend

 Single Residence 2



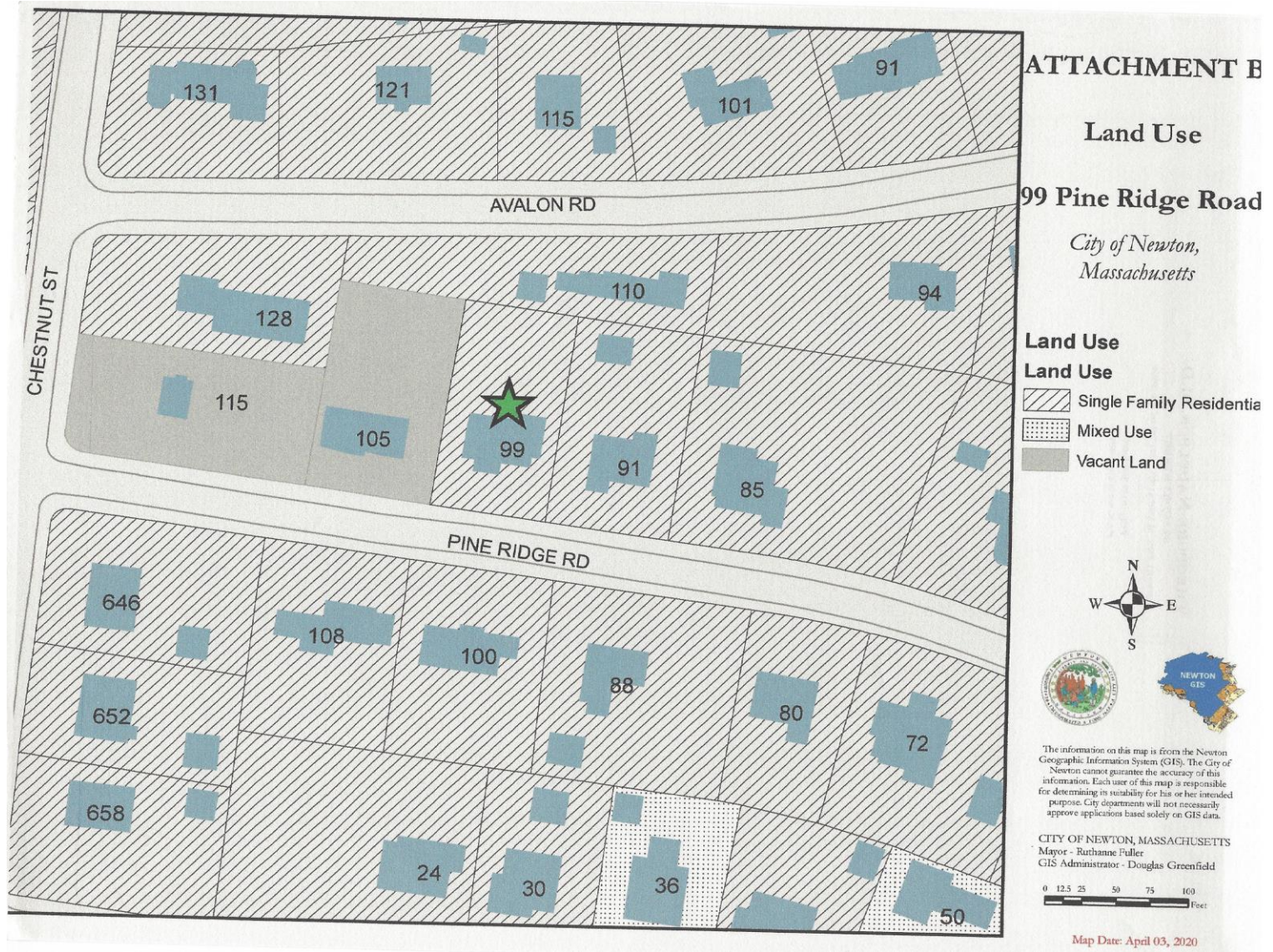
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

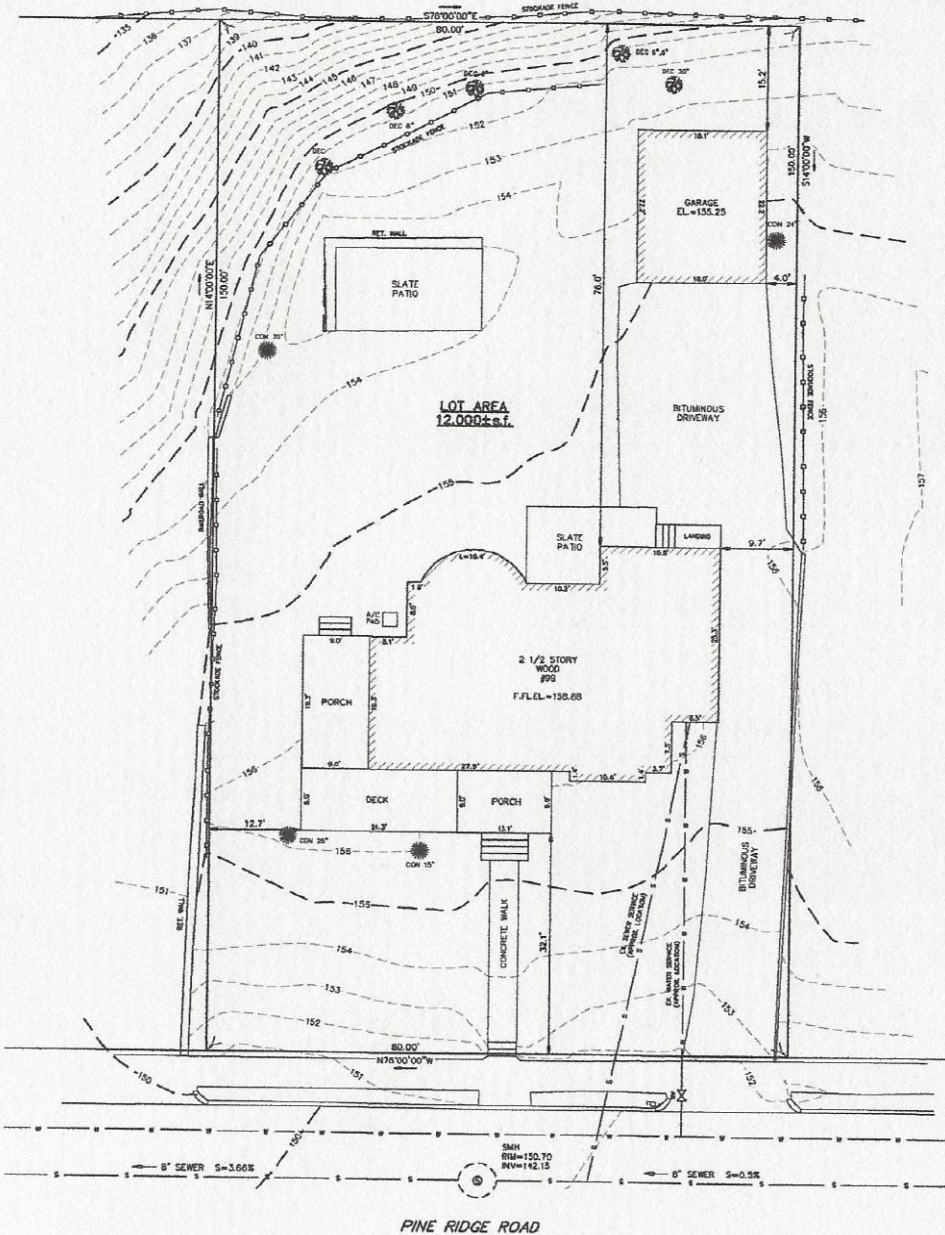
0 12.5 25 50 75 100
Feet

Map Date: April 03, 2020

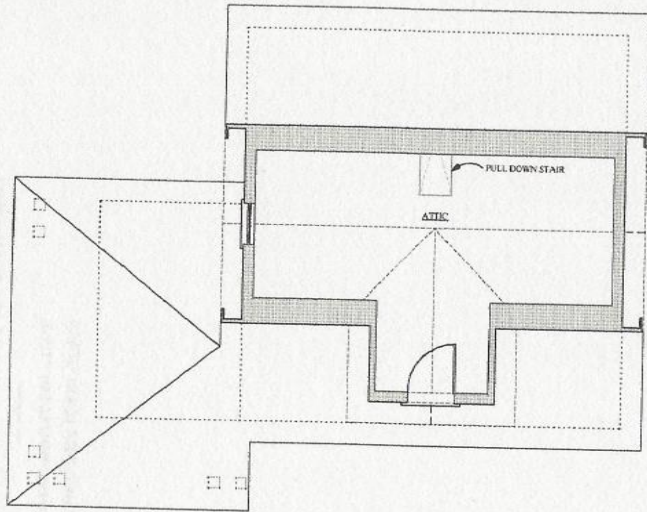
Land Use



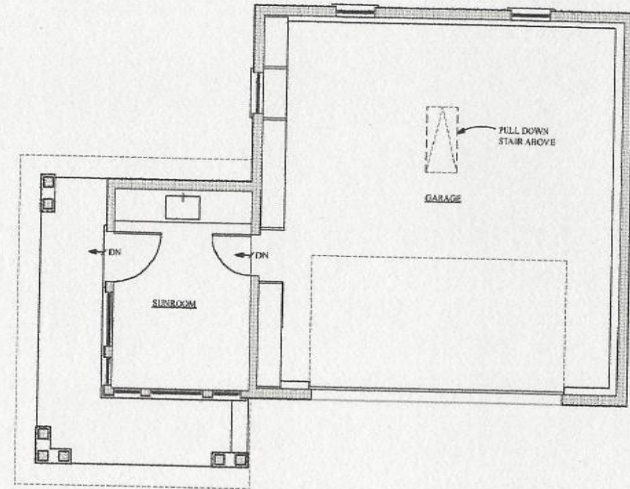
Site Plan- existing



Floor Plans- Garage (2nd and 1st floors)



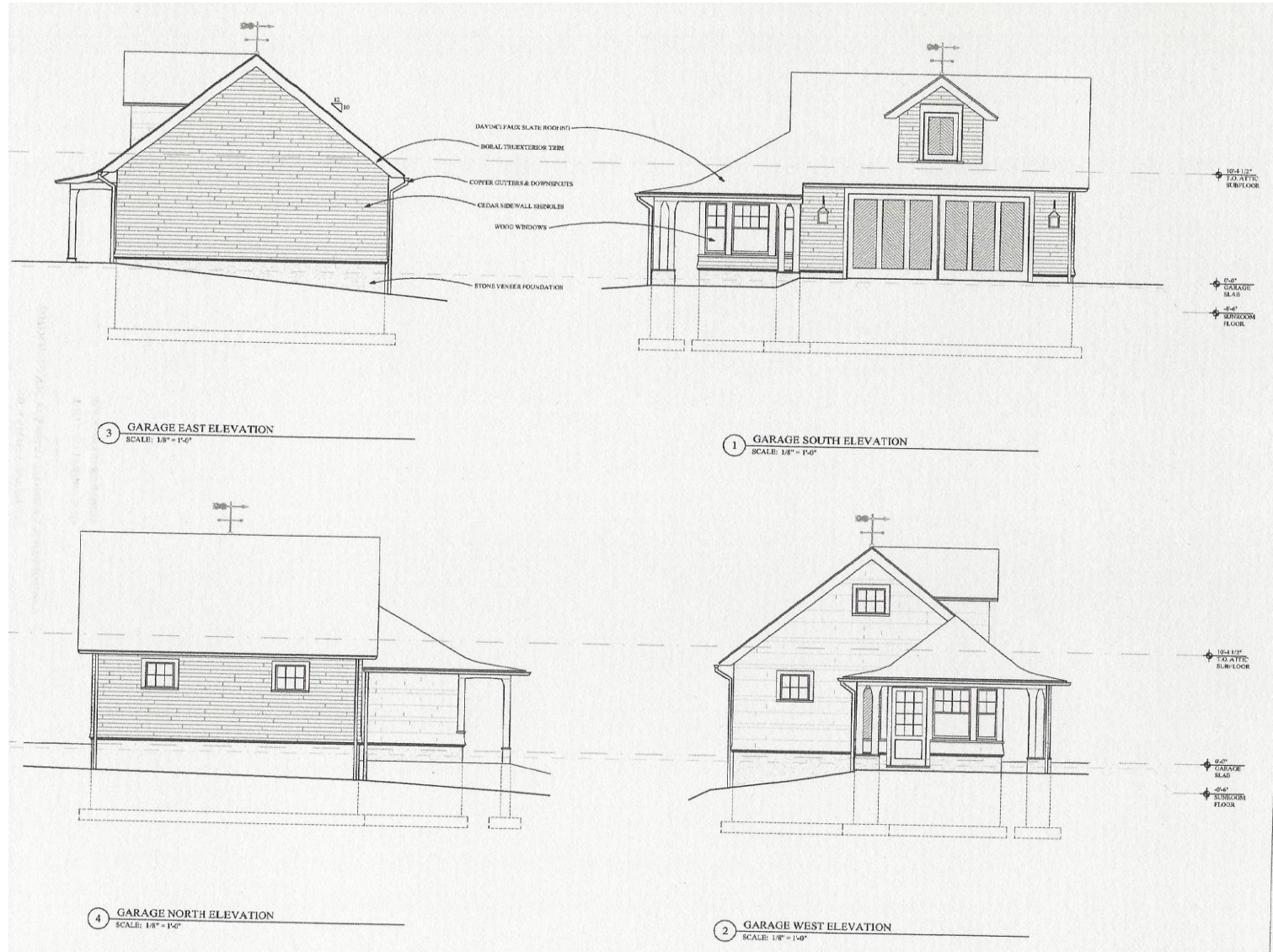
2 GARAGE SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



1 GARAGE FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



Elevations (proposed)



Photo



Proposed Findings



1. The site is an appropriate location for the proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space as it will be located approximately 155 feet from the street and toward the rear of the property and have limited visibility from abutting public ways and properties (§7.3.3.C.1)
2. The proposed accessory structure with a ground floor area in excess of 700 square feet that contains a two-car garage, covered porch, potting shed and attic storage space will not adversely affect the neighborhood as it will be located approximately 155 feet from the street and toward the rear of the property and have limited visibility from abutting public ways and properties (§7.3.3.C.2)
3. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

Proposed Conditions



- Plan Referencing Condition
- Standard Building Permit Condition
- Standard Certificate of Occupancy Condition

Department of Planning and Development



PETITION #144-20
16 CREHORE DRIVE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE
NONCONFORMING REAR
SETBACK

APRIL 14, 2020



Requested Relief



Special Permit per §7.3.3 to

- to further extend a nonconforming rear setback (§3.1.3 and §7.8.2.C.2)

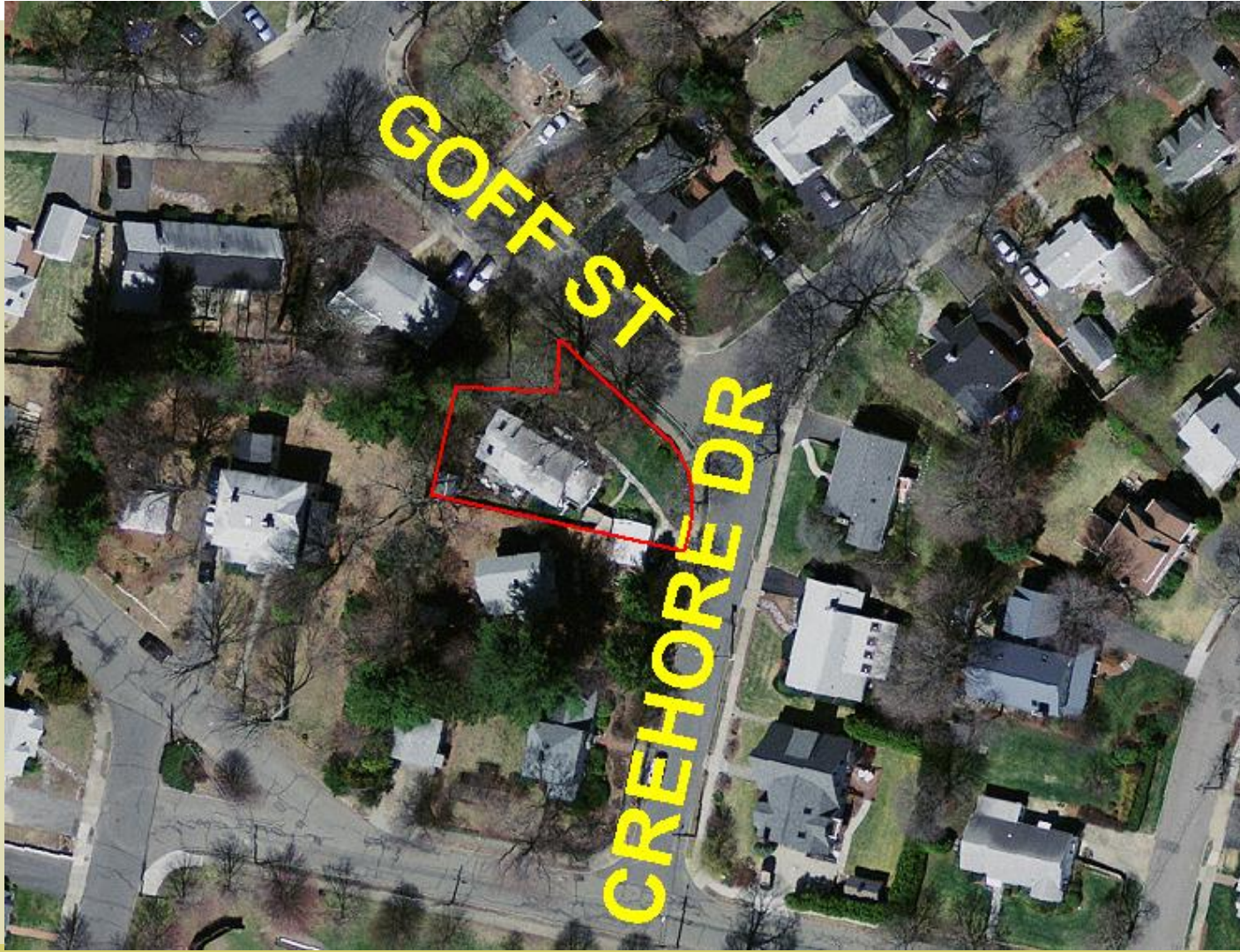
Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The proposed attached garage that would further extend the nonconforming rear setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

Aerial/GIS Map





ATTACHMENT A

Zoning

16 Crehore Drive

*City of Newton,
Massachusetts*

Legend

-  Single Residence 3
-  Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of the information. Each user of the map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Rubenzer Polite
GIS Administrator - Douglas Greenfield



Map Date: March 30, 2020



ATTACHMENT B



Land Use

16 Crehore Drive

City of Newton,
Massachusetts

Legend

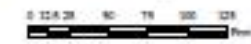
Land Use

-  Single Family Residential
-  Commercial



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Kathleen Fuller
GIS Administrator - Douglas Greenfield



Map Date: March 30, 2020



Elevation – Crehore Drive



at Existing Levels in Bays, STOP EXISTING JOIST, TRUSS / RAFTER IN BAY (SEE SHEET 24.4)

Proposed Findings



1. The proposed extension in the nonconforming rear setback from 12 feet to eight feet, eight inches is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed garage is replacing an existing garage shared with the abutter and eliminates the site's existing nonconforming front setback from Crehore Drive. (§3.1.3 and §7.8.2.C.2)

Proposed Conditions



1. Plan Referencing Condition
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.

Department of Planning and Development



PETITION # 145-20
169 HUNNEWELL AVENUE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONVERT SPACE
ON THE THIRD FLOOR OF THE
EXISTING TWO-FAMILY
STRUCTURE TO ALLOW AN
INTERIOR ACCESSORY
APARTMENT EXCEEDING 1,000
SQ. FT.

APRIL 14, 2020



Requested Relief



- Special permit per §7.3.3 to allow an accessory apartment larger than 1,000 square feet (§6.7.1.D.2)

Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

1. The specific site is an appropriate location for a internal accessory apartment (§7.3.3.C.1)
2. The proposed 1,092 square foot internal accessory apartment will adversely affect the neighborhood (§7.3.3.C.2)
3. The 1,092 square foot internal accessory apartment as proposed will be a nuisance or create a serious hazard to vehicles or pedestrian (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

AERIAL/GIS MAP



Zoning







ATTACHMENT A

Zoning

169 Hunnewell Ave.

*City of Newton,
Massachusetts*

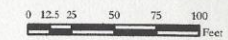
Legend

-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: April 03, 2020

Land Use



ATTACHMENT I




Land Use

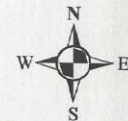
169 Hunnewell Ave

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space



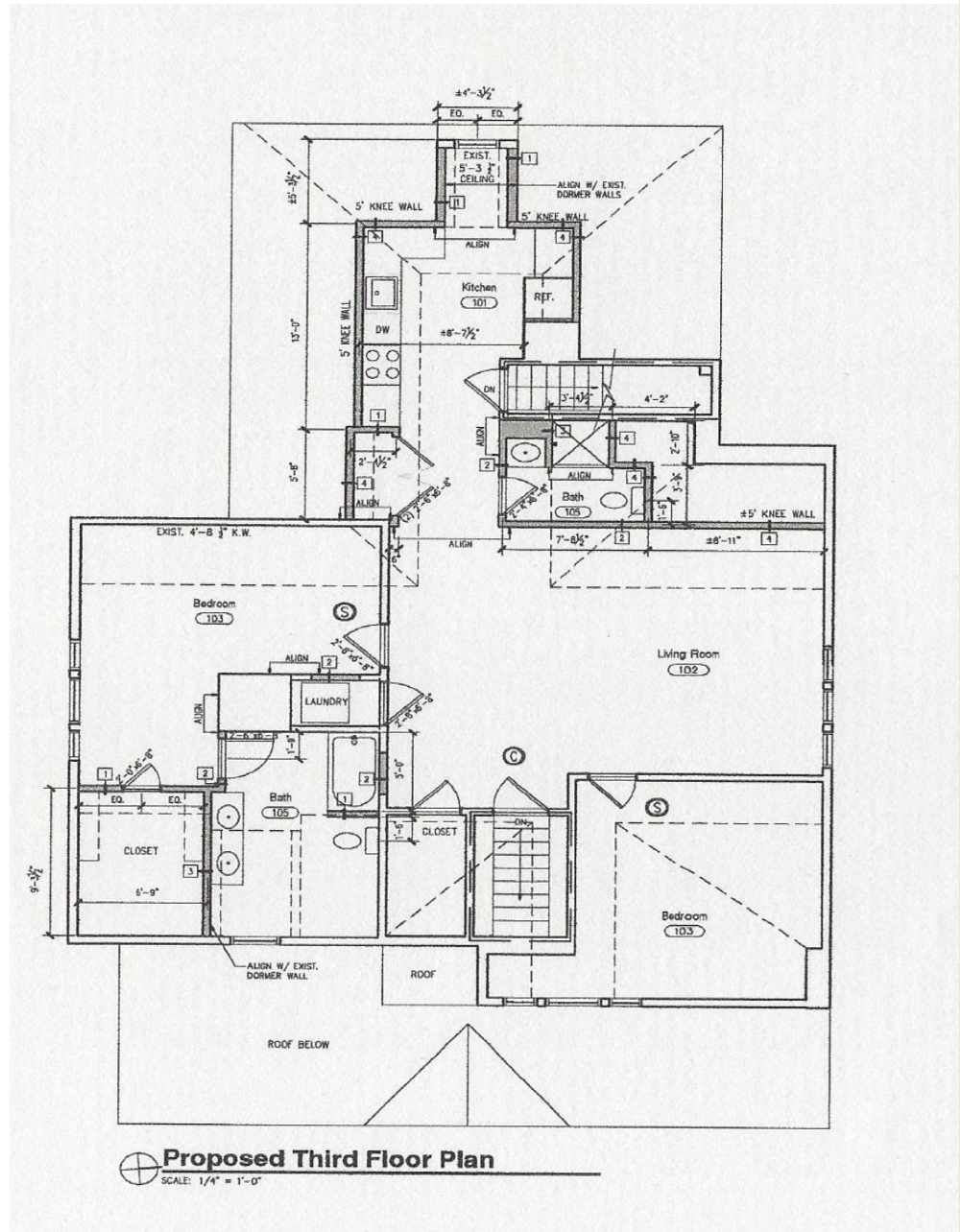
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100
Feet

Map Date: April 03, 2020

Floor Plans



Photos



Photos



Proposed Findings



1. The specific site is an appropriate location for the proposed 1,092 square foot internal accessory apartment within a two-family dwelling in a Multi-Residence 1 (MR1) district because the neighborhood is comprised of a mix of single-, two-, and multi- family dwellings and will contribute to a diversity of housing options (§7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a two-family dwelling (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property's paved parking area is able to accommodate the parking demand of the two principal dwellings and the proposed accessory apartment (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site (§7.3.3.C.4)

Proposed Conditions



- Plan Referencing Condition
- The accessory apartment must be held in common ownership with at least one of the two principal dwelling units.
- The owner of the principal dwelling unit to which the accessory apartment is accessory to shall occupy either the principal unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
- In the event ownership of the subject property changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.

Proposed Conditions (cont.)



- Standard Building Permit Condition
- **Prior to the issuance of any building permit, the Petitioner is required to request a license with the City to permit the subject property's existing encroachment onto the abutting City-owned parcel and agrees to accept all reasonable terms and conditions of such license. In the event that the license is not granted or is later revoked, the Petitioner shall remove the encroachments.**
- No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - Filed a statement by a professional engineer or surveyor certifying substantial compliance with Condition #1
 - Submitted final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

THE STREET: CHESTNUT HILL

SIGNAGE PACKAGE



I. OVERVIEW
SIGN PROGRAM: REQUEST FOR LIMITED RELIEF

During its tenure as owner and manager of The Street, the Applicant has invested heavily in several phases of carefully designed and thoughtfully curated transformation. In addition to bringing new and exciting top tier tenants, a diversification of uses, and building redevelopment, the Applicant has also holistically upgraded pedestrian and vehicular area with new sidewalks, landscaping, pavement and lighting. With the completion of its most recent redevelopment phase in the Spring of 2017, The Street now has a mix of fresh and exciting retailers, restaurants, cinema, boutique fitness clubs, offices, and fantastic public spaces in an open air pedestrian friendly environment. The Street houses brands such as Lululemon, Simon Pearce, National Amusement’s Showcase Superluxe, and also supports local tenants such as The Bagel Table, Chef Ronsky, and Portobello Road. The current property is a collection of six distinct buildings comprising a total of 406,000 square feet with exceptional access and presence on Route 9.

An important element that the property deserves to connect it’s unique components is a high quality, clear pedestrian and vehicular wayfinding signage program. Because of the linear nature of the property, it is especially important to have quality wayfinding signage to allow both pedestrians and vehicles to safely and efficiently navigate our property and to create overall connectivity and cohesion. This document provides an update to our current Comprehensive Sign Permit (2013) with a re-branded free-standing ground sign package. It also provides an updated set of elevations for the 2013 approved wall sign waivers in order to visually clarify the location of both conforming wall signs and those approved by waivers. 55 Boylston has seen infill since the 2013 Special Permit approval and the architectural elevations have been updated to show the wall signage on the new building exterior.

SIGN PROGRAM: PROPERTY MANAGEMENT TEAM

As owner and manager of The Street, the Applicant’s team includes professionals responsible for all on-property signage, for two different categories of signs.

1.) Tenant-installed signage- Each tenant designs and installs its own signage consisting of one or more sign pieces. The number, location, size and details of design & fabrication are subject to the City’s Zoning ordinance or the property specific sign waivers approved through special permit in 2013. In addition, tenant signs are also subject to the applicant’s Tenant Design Manual, which provides much detail to guide individually prepared tenant signs. Before any tenant may apply to Inspectional Services for its sign permit, the applicant’s Tenant Coordinator works closely with the tenant to ensure zoning or waiver conformance and to ensure overall compatibility. Prior to permit submittal, each tenant must obtain final written approval of its signage by the Applicant’s Tenant Coordinator, which is attached to the application that Inspectional Services receives.

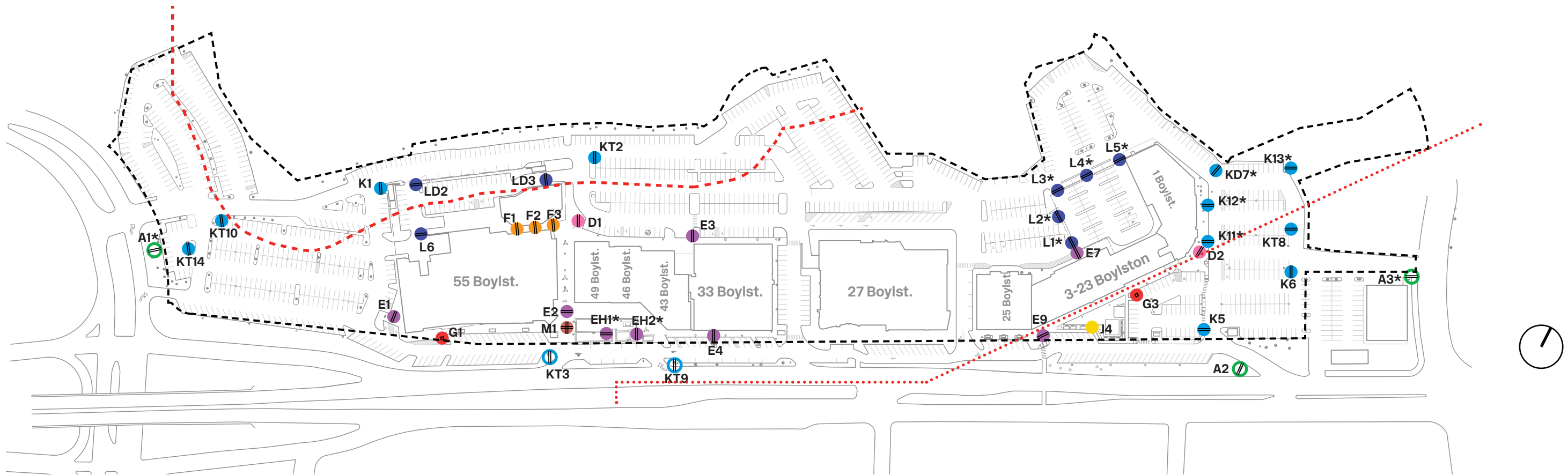
2.) Common area signage-The Applicant’s property management team installs ground and wall mounted signs which present various types of messaging, including: select tenants’ names & branding; place names; wayfinding; advertising; marketing & events information; holiday décor; and other similar content. These signs are designed, fabricated and installed by the Applicant (although in some instances a tenant’s sign piece is a distinct and integral part of a common area sign). The Applicant submits sign permit applications for common area signs to the City. The management and maintenance of these common area signs by Applicant’s property management team occurs on a continuing basis with content revised and updated as appropriate.

- Type A ● Entrance Sign
- Type D ● Community Boards/Directory
- Type E ● Small Directory
- Type EH ● Small Planter Sign
- Type F ● Pedestrian Directional - Wall
- Type G ● Pedestrian Directional - Ground
- Type J4 ● Park Bench Tags
- Type J8 ● Planter Signs

- Type K ● Vehicular Directional - Ground
- Type KD ● Double Vehicular Directional - Ground
- Type KT ● Tall Vehicular Directional - Ground
- Type L ● Vehicular Directional - Suspended
- Type LD ● Double Vehicular Directional - Suspended
- Type M ● Pedestrian Directional Arrows

- Property Line
 - - - Wetlands Buffer
 - === Sign Orientation Indicator (see within each dot)
 - Town Line (Brookline vs. Newton)
- Note: "H" designates horizontal orientation.

* Asterisk indicates current sign replacements



Scale = N.T.S.

PROPOSED SIGNAGE INSTALLATION

SIGN DIAGRAMS:



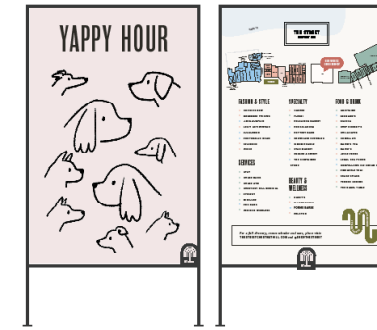
Type A1.1, A2 ● Entrance Monument



Type A3



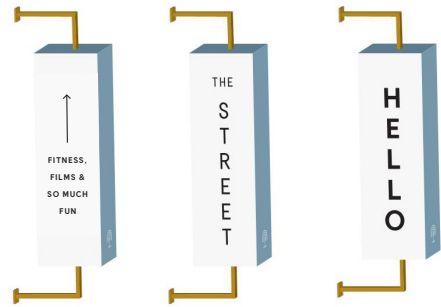
Type D ● Large Community Board/Directory



Type E ● Small Directory



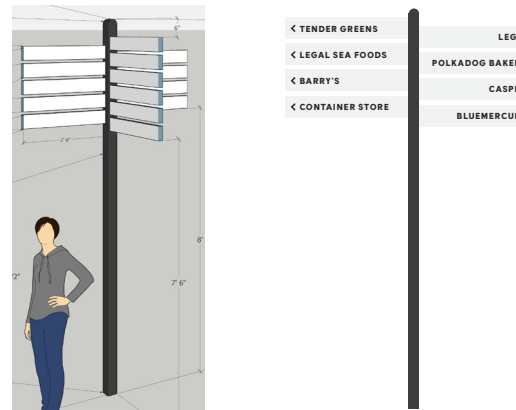
Type EH ● Small Planter Sign



Type F ● Pedestrian Directional - Wall



Type G ● Pedestrian Directional - Ground



Type M ● Pedestrian Directional Arrows



Type J4 ● Bench Sign (x6)



Type J8 ● Planter Sign (x10)



Type K ● Vehicular Directional - Ground



Type KD ● Double Vehicular Directional - Ground



Type KT ● Tall Vehicular Directional - Ground



Type L ● Vehicular Directional - Suspended



Type L ● Double Vehicular Directional - Suspended

NOTE: EXAMPLE COPY

THANK YOU!

Department of Planning and Development



PETITION #417-12 (2)

TO AMEND BOARD ORDER #417-12
TO AMEND THE COMPREHENSIVE
SIGN PACKAGE TO INCLUDE RELIEF
WAIVERS TO THE NUMBER, SIZE,
LOCATION AND TYPES OF SIGNS AT
1-55 BOYLSTON STREET

APRIL 14, 2020



1-55 Boylston Street

Requested Relief



Special Permits per §7.3.3 of the NZO to:

- Allow a comprehensive sign package with waivers to the number, type, location, and size of signs (§5.2.3, §5.2.8, §5.2.13)

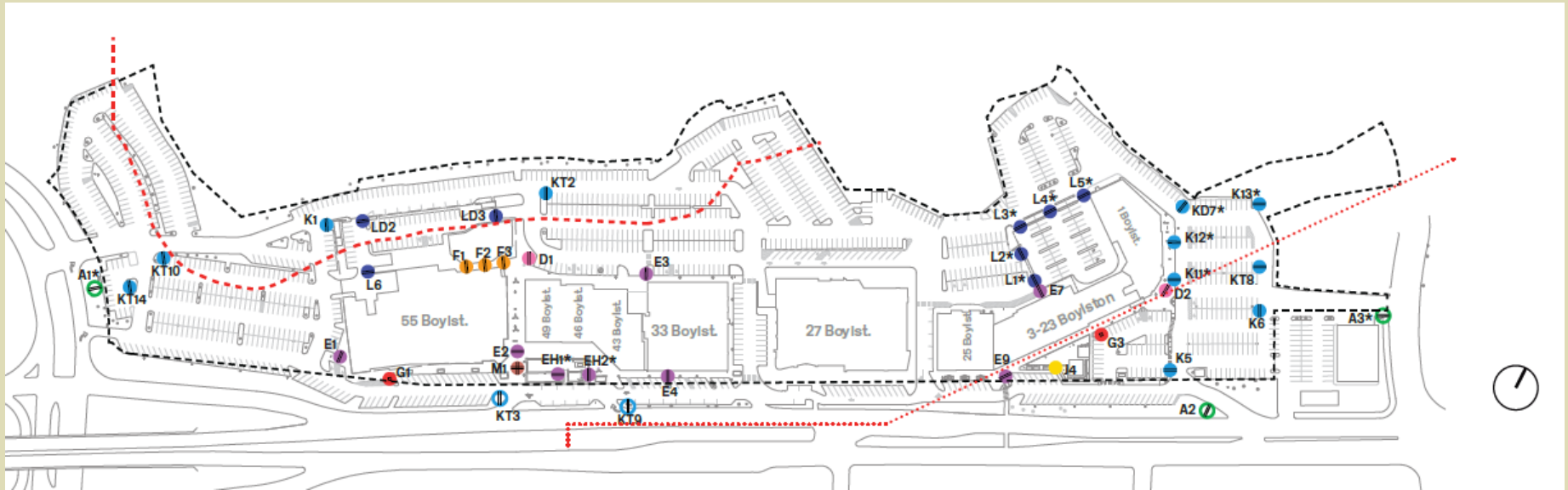
Criteria to Consider



When reviewing the requested special permit the Council should consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.3, §5.2.8, §5.2.13)
- The specific site is an appropriate location for the proposed amendments to previously approved comprehensive sign package. (§7.3.3.C.1)
- The proposed sign package will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians; (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

AERIAL/GIS MAP



Freestanding Signs – Special Permit



A. Hammond Pond Parkway Frontage, 41 sq. ft.



E. Five signs, 15 sq. ft.



D. Two signs, 42 sq. ft.



EH. Two signs, 8 sq. ft.

Vehicular Directional Signs



K. Four signs, 5.5 sq. ft.



KD. One sign, 5.44 sq. ft. each sign



KT. Five signs, 8 sq. ft.



L. Six signs, 7 sq. ft.

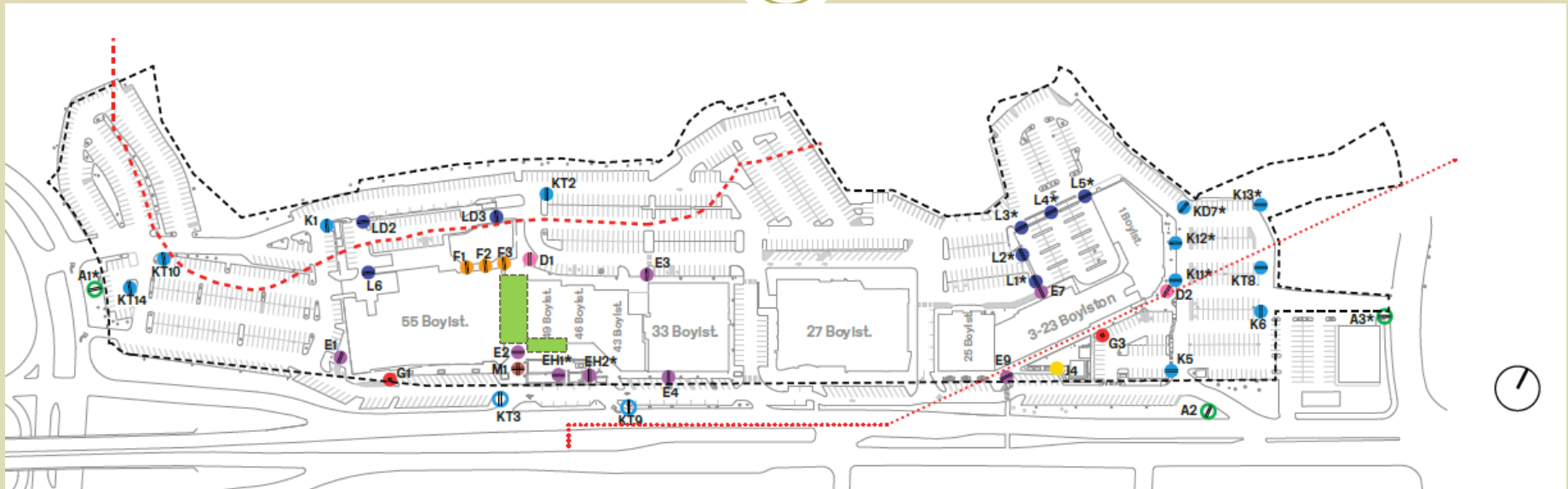


LD. Two signs, 7 sq. ft. each sign

Miscellaneous Signs



Planning Department Analysis



Signs are in suitable locations based on type of signs:

- Pedestrian signs focused on areas designed to encourage higher foot traffic and draw people to those areas
- Vehicular signs are in high traffic areas and covered parking areas, will be highly visible and aid in wayfinding and safety for vehicle and pedestrians.

Proposed Findings



1. The exceptions to the number, size, location, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front three different public ways, contain pedestrian corridors, create a sense of place within the site and have multiple access points for vehicles and pedestrians; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the *2007 Comprehensive Plan*. (§5.2.3, §5.2.8, and §5.2.13)
2. The site is an appropriate location for the proposed sign package due to the site's mixed-use nature, and its location on Route 9/Boylston Street. (§7.3.3.C.1)
3. The proposed sign package will not adversely affect the neighborhood as the signs are well placed within the site and few signs will be visible from surrounding residential properties. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians as the signs provide clear wayfinding for both modes of transport (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

Proposed Conditions



1. Plan References
2. All signs shall be designed and installed to comply with applicable building codes.
3. The Petitioner will control the content of all signage and may change content of the Common Center signs in the ordinary course of operating the Center so long as such changes are consistent with this order and section 5.2 of the Newton Zoning Ordinance. Common Center signs shall refer to directory and event sign types. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services and Director of Planning and Development for review and approval. The building permit application shall include a location map.

Proposed Conditions



4. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Common Center signs and individual tenants and tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:

- a. If such changes conform to the requirements of Section 5.2 of the Newton Zoning Ordinance, as modified by the exceptions granted in this Council Order or Special Permit #417-12, and are deemed consistent with the Comprehensive Sign Package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.

- b. If such changes either do not comply with Section 5.2 of the Newton Zoning Ordinance, as modified by the exceptions granted in this Council Order or Special Permit #417-12, or are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the petitioner shall seek an amendment to this special permit.

Proposed Conditions



5. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
6. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
7. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
8. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.

Proposed Conditions



9. This Council Order allows the modifications to the wall signage for the 55 Boylston Street building as shown on the approved plans to reflect the physical changes to that building since the 2013 original comprehensive sign package approval. This shall only apply to the placement of signs and minor updates consistent with Board Order 417-12 and shall not apply to any dimensional standards of the sign(s) such as sign area.
10. Tenant and common signs approved through this special permit for a specific building on the property remain in effect for any alteration or replacement of that building if the building is modified or redeveloped in some way that makes the existing sign placement as displayed in the approved plan set no longer feasible. This shall only apply to the placement of signs and minor updates consistent with 417-12 and shall not apply to any dimensional standards of the sign(s) such as sign area.
11. Building/Sign Permit standard condition
12. Final Inspection standard condition