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## STAFF MEMORANDUM

Meeting Date: **Wednesday, August 12, 2020**  
DATE: August 7, 2020  
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. 776-1 Beacon Street – Cambridge Trust**

PROJECT DESCRIPTION: The property located at 776 Beacon Street is within Business 1 zoning district. The applicant is proposing to replace and install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 51 sq. ft. of sign area on the northern façade facing Langley Road.

2. One wall mounted secondary sign, externally illuminated, with approximately 9 sq. ft. of sign area on the southern façade facing the rear parking lot.

**TECHNICAL REVIEW:**

- The proposed 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 not exceeding, and on this façade of 45 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- 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 29 feet, the maximum size of the sign allowed is 29 sq. ft., which the applicant is also not exceeding.

**STAFF RECOMMENDATION:** Staff recommends approval of both the principal and secondary signs as proposed.

***2. 1089 Washington Street/58 Cross Street - Ascend***

**PROJECT DESCRIPTION:** The property located at 58 Cross Street is within a Business 2 district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 32 sq. ft. of sign area on the southern façade facing Washington Street.
2. One window sign, internally illuminated, with approximately 12 sq. ft. of sign area on the southern façade facing Washington Street.
3. One wall mounted secondary sign, internally illuminated, with approximately 18 sq. ft. of sign area on the western façade facing the parking lot.

**TECHNICAL REVIEW:**

- The proposed 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 not exceeding, and on this façade of 65 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- 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 85 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- The window sign does not appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, window sign is allowed by right, the maximum size of the window sign allowed is up to 25% of window area through

which they are visible, which the applicant is exceeding. Staff has informed the applicant about the window sign and is waiting to hear back from the applicant.

STAFF RECOMMENDATION: Staff recommends approval of both the principal and secondary signs as proposed. Staff will have a recommendation about the window sign at the August 12<sup>th</sup> UDC meeting.

### **3. 255-257 Newtonville Avenue - CubeSmart**

PROJECT DESCRIPTION: The property located at 255-257 Newtonville Avenue is within a Manufacturing district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 70 sq. ft. of sign area on the northern façade facing Massachusetts Turnpike.
2. One wall mounted secondary sign, internally illuminated, with approximately 50 sq. ft. of sign area on the southern façade facing Newtonville Avenue.
3. One free-standing directional sign, non-illuminated, with approximately 3 sq. ft. of sign area facing Newtonville Avenue.
4. One wall mounted secondary sign, non-illuminated, with approximately 5 sq. ft. of sign area on the western façade facing the side parking lot.

#### TECHNICAL REVIEW:

- The proposed 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 not exceeding, and on this façade of 206 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- Both 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 312 feet, the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- The directional sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, directional signs of up to 3 sq. ft. are allowed, which the applicant is not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the principal, both secondary, and the directional signs as proposed.

## **Fence Appeal**

### **1. 50 Fairfield Street Fence Appeal**

PROJECT DESCRIPTION: The property located at 50 Fairfield Road is within a Multi-Residence 1 district. The applicant is proposing to replace and add the following fence:

- a) Front Lot Line along Fairfield Street– The applicant is proposing to add a fence along Fairfield Street, set at the front property line with a new solid fence:
  - a. 4 feet in height, 72 feet in length,
  - b. 5 feet in height, 8 feet in length,
  - c. 6 feet in height, 8 feet in length.
- b) Front Lot Line along the corner of Fairfield Street and Highland Street – The applicant is proposing to add a fence along the corner of Fairfield Street and Highland Street, set at the front property line with a new solid fence:
  - a. 6 feet in height, 12 feet in length.
- c) Front Lot Line along Highland Street – The applicant is proposing to add a fence along Highland Street, set at the front property line with a new solid fence:
  - a. 6 feet in height, 64 feet in length.
- d) Side Lot Line on the Eastern Side – The applicant is proposing to add a new solid fence:
  - a. 6 feet in height, 16 feet in length,
  - b. 5 feet in height, 168 feet in length.
- e) Side Lot Line on the Northern Side – The applicant is proposing to add a new solid fence:
  - a. 5 feet in height, 20 feet in length.

TECHNICAL REVIEW:

The proposed fence along the front property line on Fairfield Street, 4 feet in height, 72 feet in length appears to be consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

The proposed fence along the front property line on Fairfield Street, 5 feet in height, 8 feet in length and 6 feet in height, 8 feet in length 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."*

*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.”*

The proposed fence along the front property line at the corner of Fairfield Street and Highland Street, 6 feet in height, 16 feet in length 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(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.”*

The proposed fence along the front property line along Highland Street, 6 feet in height, 64 feet in length 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.”*

*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.”*

The proposed fence along the eastern side property line, 6 feet in height, 2 feet in length appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances. The remainder of the fence along the side lot line appears to be consistent.

*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.”*

The proposed fence along the northern side property line, 5 feet in height, 20 feet in length appears to be consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

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 5 feet tall solid fence at the front property line and 6 feet tall solid fence at the front property line for a length of 86 feet, where the ordinance would permit such a fence to be 4 feet tall. The applicant’s stated reasons for seeking this exception are that *“Our current 6-foot high corner fence has not, for more than two decades since its installation, posed a traffic hazard for motorists because of the way Highland Street curves slightly away (about 15 degrees) from Fairfield Street (see attached aerial photos on page 2), resulting in a wider angle of the corner. In addition, the wide sidewalk provides further clearance. As shown in the street view photos from a motorist’s viewpoint on pages 3 and 4, the motorists’ view is not obstructed by our existing fence and having the 4-foot high fence will not change the view as a motorist drives up the hill.*

*Highland Street westbound is a fairly steep up hill, about 30 degrees. Our house sits much lower than street level and the windows of the first-floor unit bedrooms are only inches above the ground and therefore way below eye level from the street (see attached views of property from Highland Street on page 5). Having the 6-foot fence will provide us with some much-needed privacy. In addition, traffic, both pedestrian and*

*motorist, has always been busy on Highland Street, especially when school is in session, and we have had our fair share of random objects being thrown into our yard from the street for the 30+ years we have lived here.*

*We hope that the attached street views and aerial photos will illustrate clearly that having the 6-foot corner fence will not create a traffic hazard but will help reduce the noise level and protect the privacy and safety of our property.”*

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

## **Design Consistency Review**

### **1. 156 Oak Street – Northland Design Consistency Review – Process**

Staff will send materials next week for a discussion about the process. Please note that the applicant has not yet applied for a consistency review. This meeting is to discuss the process after the applicant applies in fall.