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## STAFF MEMORANDUM

Meeting Date: **Wednesday, September 9, 2020**  
DATE: September 4, 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. 1169 Walnut Street – Lakon Paris**

PROJECT DESCRIPTION: The property located at 1169 Walnut Street is within Business 1 zoning district. The applicant is proposing to install the following signs:

1. One awning sign, non-illuminated, with approximately 3.4 sq. ft. of sign area on the eastern façade facing Walnut Street.

2. One awning sign, non-illuminated, with approximately 3.4 sq. ft. of sign area on the southern façade facing Lincoln Street.
3. One perpendicular principal sign, non-illuminated, with approximately 2 sq. ft. of sign area at the corner of Walnut Street and Lincoln Street.

**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 10 feet, the maximum size of the sign allowed is 30 sq. ft., which the applicant is also not exceeding.
- Both the proposed awning signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, awning signs of up to 20% of awning area are allowed, which the applicant is not exceeding.

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

**2. 100 Needham Street – Alex & Co.**

**PROJECT DESCRIPTION:** The property located at 100 Needham Street is within Mixed Use 2 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted secondary sign, internally illuminated, with approximately 46 sq. ft. of sign area on the southwestern façade facing the parking lot.

**TECHNICAL REVIEW:**

- 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 96 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- There are currently two existing principal wall signs at this location.

**STAFF RECOMMENDATION:** Staff recommends approval of the secondary sign as proposed.

**3. 104 Needham Street – Gym Source**

**PROJECT DESCRIPTION:** The property located at 104 Needham Street is within Mixed Use 2 zoning district. The applicant is proposing to install the following sign:

1. One free-standing principal sign, internally illuminated, with approximately 82 sq. ft. of sign area perpendicular to Needham Street.

**TECHNICAL REVIEW:**

- The proposed free-standing principal sign appears to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one free-standing principal sign is allowed, which the applicant is not exceeding, the maximum size of the sign allowed is 35 sq. ft. and height of 16 feet, which the applicant is exceeding. The applicant can seek a waiver from the City Council to increase the height and area of the free-standing sign. Per Zoning ordinance §5.2.13 *“A. In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.*  
*B. In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.”*

STAFF RECOMMENDATION: Staff seeks recommendation from UDC regarding the proposed free-standing sign to the Land Use Committee of the City Council.

#### **4. 245 Walnut Street – Trio Newton Building Sign**

PROJECT DESCRIPTION: The property located at 245 Walnut Street is within Mixed Use 4 zoning district and has a comprehensive sign package (still pending approval by UDC). The applicant is proposing to install the following sign:

1. One wall mounted principal identity sign, internally illuminated, with approximately 59 sq. ft. of sign area on the southeastern façade at the corner of Washington Street and Walnut Street.

TECHNICAL REVIEW:

- The project at 845 Washington Street and 245 Walnut Street has a Special Permit to waive the number, size, location, and height of signs pursuant to section 5.2.13. The Board Order has a condition that asks that the applicant submit a Comprehensive Sign Package including tenant signage to Urban Design Commission for review.
- The applicant presented the proposed sign package at the Urban Design Commission meeting on February 20<sup>th</sup> and March 13<sup>th</sup>, 2019. Based on the feedback from Commission members last year, the applicant has submitted a revised sign package.
- Staff has some questions regarding the proposed comprehensive sign package and has asked the applicant for a revised list.

STAFF RECOMMENDATION: Staff will have a recommendation regarding consistency with the proposed CSP at the UDC meeting.

## **5. 229 Walnut Street – The Barn**

PROJECT DESCRIPTION: The property located at 229 Walnut Street is within Mixed Use 4 zoning district and has a comprehensive sign package. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, non-illuminated, with approximately 48 sq. ft. of sign area on the eastern façade facing Walnut Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 36 sq. ft. of sign area on the western façade facing the parking lot.
3. One wall mounted secondary sign, internally illuminated, with approximately 17 sq. ft. of sign area on the southern façade facing the plaza.

### TECHNICAL REVIEW:

- The project at 845 Washington Street and 245 Walnut Street has a Special Permit to waive the number, size, location, and height of signs pursuant to section 5.2.13. The Board Order has a condition that asks that the applicant submit a Comprehensive Sign Package including tenant signage to Urban Design Commission for review.
- The applicant presented the proposed sign package at the Urban Design Commission meeting on February 20<sup>th</sup> and March 13<sup>th</sup>, 2019. Based on the feedback from Commission members last year, the applicant has submitted a revised sign package.
- 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 53 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- Both the proposed secondary signs appear 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 53 and 49 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- Staff has some questions regarding the proposed comprehensive sign package and has asked the applicant for a revised list.

STAFF RECOMMENDATION: Staff will have a recommendation regarding consistency with the proposed CSP at the UDC meeting.

## **6. 287 Newtonville Avenue – Building Monument Sign**

PROJECT DESCRIPTION: The property located at 287 Newtonville Avenue is within Manufacturing zoning district. The applicant is proposing to install the following sign:

1. One free-standing principal sign (building sign), internally illuminated, with approximately 48 sq. ft. of sign area at the corner of Newtonville Avenue and Albany Street.

TECHNICAL REVIEW:

- The proposed free-standing principal sign appears to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one free-standing principal sign is allowed, which the applicant is not exceeding, and the maximum size of the sign allowed is 35 sq. ft., which the applicant is exceeding. The applicant can seek a waiver from the City Council to increase the height and area of the free-standing sign. Per Zoning ordinance §5.2.13 “A. *In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.*  
B. *In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.”*

STAFF RECOMMENDATION: Staff seeks recommendation from UDC regarding the proposed free-standing sign to the Land Use Committee of the City Council.

## **7. 287 Newtonville Avenue – Clark**

PROJECT DESCRIPTION: The property located at 287 Newtonville Avenue is within Manufacturing zoning district. The applicant is proposing to install the following signs:

1. One free-standing principal sign, internally illuminated, with approximately 11 sq. ft. of sign area at the corner of Newtonville Avenue and Albany Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 54 sq. ft. of sign area on the northern façade facing Massachusetts Turnpike (I-90).
3. One wall mounted secondary sign, internally illuminated, with approximately 17 sq. ft. of sign area on the southern façade facing the parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one free-standing principal sign is allowed, which the applicant is not exceeding. The building owner will be seeking a waiver from the City Council for the free-standing sign.

- The proposed secondary sign (54 sq. ft.) 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 140 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is exceeding. The applicant can seek a waiver from the City Council to increase the area of the secondary sign.
- The proposed secondary sign (17 sq. ft.) 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 66 feet, the maximum size of sign allowed is 50 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the secondary sign (17 sq. ft.) as proposed. Staff seeks recommendation from UDC regarding the secondary sign (50 sq. ft.) to the Land Use Committee of the City Council.

## **8. 287 Newtonville Avenue – Tiem**

PROJECT DESCRIPTION: The property located at 287 Newtonville Avenue is within Manufacturing zoning district. The applicant is proposing to install the following signs:

1. One free-standing principal sign, internally illuminated, with approximately 11 sq. ft. of sign area at the corner of Newtonville Avenue and Albany Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 43 sq. ft. of sign area on the northern façade facing Massachusetts Turnpike (I-90).
3. One wall mounted secondary sign, internally illuminated, with approximately 13 sq. ft. of sign area on the eastern façade facing the parking lot.

### TECHNICAL REVIEW:

- The proposed principal sign appears to be not consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one free-standing principal sign is allowed, which the applicant is not exceeding. The building owner will be seeking a waiver from the City Council for the free-standing sign.
- The proposed secondary sign (43 sq. ft.) 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 140 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign (13 sq. ft.) 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 90 feet, the maximum size of sign allowed is 50 sq. ft., which the applicant is also not exceeding.

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

## **9. 780 Beacon Street – Santander Bank**

PROJECT DESCRIPTION: The property located at 780 Beacon Street is within Business 1 zoning district. The applicant is proposing to replace and install the following signs:

1. One free-standing principal sign, internally illuminated, with approximately 24 sq. ft. of sign area perpendicular to Beacon Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 35 sq. ft. of sign area on the northern façade facing Beacon Street.
3. Reface of one wall mounted secondary sign, internally illuminated, with approximately 6 sq. ft. of sign area on the eastern façade facing the drive-through.
4. Eight directional signs, non-illuminated, with approximately 2-3 sq. ft. of sign area at various locations.
5. Window sign, non-illuminated, with approximately 4 sq. ft. of sign area

### TECHNICAL REVIEW:

- The proposed free-standing principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one free-standing principal sign is allowed, which the applicant is not exceeding.
- Both the proposed secondary signs appear 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 40 and 70 feet, the maximum size of each sign allowed is 40 and 50 sq. ft. respectively, which the applicant is also not exceeding.
- All the eight directional signs appear 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.
- The window sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, window signs of up to 25% of window area are allowed which the applicant is not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the free-standing sign, both the secondary signs, eight directional signs, and the window sign as proposed.

## **Comprehensive Sign Package**

### **1. 845 Washington Street & 245 Walnut Street – Trio Newton**

PROJECT DESCRIPTION: The applicant is proposing to create a comprehensive sign package at the proposed Trio Newton (previously called “Washington Place”) project. The project at 845 Washington Street and 245 Walnut Street has a Special Permit to waive the number,

size, location, and height of signs pursuant to section 5.2.13. The Board Order has a condition that asks that the applicant submit a Comprehensive Sign Package including tenant signage to Urban Design Commission for review.

The applicant presented the proposed sign package at the Urban Design Commission meeting on February 20<sup>th</sup> and March 13<sup>th</sup>, 2019. Based on the feedback from Commission members last year, the applicant has submitted a revised sign package.

The UDC made the following recommendations at the March 13<sup>th</sup>, 2019 UDC meeting:

1. Awning: 1 graphic awning per elevation for each business. Signage (text) on the awnings should only be on the valance portion of the awning.
2. UDC would like to review illumination for the “Trio Newton” (previously Washington Place) sign.
3. UDC would like to review Art Center signage.
4. All blade signs can be up to 3 feet, both in width and height, a maximum of 9 sq. ft.
5. The restaurant corner sign should be below the second-floor window.
6. If the existing free-standing sign at the corner of Walnut Street and the rear parking entrance way is not approved by the Commissioner of Inspectional Services, UDC does not approve a new sign.

The applicant is proposing the following signage:

**Building Identification Signs**

1. One wall mounted principal identity sign, internally illuminated, with approximately 23 sq. ft. of sign area on the western building façade facing Washington Terrace.
2. One wall mounted principal identity sign, internally illuminated, with approximately 14 sq. ft. of sign area on the eastern building façade facing the internal plaza.
3. One wall mounted principal identity sign, internally illuminated, with approximately 14 sq. ft. of sign area on the western building façade facing the internal plaza.
4. One wall mounted principal identity sign, internally illuminated, with approximately 26 sq. ft. of sign area at the corner building façade facing Washington Street and Walnut Street.
5. One free-standing identity sign, internally illuminated, with approximately 35 sq. ft. of sign area at the corner of Walnut Street and the rear parking entrance driveway.
6. One principal identity sign, internally illuminated, with approximately 26 sq. ft. of sign area at the southern building façade facing Washington Street.
7. One principal identity sign, non-illuminated, with approximately 4 sq. ft. of sign area at the northern building façade facing the rear parking lot.
8. Two window principal identity signs, non-illuminated, with approximately 6 sq. ft. each of sign area at the western building façade facing the internal plaza.
9. One window principal identity sign, non-illuminated, with approximately 4 sq. ft. of sign area at the eastern building façade facing Walnut Street.
10. One free-standing directory sign, internally illuminated, with approximately 32 sq. ft. of sign area



11. One wall mounted principal tenant wayfinding sign, externally illuminated, with approximately 24 sq. ft. of sign area at the western building façade facing the internal plaza.
12. One directional sign, non-illuminated to indicate the entrance to the parking garage on the northern building façade facing the rear driveway.

**Commercial Space # 1 (CVS)**

13. One wall mounted principal sign, internally illuminated, with approximately 60 sq. ft. of sign area on the southern building façade facing Washington Street.
14. One perpendicular blade sign, internally illuminated, with approximately 8 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.
15. One window sign, non-illuminated, with approximately 8 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.
16. One wall mounted principal sign, internally illuminated, with approximately 60 sq. ft. of sign area on the western building façade facing Washington Terrace.
17. One perpendicular secondary sign, internally illuminated, with approximately 33 sq. ft. of sign area on the northern building façade facing the rear parking lot.

**Commercial Space # 2**

1. One wall mounted principal sign, internally illuminated, with approximately 60 sq. ft. of sign area on the southern building façade facing Washington Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.
3. One wall mounted principal sign, internally illuminated, with approximately 26 sq. ft. of sign area on the western building façade facing the rear parking lot.
4. One perpendicular secondary sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade facing the rear parking lot.

**Commercial Space # 3**

1. One wall mounted principal sign, internally illuminated, with approximately 34 sq. ft. of sign area on the southern building façade facing Washington Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.
3. One wall mounted secondary sign, internally illuminated, with approximately 26 sq. ft. of sign area on the western building façade facing the rear parking lot.
4. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade facing the rear parking lot.

**Commercial Space # 3a**

1. One wall mounted principal sign, internally illuminated, with approximately 39 sq. ft. of sign area on the southern building façade facing Washington Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.

**Commercial Space # 4**

1. One wall mounted principal sign, internally illuminated, with approximately 40 sq. ft. of sign area on the southern building façade facing Washington Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.
3. One wall mounted principal sign, internally illuminated, with approximately 35 sq. ft. of sign area on the western building façade facing the internal plaza.
4. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade perpendicular to the internal plaza.
5. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade perpendicular to the rear parking lot.

**Commercial Space # 5**

1. One wall mounted principal sign, internally illuminated, with approximately 68 sq. ft. of sign area at the corner of the building façade facing Washington Street and Walnut Street.
2. Three awning signs, non-illuminated on the eastern building façade facing Walnut Street.

**Commercial Space # 5a**

1. One wall mounted principal sign, internally illuminated, with approximately 28 sq. ft. of sign area at the corner of the eastern building façade facing Walnut Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the eastern building façade perpendicular to the rear parking lot.

**Commercial Space # 6**

1. One wall mounted principal sign, internally illuminated, with approximately 27 sq. ft. of sign area on the eastern building façade facing Walnut Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the eastern building façade perpendicular to Walnut Street.
3. One wall mounted principal sign, internally illuminated, with approximately 27 sq. ft. of sign area on the western building façade facing the internal plaza.
4. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade perpendicular to the internal plaza.
5. Two awning signs, non-illuminated on the eastern building façade facing Walnut Street.

**Commercial Space # 7**

1. One wall mounted principal sign, internally illuminated, with approximately 33 sq. ft. of sign area on the eastern building façade facing Walnut Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the eastern building façade perpendicular to Walnut Street.
3. One wall mounted principal sign, internally illuminated, with approximately 33 sq. ft. of sign area on the western building façade facing the internal plaza.
4. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade perpendicular to the internal plaza.
5. Two awning signs, non-illuminated on the eastern building façade facing Walnut Street.

### **Commercial Space # 8**

1. One wall mounted principal sign, internally illuminated, with approximately 34 sq. ft. of sign area on the eastern building façade facing Walnut Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the eastern building façade perpendicular to Walnut Street.
3. One wall mounted principal sign, internally illuminated, with approximately 34 sq. ft. of sign area on the southern building façade facing the internal plaza.
4. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the northern building façade perpendicular to the internal plaza.
5. Two awning signs, non-illuminated on the eastern building façade facing Walnut Street.
6. One free-standing identity sign, internally illuminated, with approximately 35 sq. ft. of sign area at the corner of Walnut Street and the rear parking entrance driveway.
7. One free-standing sign, internally illuminated, with approximately 35 sq. ft. of sign area at the corner of Walnut Street and the rear parking entrance driveway.

### **Commercial Space # 9**

1. One wall mounted principal sign, internally illuminated, with approximately 67 sq. ft. of sign area on the eastern building façade facing Walnut Street.
2. One perpendicular blade sign, internally illuminated, with approximately 9 sq. ft. of sign area on the eastern building façade perpendicular to Walnut Street.

At the request of the Planning Department, the applicant has been asked to present the comprehensive sign package proposal to the UDC for consideration.

## **Fence Appeal**

### **1. 437 Parker Street Fence Appeal**

PROJECT DESCRIPTION: The property located at 437 Parker Street is within a Single Residence 3 district. The applicant is proposing to replace and add the following fence:

- a) Side Lot Line – The applicant is proposing to replace and add a fence, set at the side property line with a new lattice fence, 8 feet in height, 20 feet in length.

TECHNICAL REVIEW:

The proposed fence along the side 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 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.”*

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 8 feet tall solid fence at the side property line for a length of 20 feet, where the ordinance would permit such a fence to be 6 feet tall. The applicant’s stated reasons for seeking this exception are *“safety”*.

The applicant applied for a fence appeal and was before the UDC at the July 8<sup>th</sup> meeting and after discussion with the UDC, withdrew their fence appeal application without prejudice to make changes to the fence *“in-kind”*.

The applicant has included a letter stating the reasons for a fence appeal application again, *“It was a pleasure meeting you all virtually on July 8th, 2020. Thank you very much for your time and advice on how to deal with our fence update matter.*

*As a reminder, during our last meeting we discussed how the “top-half” repair with similar materials should be acceptable by ISD. We discussed that a tighter diagonal wooden structure should not be a problem. We also discussed that we did not need the bottom half of the fence. Then, we withdrew our application without prejudice, leaving the door open for a possible continuation of our meeting given the response from ISD.*

*After our July meeting, we proceeded as discussed and presented a less than 50% update plan to ISD in person at the City Hall. During our conversation with Paul from ISD, we presented our fence update renderings. After reviewing our plans and renderings, Paul*

*said that since the update was of less than 50% of the existing non-compliant grandfathered structure, we did not need a permit to proceed.*

*Therefore, we updated our non-compliant grandfathered wooden fence with a 20'x3' wooden privacy lattice. As expected, our neighbor called the city to complain about the update while we were still working on it...*

*Jeff Johnson from ISD came to our home, reviewed the renderings presented to Paul, and took them to Anthony Ciccariello. Anthony called me saying the structure update was "illegal" because the diamonds of the updated wooden lattice are tighter than the previous ones, therefore the repair was not "in-kind".*

*Given this situation, we need to continue our previous conversation and have your approval of this repair. Thanks for your support and looking forward to seeing you once again on September 9th."*

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

## **2. 9 Callahan Path Fence Appeal**

**PROJECT DESCRIPTION:** The property located at 9 Callahan Path is within a Single Residence 2 district. The applicant is proposing to add the following fence:

- a) **Front Lot Line** – The applicant is proposing to add a fence, set at the front property line with a new solid fence, 8 feet in height, 190 feet in length.
- b) **Side Lot Line** - The applicant is proposing to add a fence, set at the side property line with a new solid fence, 6 feet in height.

### **TECHNICAL REVIEW:**

The proposed fence along the front property line appears to be 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."*

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

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.”*

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 8 feet tall solid fence at the front property line for a length of 190 feet, where the ordinance would permit such a fence to be 4 feet tall. The applicant’s stated reasons for seeking this exception are “The house is bordering Schecter School”.

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**

The applicant is expected to apply for a design consistency review on October 15<sup>th</sup>, 2020. The applicant has also mentioned that they would like to start the review process with UDC, city staff, and the peer reviewer on October 21 and would like to meet weekly.

The Chair of UDC has expressed interest in forming a sub-committee of the UDC to review the design consistency and would like to discuss it at the September 9<sup>th</sup> UDC meeting. The staff would also like to discuss all potential future meeting dates to discuss this project and would like to discuss the possible schedule at the meeting as well.

Excerpt from August UDC staff memo:

On November 14, 2019, the Land Use Committee of the City Council voted to approve the Northland Project. A mixed use development containing approximately 193,200 sq.ft. office space, approximately 115,114 sq.ft. of retail or commercial or restaurant space, not more than 800 residential units, and surface and underground parking providing approximately 1,350 striped spaces and including approximately 250

additional valet/tandem spaces, and open spaces or park spaces available for public use as shown on the plans, with uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level office.

The Petitioner is expected to apply for a preliminary design consistency review in October 2020. Per the Board Order #426-18, general conditions #7-10 (pages 16-17 of Board Order),

*"7. Preliminary Submission Of All Building Permit Plans*

*a. Prior to any application for a building permit (other than a demolition permit or renovation permit for 156 Oak Street or tenant Improvement permits), the Petitioner must file the following with the Director of Planning and Development, the Commissioner of Inspectional Services, the Director of Public Works, and the City of Newton's Urban Design Commission (UDC):*

*i. a copy of all plans necessary for the permit or determination being sought ("Request Plans");*

*ii. a signed certificate from the Petitioner's architect and/or civil engineer certifying that the Request Plans are consistent and in full compliance with the Project Master Plans (the "Compliance Certificate");*

*iii. a completed Evaluation Template in accordance with and in the form required by the Design Guidelines.*

*8. Preliminary Review Of All Building Permit Plans*

*a. Within sixty (60) days of receipt of a complete submission of the materials set forth in Condition #7, the Director of Planning and Development will review and provide an opinion as to whether the Request Plans are in full compliance with the Project Master Plans and consistent with the Design Guidelines. If the Director of Planning and Development's review requires the input or assistance from a peer review consultant, the Petitioner shall pay the reasonable fees for such peer review. The Director of Planning and Development's opinion shall be submitted in writing to the Petitioner and the Commissioner of Inspectional Services. If it is the Director's opinion that the Request Plans are not compliant with the Project Master Plans or inconsistent with the Design Guidelines, such inconsistencies shall be expressly identified.*

*b. Within sixty (60) days of receipt of a complete submission of the materials set forth in Condition #7, the UDC will provide an opinion as to whether the Request Plans are in full compliance with the Project Master Plans and consistent with the Design*

*Guidelines. The UDC's opinion shall be submitted in writing to the Petitioner and the Commissioner of Inspectional Services. If it is the UDC's opinion that the Request Plans are inconsistent with either the Project Master Plans or the Design Guidelines, such inconsistencies shall be expressly identified.*

*c. Upon reception of the written opinions, the Petitioner may file a formal building permit application with the Commissioner of Inspectional Services, which shall include a copy of the opinions. Alternatively, the Petitioner may revise the requested plans and resubmit them for a preliminary review in accordance with Conditions #7 and 9.*

**9. Formal Submission Of Building Permit Application**

*a. Upon receipt of a complete building permit application, the Commissioner of Inspectional Services shall make a final determination, with due consideration given to the written opinions of the Director of Planning and Development and the UDC, as to whether the plans filed with such application are in full compliance with the Project Master Plans and consistent with the Design Guidelines.*

*b. In making the final consistency determination, the Commissioner of Inspectional Services may elect to refer the matter to the Land Use Committee for the Committee's review and recommendation, provided however that referral to the Land Use Committee is required for any modifications or changes to the Project Master Plans concerning the following: (i) building locations; (ii) building massing or relative heights of building elements; (iii) footprints of buildings and other structures; (iv) program; (v) driveway and parking stall locations; (vi) interior road network; (vii) open space; (viii) increase in floor area; and (ix) significant changes to design elements. The Land Use Committee shall not be required to vote or to approve any matter referred to it in accordance with this condition.*

*c. If the Commissioner determines that the application plans are inconsistent with either the Project Master Plans or the Design Guidelines, no building permit will be issued, and the Petitioner must either: (i) submit revised plans which the Commissioner deems to be consistent, or (ii) seek an amendment to this Special Permit/Site Plan Approval.*

*d. Any increase to the maximum building heights, number of units, total floor area of the Project, total floor area of any building greater than ten (10) percent, any increase or decrease to the number of parking stalls, or any material decrease to the amount of open space of the Project from what is shown on the Project Master Plans shall not be eligible for a consistency determination and such modification can only be done through amendment of this Special Permit/Site Plan Approval.*



*10. The procedure for preliminary review of building permit plans set forth in Conditions t/7-8 may be utilized by the Petitioner earlier in the design process for one (1) or more buildings or public spaces in order to receive initial opinions on the consistency of schematic/architectural drawings. If the opinions of both the Director of Planning and Development and the UDC after such an initial schematic review are that the schematic drawings are in full compliance with the Project Master Plans and consistent with the Design Guidelines, the Commissioner of Inspectional Services may accept final building permit plans without further preliminary review so long as they do not include any additional design elements or change any design elements governed by the Design Guidelines as confirmed by the Director of Planning and Development.”*

Above are the key elements listed for design consistency review. Staff would like to discuss the process, potential dates for additional meetings, and answer any questions.