



CITY OF NEWTON, MASSACHUSETTS

City Hall

1000 Commonwealth Avenue, Newton, MA 02459-1449

Telephone: (617) 796-1065 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086
www.ci.newton.ma.us

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: October 16, 2020
Subject: Materials for **October 29, 2020** Public Hearing

Hello,

Please see the following supplemental materials for the upcoming hearing on October 29, 2020, Public Hearing. The following board members are scheduled to sit: **Brooke Lipsitt (Chair), William McLaughlin, Barbara Huggins Carboni, Stuart Snyder, and Michael Quinn**

1. October 29, 2020 Agenda
2. 552-564 Commonwealth Avenue Appeal
3. Meeting Audio from Land Use Meeting Link:
http://www.newtonma.gov/civicax/filebank/documents/100463/2019.12.03_18.55_01.MP3 – The appellant has requested the board consider this audio as part of their appeal
4. 552 Commonwealth Avenue (564) Sign Permit
5. 552-562 Commonwealth Avenue Extension of Time

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133



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Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

The Zoning Board of Appeals will hold this meeting as a virtual meeting on Thursday, October 29, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following meeting ID: 829 4191 1158.

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click “Join a Meeting” and enter the following Meeting ID: 829 4191 1158. Alternatively, the direct Zoom link to the meeting is [https://us02web.zoom.us/j/829 4191 1158](https://us02web.zoom.us/j/82941911158).

To dial into the meeting via telephone, call in by dialing 1-646-558-8656 and use the Meeting ID: 829 4191 1158#

AGENDA

A public hearing of the Newton Zoning Board of Appeals will be held on Thursday, October 29, 2020 at 7:00 p.m. on the following petitions:

1. **#05-20** Gordon and Deborah Megrian of 563 Commonwealth Avenue, Newton, Massachusetts, pursuant to M.G.L. c. 40A, § 8, and 15, appealing the January 23, 2020 issuance of a building permit by the Commissioner of Inspectional Services for installation of a sign at 552-564 Commonwealth Avenue, Newton, Massachusetts. The subject property is located at 552-564 Commonwealth Avenue, Newton, Massachusetts. This property is located in a Multi-Residence 1 (MR-1) District.
2. Review and approval of minutes for June 17, 2020 meeting

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton’s ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089.

For the Telecommunications Relay Service (TRS), please dial 711.

CITY OF NEWTON
ZONING BOARD OF APPEALS

APPLICATION FOR ADMINISTRATIVE APPEAL

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

2020 MAR -9 PM 12:30

CITY CLERK
NEWTON, MA 02459

RECEIVED

PETITIONER INFORMATION

NAME: Gordon & Deborah Megrian
ADDRESS: 563 Commonwealth Avenue
PHONE: 617 332-2262 EMAIL: debbiemegrian@gmail.com

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: 562 Commonwealth Avenue
ZONING DISTRICT: MR1 PROPERTY SBL NO.: 61-03-22
OWNER OF RECORD: 552 Comm Ave LLC
RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):
abutters

APPEAL INFORMATION

1. What decision are you appealing - is it an inability to obtain a building permit, the issuance of a building permit, an order or decision of the Commissioner of Inspectional Services or a zoning violation?

See Attached

Date of decision: _____

(A copy of the decision, order, permit or notice being appealed must be included)

2. State the basis or grounds for contesting the decision, providing any information that you feel will aid the Board in its review of your appeal:

See Attached

3. Identify and describe all supporting documents being submitted with this appeal:

See Attached

4. State all sections of the Newton Zoning Ordinance implicated in the appeal:

See Attached

5. Explain why you are aggrieved by the decision being appealed:

see Attached

6. What outcome do you request if your appeal is granted?

See Attached

PETITIONER CONSENT, CERTIFICATION & SIGNATURE

(Signatures of Petitioner(s) are required)

I (we) consent and certify as follows:

1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application;
2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to insure the completeness of my (our) application;
3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

X	<u>Madan R. Mejjim</u> (Petitioner Signature)	<u>3-8-2020</u> (Date)
X	<u>David Meyer</u> (Petitioner Signature)	<u>3-8-2020</u> (Date)

If Applicable:

Name of Attorney/Agent for Applicant: _____

Address of Attorney/Agent: _____

Phone Number of Attorney/Agent: _____

Email Address of Attorney/Agent: _____

APPEAL INFORMATION

1. *What decision are you appealing – is it an ability to obtain a building permit, the issuance of a building permit, an order or decision of the Commissioner of Inspectional Services or a zoning violation?*

I am appealing the December 16, 2019 City Council Order on Petition #393-19, granted a permit to a Flower Shop at 562 Commonwealth Avenue. This order was a result of the December 3, 2019 City Council's approval of Petition #393-19, Amending Permit 317-92(5).

I am also appealing the January 23, 2020 issuance of a building permit by the Commissioner of Inspectional Services, on recommendation from the Urban Design Commission, for an illuminated sign at 562 Commonwealth Avenue

I was put on constructive notice of the errors referenced below on **February 13, 2020**.

2. *State the basis or grounds for contesting the decision, providing any information that you believe will help the Board in its review of your appeal:*

In withholding material facts from the public about proposed signage, City Staff effectively misled the public and failed to provide fair notice of the issues at a hearing on December 3, 2019. M.G.L. ch. 30A § 11 (“Reasonable notice of the [public] hearing shall be accorded all parties and shall include statements of the time and place of the hearing. *Parties shall have sufficient notice of the issues involved to afford them reasonable opportunity to prepare and present evidence and argument.*”)(emphasis added).

At the December 3, 2019 hearing before the Land Use Committee, I, Gordon Megrian, of 563 Commonwealth Avenue, an abutter, was provided the opportunity to ask questions regarding the proposed Flower Shop seeking a special permit to conduct business at 562 Commonwealth Avenue across the street. After asking first about changes in retail, I asked the following:

“The other question that I had was on signage -if the signage were to remain basically the same. In other words, now there is a whole set of regulations for that area, as far as the type of signs and how they are presented. And I just wanted to make sure that that was something that would be maintained, because it has worked.”

(audio recording from 12/3/19, at 17:00 min. through 17:40, available online at http://www.newtonma.gov/civicax/filebank/documents/100463/2019.12.03_18.55_01.MP3)

My question was answered by Katie Whewell, Planning Associate of the Planning & Development Department. Whewell stated, "*Um yes, and we have a condition that any new signage would go before the Urban Design Commission.*"¹ I learned later Whewell was referencing a specific amendment to the board order on page 2, paragraph 2 (**ATTACHMENT "A" – December 16, 2019 Order**), and not simply the general activities of the Urban Design Commission, which regularly reviews signage.

Council Chair Schwartz added, "*So it has to be approved by the Commission, which is the Design Commission.*"

I then thanked the two for their answers and nothing further regarding the signage of the Flower Shop was discussed at the hearing. Minutes later, the City Council voted 7-0 to approve the special permit for the Flower Shop.

What I was not told that night by the Planning & Development Department, or any other City Staff, is that nearly two months earlier, on October 16, 2019, the Urban Design Commission had already held a hearing on the Flower Shop's signage and that on October 18, 2019, Planning & Development recommended approval of an illuminated sign at that location.

Illuminated signs were prohibited by the previous board orders at this location, 317-92(5); 317-92(2) and 317-92(3).

I knew of this prohibition and had concerns. This is why I asked the question.

The answers I received from Whewell and Schwartz, framed in the future tense, lead all in attendance to believe that any reviews of new signage would be made in the future. This representation misled the public. Neil Cronin, Michael Gleba, and Katie Whewell from Planning & Development were all in attendance at this hearing (**ATTACHMENT "B" -Land Use Committee Report**). In response to a concern raised by an abutter, all three of them failed to mention that the UDC – perplexingly—held a hearing on signage even before abutters were notified that the Flower Shop was proposing to move in. The petitioner's sign application (**ATTACHMENT "C" – October Sign Application, Subsequent Approval, Staff Memos**) was literally on a desk at Planning & Development, and that application related precisely to the question I asked. Nevertheless, City Staff said nothing.

This omission was especially troubling because Whewell referenced 317-92(2) and 317-92(3) as the prior orders in her oral presentation of the proposed amendment to 317-92(5) (Audio --at 13:15). Orders 317-92(2) and 317-92(3), from 1993, state at the end of page 2, paragraph 6, "Any new signs shall not be illuminated." (**Attachment "D" –Prior Orders, in particular 317-92(2) and 317-92(3), page 4, paragraph 6**). Whewell was aware of these orders and either knew or should have known of the prohibition against illuminated signs.

¹ Whewell was referencing page 2, paragraph 2 of the proposed order, which states "All signage shall be reviewed and approved by the Urban Design Commission." **The inclusion of this paragraph is oddly redundant. The UDC is already tasked with reviewing all signs in the course of ordinary business.** This paragraph was seemingly an attempt to override the long-standing prohibition against illuminated signs. It is unclear how the UDC was able to read this new provision in harmony with the existing prohibition, which states "Any new signs shall not be illuminated," and reach the decision they did.

After the December 3, 2019 hearing I looked online at the UDC's upcoming agendas. Nothing was posted in December, January, or February, presumably because they felt that they fully addressed the issue back in October (**Attachment "E" – UDC Agendas**).

On January 23, 2020, the Commissioner issued a building permit for the sign, based on the prior procedural defects in notice. (**ATTACHMENT "F" – Building Permit**)

On February 13, 2020, I came home surprised to see the Flower shop lit up with a glowing illuminated sign, the only of its kind in my neighborhood, which is residential (**ATTACHMENT "G" – Photo**). I was first put on constructive notice this day that I had been misled on December 3rd. The "public hearing" I attended was totally lacking in terms of "notice of the issues," vis-à-vis signage.

I submitted a request for zoning enforcement on February 18, 2019 (**ATTACHMENT "H" – Request Form**). I have not received a written response. My wife has also emailed a councilman who attend the hearing, who has not yet addressed the issue.

I file this appeal to the Zoning Board within 30 days of my effective notice in the defect of the public hearing.

3. Identify and Describe all Supporting Documents Being Submitted with this Appeal:

1. Affidavit of Gordon Megrian
2. Attachment A – December 16, 2019 City Council Order (3 pages)
3. Attachment B – Land Use Committee Report (2 pages)
4. Attachment C – Sign Application/Sign Application Review Memo/Staff Memo/January 17, 2020 approval memo (7 pages)
5. Attachment D – Board Orders 317-92(5); 317-92(2) and 317-92(3) (10 pages)
6. Attachment E- UDC Agenda Notices (4 pages)
7. Attachment F- Building Permit for Sign dated 1/23/20
8. Attachment G – Photo
9. Attachment H– Request for Zoning Enforcement

4. State all sections of the Newton Zoning Ordinance Implicated in this Appeal:

Sec. 5.2 Signs
Sec. 7.3. on Permits (and M.G.L. ch. 40A)
Sec. 7.7 on Appeals (and M.G.L.ch. 40A)
M.G.L. ch. 30A

5. Explain why you are aggrieved by the decision being appealed:

For 40 years and through multiple board orders, the City Counsel and Planning Department have made it clear that illuminated signs aren't permitted in my neighborhood. Now, without an opportunity to be heard in a meaningful way, I have to look out my window at a brightly lit sign that is the only one of its kind on my block. This lit sign diminishes the character of my block

and is not what the City intended for my neighborhood. The prior board orders demonstrate the intent of prior City leaders.

The Urban Design Commission claims to have an interest in promoting public participation. I cannot see how the public interest is furthered when the Commission holds a sign review hearing in October before the City ever put abutters on notice of a potential change of business at the location.

Finally, I have had my trust in City Hall eroded by this process. Councilor Schwartz began the hearing on this petition with the following statement: "I'll just remind folks, we accepted this [petition] despite our blackout period because we wanted to get this in before the end of the term and it seemed to be a straight forward request." (Audio from 12/3/19 at 02:40). I wish the Land Use Committee, the Planning & Development Department, and the Urban Design Committee were not in such a rush.

6. What outcome do you request if your appeal is granted:

1. I am requesting that the Land Use Committee conduct a rehearing on this permit petition to allow the public, in the interest of transparency, a full opportunity to be heard on all issues;
2. Additionally, I am requesting that the Zoning Board void any prior sign permits allowing the use of illuminating signs at this location.

In the meantime, I am requesting that the City prohibit the Flower Shop from illuminating its sign until such time as a decision on items 1 and 2 above can be reached.

CITY OF NEWTON
ZONING BOARD OF APPEALS

IN THE MATTER OF AN APPEAL BY GORDON AND DEBORAH MEGRIAN

AFFIDAVIT OF GORDON MEGRIAN

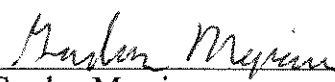
Under the pains and penalties of perjury, I swear and affirm the following:

1. My name is Gordon Megrian and I live with my wife, Deborah, at 563 Commonwealth Avenue in Newton, MA. We have lived there for over 40 years.
2. As abutters, my wife and I attended a Land Use Committee hearing on December 3, 2019;
3. I asked the following question about signage for a proposed Flower Shop that was petitioning to move in across the street (Audio recorded from the hearing on 12/3/19, at 17:00 min):

“The other question that I had was on signage -if the signage were to remain basically the same. In other words, now there is a whole set of regulations for that area, as far as the type of signs and how they are presented. And I just wanted to make sure that that was something that would be maintained, because it has worked.”

4. On December 3rd, I was informed by City Staff that signage would be reviewed by the Urban Design Commission in the future. I knew that prior board orders 317-92(2) and 317-92(3) specifically prohibited illuminated signs.
5. I was never informed on December 3rd that the Urban Design Commission had, on October 16, 2019, already held its hearing on signage (even before notice to abutters was sent), and that Planning & Development recommended approval of a previously prohibited illuminated sign;
6. I first learned about the illuminated sign on February 13, 2020, when I saw it lit up. I had not seen the October 16, 2019 Agenda Notice posted by the UDC because notice had not yet been sent to abutters regarding the December 3, 2019 hearing.

Signed Under the Pains and Penalties of Perjury



Gordon Megrian

March 9, 2020

ATTACHMENT "A"

562 Commonwealth Avenue

#393-19

CITY OF NEWTON

IN CITY COUNCIL

December 16, 2019

RECEIVED
CITY CLERK
2019 DEC 18 PM 1:00
CITY OF NEWTON
MASSACHUSETTS

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit 317-92(5) to allow the conversion from one nonconforming use (barbershop) to another nonconforming use (retail florist shop) at 55-71 Needham Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The specific site is an appropriate location for the proposed nonconforming flower shop because the site has a mix of uses and the nonconforming flower shop fits with the mix of uses. (§7.3.3.C.1)
- The proposed nonconforming flower shop will not adversely affect the neighborhood as the previous use was similarly nonconforming. (§7.3.3.C.2)
- The proposed nonconforming flower shop will not create 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)
- The proposed nonconforming retail florist is not substantially more detrimental than the existing nonconforming barber shop. (§3.4.1, §7.8.2.C.2)

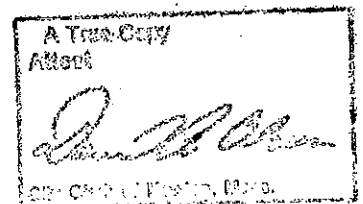
PETITION NUMBER: #393-19

PETITIONER: Needham Street Village Shops

LOCATION: 562 Commonwealth Avenue

OWNERS: 552 Comm Ave LLC

ADDRESS OF OWNERS: 112 Needham Street



Newton, MA 02464

TO BE USED FOR: Retail florist shop

CONSTRUCTION: One Story, multi-tenant, commercial building

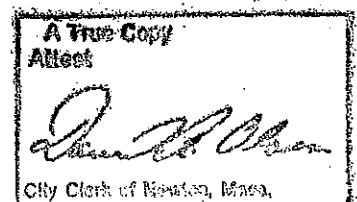
EXPLANATORY NOTES: To amend Council Orders 317-92(5) to allow the conversion of one nonconforming use to another nonconforming use. §7.3.3, §7.8.2.C.2, §3.4.1.

ZONING: Multi Residence 1 district

The prior special permits for this property are as follows: Council Order #317-92(5), #317-92(2 & 3), for special permit/site plan approval and extension of a nonconforming use and structure by allowing a barber shop use and expansion of a frame shop. The conditions set forth in those prior special permits remain in full force and effect except as modified herein.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Alta/ACSM Land Title Survey, 552-564 Commonwealth Avenue prepared by R.E. Cameron and Associates, Inc. dated September 2010, unsigned and unstamped.
2. All signage shall be reviewed and approved by the Urban Design Commission.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
4. No Certificate of Occupancy/Final Inspection for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.



5. Any future proposed change in use at this address from the retail florist shop being approved by this Special Permit/Site Plan Approval, including a change to a different retail use, must go before the Land Use Committee as an amendment to the approved special permit.

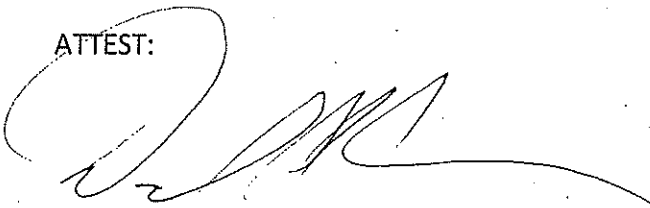
Under Suspension of Rules

Readings Waived and Approved

23 years 0 nays 1 absent (Councilor Ciccone)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 18, 2019. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

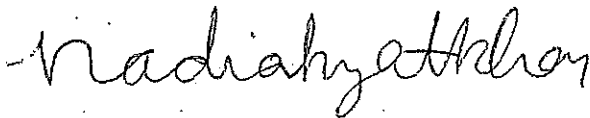
ATTEST:



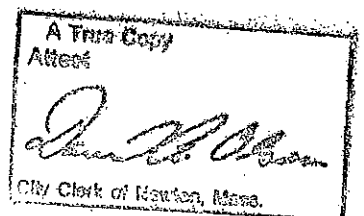
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on December 18, 2019 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Acting Clerk of the Council

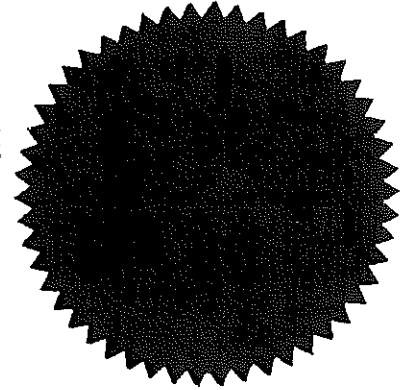


ATTACHMENT "B"



Land Use Committee Report

City of Newton In City Council



Tuesday, December 3, 2019

Present: Councilors Schwartz (Chair), Lipof, Laredo, Greenberg, Kelley, Markiewicz, Crossley

Absent: Councilor Auchincloss

City Staff Present: Assistant City Solicitor Jonah Temple, Senior Planner Neil Cronin, Planning Associate Katie Whewell, 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.

#353-19

Petition to extend nonconforming FAR at 38 Fenno Road

MICHAEL ZALIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing deck and construct an addition on the first floor, creating an FAR of .50 where .42 is allowed and .45 exists at 38 Fenno Road, Ward 2, Newton Centre, on land known as Section 64 Block 12 Lot 05, containing 7,413 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 7-0; Public Hearing Continued

Note: The petitioner requested a continuance of the public hearing. Committee members expressed no concerns relative to the request for a continuance. Councilor Markiewicz motioned to hold the item to December 10, 2019. His motion carried 7-0.

#393-19

Petition to amend Board Order #317-92(5) and change use at 562 Commonwealth Ave
552 COMM AVE, LLC/NIANXIONG GUAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #317-92(5) to convert an existing nonconforming barbershop into a nonconforming retail florist shop at 562 Commonwealth Avenue, Ward 6, Newton Centre, on land known as Section 61 Block 03 Lot 22, containing approximately 13,000 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 12/03/2019

Note: The petitioner, Mr. Nianxiong Guan presented the request to amend Special Permit Board Order #317-92(5) to allow a change in use at 562 Commonwealth Avenue. Previously, a barber shop was permitted to operate at 562 Commonwealth Avenue. The petitioner proposes to locate a flower shop at the site. Mr. Guan stated that the shop will be used primarily as a studio and customers will place orders

online. Deliveries will be scheduled for Tuesdays and Thursdays. Mr. Guan noted that as the business grows, they may consider one additional employee. He stated that any new employee will be required to take public transportation.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and details of the proposal as shown on the attached presentation. Ms. Whewell noted that there are office, retail and personal service uses at the site. There is available parking for three cars and street parking available on Chestnut Terrace and Commonwealth Avenue.

The Public Hearing was Opened.

Gordon Megrian, 563 Commonwealth Avenue, lives across the street from the proposed flower shop. He questioned whether the retail flower shop can be converted into a different type of retail shop without an amendment to the special permit.

Assistant City Solicitor Jonah Temple explained that the change in use from retail-flower shop to another type of retail shop would be at the discretion of the Commissioner of Inspectional Services. Atty. Temple confirmed that the Council could condition the special permit to require an amendment to the special permit to allow a different retail use. It was confirmed that any new signage for the site would need to be reviewed by the Urban Design Commission. Seeing no other member of the public who wished to speak, Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo motioned to approve the petition. Committee members expressed support for the petition and voted 7-0 in favor of approval.

#227-17(2) Special Permit to amend Order #227-17 at 2171 Commonwealth Avenue
THEODORE VENTOURIS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #227-17 to allow changes to the approved site plan at 2171 COMMONWEALTH AVENUE, Ward 4, Auburndale, on land known as Section 41 Block 18 Lot 0032A containing approximately 19,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved Withdrawal without Prejudice 7-0

Note: The petitioner, Mr. Theodore Ventouris presented updates to the Committee. The petitioner received a Special Permit in 2017 to construct a six-car garage at 2171 Commonwealth Avenue. After approval of the Special Permit, the petitioner constructed a retaining wall and eight stone pillars without seeking an amendment to the Special Permit. The Council approved the amendments to the site and amended the special permit. The petitioner proposes to amend the special permit to allow additional stone pillars and 1000 sq. ft. of additional paved area on site. At the June 11, 2019 public hearing, the Committee raised concern relative to the impact on water runoff at the site due to the additional paved area at the site, which abuts Lyons Field. The Committee requested that the Engineering Department analyze how the additional paving impacts the drainage calculations at the site. Senior Planner Michael Gleba confirmed that the Engineering Department analyzed the site. Their memo is attached to the Planning memo dated November 30, 2019. He stated that the drainage system on site can accommodate water from the additional paving. Any runoff will drain onto the lawn and not onto the abutting property.

ATTACHMENT "C"



City of Newton, Massachusetts
 Department of Planning and Development
 1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
 (617) 796-1120
 Telefax
 (617) 796-1086
 www.newtonma.gov

Ruthanne Fuller
 Mayor

Barney Heath
 Director

SIGN PERMIT APPLICATION

PROJECT #: 19100012 DATE RECEIVED: _____ ZONING DISTRICT: MRI

PROPERTY ADDRESS: 562 Commonwealth Ave. Newton MA 02459

SIGN INFORMATION 552-564

USE OF PROPERTY:
 (check all that apply)

COMMERCIAL
 ONE OR TWO-FAMILY RESIDENCE

MULTI-FAMILY RESIDENCE
 INSTITUTIONAL USE

PROPOSED SIGNAGE:

Description	Sign Type	Size (sq. ft.)	Mount Type	Illumination	Façade Frontage (ft.)
<i>i.e. Joe's Hardware</i>	<i>Principal</i>	<i>32</i>	<i>Wall Mounted</i>	<i>Non-illuminated</i>	<i>105</i>
Forevermark Flowers	Principal	33	Wall Mounted	Internally	15

IS THE PROPOSED SIGN(S) IN A HISTORIC DISTRICT? NO IF YES, WHICH: _____

EXISTING SIGNAGE:

Description	Sign Type	Size (sq. ft.)	Mount Type	Illumination	Side of Building
<i>i.e. Joe's Hardware</i>	<i>Principal</i>	<i>32</i>	<i>Wall Mounted</i>	<i>Non-illuminated</i>	<i>North</i>
The Barber Shop	Principal	33	Wall Mounted	Non-illuminated	North

APPLICATION AUTHORIZATIONS

PROPERTY OWNER: Ronald Cahaly (PRINT NAME) Ronald Cahaly, Mayor (SIGNATURE) 10/1/19 (DATE)
 APPLICANT/AGENT: Ricky Zeng (PRINT NAME) Ricky Zeng (SIGNATURE) 10/01/2019 (DATE)

PHONE #: 857-205-5678 EMAIL ADDRESS: ccsignboston@yahoo.com
 ADDRESS: 70 Old Colony Ave. Boston, MA 02127

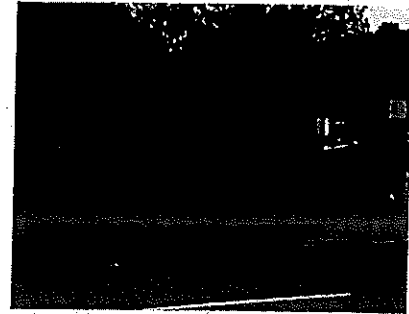
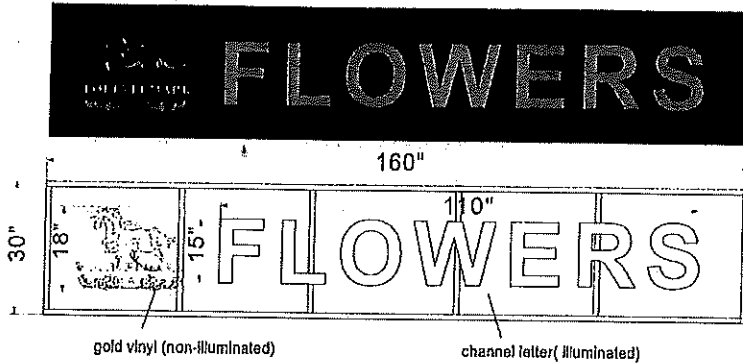
The applicant/agent is the primary contact and may be any individual representing the establishment
 By signing above, I certify: - The property owner has approved the proposed sign and authorized its installation.
 - The application is complete and accurate.

NOTE: Building permits **WON'T** be accepted until after Urban Design Commission's decision.

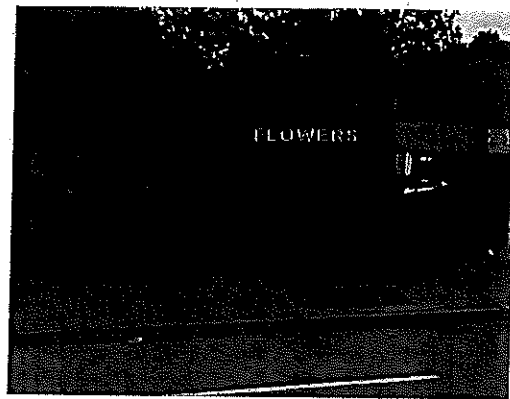
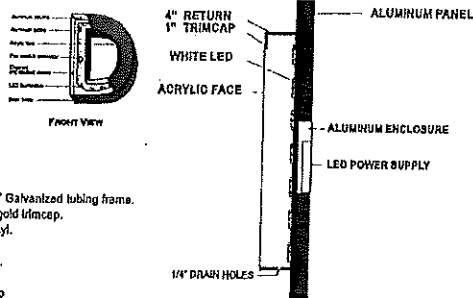
This drawing is the property of CC Sign. The information contained herein may not be used, or reproduced, without written permission from CC Sign. All reproductions, in whole or in part, must bear this statement or make reference to it. All work by CC Sign is to be done in a timely and workmanlike manner according to standard industry practices. Any alteration or deviation from the specs described herein resulting extra costs will be executed upon approval with the client. All material is guaranteed to be as specified. We reserve the right to substitute components if the same comparable due to unavailability or unexpected supplier delays. Client is ultimately responsible for final approval of all proofs, as well as all taxes, insurance, and fees associated with the project. 50% down payment due upon signing the contract. Balance due upon completion of project regardless of any inspection. Unpaid balance over 30 days will subject to 15% APR interest. All agreements are contingent upon strikes, accidents, or delays beyond our control. Some restrictions may apply.

NEW CC SIGN INC.
 10 Old Colony Ave., Boston, MA 02117
 Tel: 617-210-2942 Fax: 617-210-7963
 ccsignboston@gmail.com

Channel letter sign:



Exlstir



Propose

Specifications:

- * 040 Ivy Green aluminum panel w/ Welded 1"x1" Galvanized tubing frame.
- * 040 gold aluminum letter boxes 4" return w/ 1" gold trimcap.
- * 1/8" white acrylic faces with gold translucent vinyl.
- * logo: gold vinyl
- * internal white led lighting illumination, UL Listed.
- * Letter boxes to be mounted on the panel.

Sign installed in location shown on attached photo

This sign is intended to be installed in accordance with the requirement of Article 600 of the National Electrical Code and/or other applicable local code. This includes proper grounding and bonding of the sign.

Client Must Review & Approve all Drawing BEFORE production	
The price, specifications and are hereby accepted. CC Sign is authorized to execute the project in this agreement.	
CLIENT SIGNATURE	
PRINT NAME	DATE

CLIENT	Nelson Guan	JOB	06886
COMPANY	Forevermark Flowers	DRAWN	Ricky
ADDRESS	562 Commonwealth Ave.	TITLE	
CITY	Newton	ORDER DATE	09/30/2019
TEL	617-818-7699	FILED ID	

DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: October 18, 2019
TO: John Lojek, Commissioner of Inspectional Services
FROM: Barney Heath, Director of Planning and Development
Shubee Sikka, Urban Designer
LOCATION: 562 Commonwealth Avenue
BUSINESS: Forevermark Flowers

§5.2.4.C of the Newton Zoning Ordinance, as amended, allows the Director of Planning and Development, in consultation with the Urban Design Commission (UDC), to review sign permit applications. The UDC reviewed the proposed signs for compliance with §5.2 on October 16, 2019.

MOTION: Mr. Kaufman made a motion to approve the sign at 562 Commonwealth Avenue – Forevermark Flowers. Mr. Downie seconded the motion and it passed unanimously. All the members present voted, with a 6-0 vote, Michael Kaufman, James Doolin, John Downie, Bill Winkler, Carol Todreas and Robert Linsky in favor and none opposed. The Commission recommended approval of the following signs:

- One wall mounted principal sign, internally illuminated, with approximately 18 sq. ft. of sign area on the northern façade facing Commonwealth Avenue.

The Department of Planning and Development concurs with the UDC and recommends approval.

IMPORTANT NOTICES:

- This memo does NOT constitute a permit. The applicant must apply for and receive a building permit from Inspectional Services prior to installing the signs.
- All decisions of the Urban Design Commission are appealable to the Commissioner of Inspectional Services.
- All applicants are required to submit 2 photos of the installed sign within 2 months of installation. Photos can be submitted electronically to Shubee Sikka, ssikka@newtonma.gov, submitted via mail, or submitted in person.

cc:

Urban Design Commission file

Applicant: Ricky Zeng, email: ccsignboston@yahoo.com



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, October 16, 2019**
DATE: October 10, 2019
TO: Urban Design Commission
FROM: Shubee Sikka, Urban Designer
SUBJECT: **Additional Review Information**

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

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff's recommendations for these items.

I. Roll Call

II. Regular Agenda

Sign Permits

1. 132-136 Adams Street – Patzcuaro Taqueria & Bar

PROJECT DESCRIPTION: The property located at 132-136 Adams Street is within a Business 1 district. The applicant is proposing to install the following signs:

1. Two awning split principal signs, non-illuminated, with approximately 18 sq. ft. of sign area on the northwestern building façade facing Watertown Street.

TECHNICAL REVIEW:

- As per §5.2.8, "In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign." Both the proposed split principal signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two split principal signs are allowed, which the applicant is not exceeding, and on this façade of 40 feet, the total maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

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

2. 978 Watertown Street - Spinbox

PROJECT DESCRIPTION: The property located at 978 Watertown Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 35 sq. ft. of sign area on the northern building façade facing Watertown 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 42 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.

3. 320 Washington Street – Four Points by Sheraton

PROJECT DESCRIPTION: The property located at 320 Washington 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 289 sq. ft. of sign area on the eastern façade facing Massachusetts Turnpike (I-90).
2. One wall mounted principal sign, internally illuminated, with approximately 289 sq. ft. of sign area on the western façade facing Massachusetts Turnpike (I-90).
3. One wall mounted principal sign, internally illuminated, with approximately 73 sq. ft. of sign area on the western façade facing Massachusetts Turnpike (I-90).
4. One wall mounted principal sign, internally illuminated, with approximately 60 sq. ft. of sign area on the western façade facing Massachusetts Turnpike (I-90).

5. One free-standing principal sign, internally illuminated, with approximately 38 sq. ft. of sign area perpendicular to Washington Street.
6. Two directional signs, non-illuminated, with approximately 7 sq. ft. of sign area on the northern façade facing Washington Street.
7. One wall mounted principal sign, internally illuminated, with approximately 104 sq. ft. of sign area on the southern façade facing Washington Street.

TECHNICAL REVIEW:

- Staff is in the process of finding recorded Board Orders for this property for all the signs.

STAFF RECOMMENDATION: Staff will have a recommendation for all the signs at the Urban Design Commission meeting on October 16th.

4. 562 Commonwealth Avenue – Forevermark Flowers

PROJECT DESCRIPTION: The property located at 562 Commonwealth Avenue is within Multi Residence 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 18 sq. ft. of sign area on the northern façade facing Commonwealth Avenue.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.7. Per the Zoning Ordinance, one principal wall sign is allowed, which the applicant is not exceeding, and the maximum size of the sign allowed is 20 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.

5. 85 Chapel Street – Advanced learning Center

PROJECT DESCRIPTION: The property located at 85 Chapel Street is within Manufacturing zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 8 sq. ft. of sign area on the northwestern 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 50 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

DATE: January 17, 2020
TO: John Lojek, Commissioner of Inspectional Services
FROM: Barney Heath, Director of Planning and Development
Shubee Sikka, Urban Designer
RE: 562 Commonwealth Avenue
BUSINESS: Forevermark Flowers

The Urban Design Commission approved the wall mounted principal sign at **562 Commonwealth Avenue – Forevermark Flowers** at their regularly scheduled meeting on October 16, 2019. The applicant submitted a revised sign (a new logo) on January 10, 2020. The UDC members approved the proposed change by email.

ATTACHMENT "D"

#317-92(5)

CITY OF NEWTON
IN BOARD OF ALDERMEN

November 3, 1997

1997 NOV 14 PM 12:58
CITY CLERK
NEWTON, MA. 02159

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL AND EXTENSION OF NON-CONFORMING USE AND STRUCTURE and Amendment to Board Order #317-92(2) is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the trial period has shown that the addition of the manicurist has resulted in no negative impact on the neighborhood.
2. The Board finds that the manicurists has not create parking or traffic problems.

PETITION NUMBER: 317-92(5)

PETITIONER: Zampa, Inc. d/b/a the Barber Shop/Avenue Realty Trust/ Jerome Dangel Trustee

LOCATION: 562 Commonwealth Avenue, Ward 6, Section 61, Block 3, Lot 22 containing approximately 12,944 sq. ft. of land.


OWNER: Jerome R. Dangel, Trustee, Avenue Realty Trust

ADDRESS OF OWNER: 825 Beacon Street, Suite 1
Newton, MA. 02159

TO BE USED FOR: Amendment to board order #317-92(2) to permit a manicurist on site.

CONSTRUCTION: None

EXPLANATORY NOTE: Board Order #317-92(2) allowed the presence of a manicurist on site for a trial period and required that if the manicurist were on-site on a permanent basis that the petitioner would need to seek a special permit.

A True Copy
Attest

City Clerk of Newton, Mass.

Land referred to is in a Multi-Residence 1 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with plans entitled "plan of land in Newton, Mass." by U. M. Schiavonne, dated December 29, 1992, and "Plan of land 552-562 Commonwealth Avenue, Newton, Mass. prepared for J & B Realty Trust. by Otte & Dwyer, Inc., dated July 26, 1989 and floor plans by William Gillitt Architect, Inc. June 10, 1992 with revision date 2/2/93, submitted by the petitioner and filed herewith.
2. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

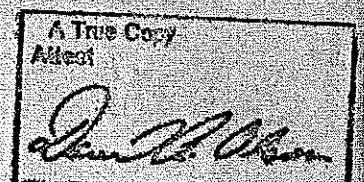
Under Suspension of Rules
Readings Waived and Approved
24 days 0 nays

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL and is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on November 14, 1997. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

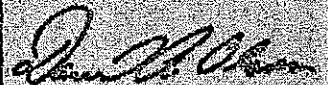


I, Edward G. English, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 11/14/97 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST

EDWARD G. ENGLISH City Clerk



A True Copy
Attest

City Clerk of Newton, Mass.

3 2 2 9 7 2 P 0 3 3

THE COMMONWEALTH OF MASSACHUSETTS
NEWTON

#317-92(2)
and 317-92(3)

BOARD OF ALDERMEN

March 9, 1993

CITY CLERK
NEWTON, MA 02459

1993 AUG 18 AM 10:30

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit

(General Laws Chapter 40A, Section 18 as amended)

SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE
is hereby given that a ~~Conditional or Limited Variance~~ Special Permit has been granted

Jerome R. Dangel, Trustee, Avenue Realty Trust (Owner)
Zampa, Inc. #317-92(2) Owner or Petitioner John A. Kasbohm d/b/a Atelier #317-92(3)
562 and 564 Commonwealth Avenue

Newton, Ward 6, on land known as Section 61, Block 3, Lot 22,
containing approximately 12,944 square feet of land.

Identify Land Affected

City of Newton Board of Aldermen affecting the
of the owner with respect to the use of premises ~~sax~~ for a barber shop (#317-92(2)) and
sion of a frame shop (#317-92(3)) at
562 and 564 Commonwealth Avenue Newton
City

nd title standing in the name of
Jerome R. Dangel, Trustee, Avenue Realty Trust
address is 825 Beacon Street, Suite 1, Newton MA
ced duly recorded in the Middlesex County Registry of Deeds in Book
2 Page 341 Registry District of the Land Court
ate No. Book Page

decision of said Board is on file with the papers in Decision or Case No 317-92(2) and 317-92(3)
dated 2/16/93

nce of the City Clerk of Newton

this 9th day of March 19 93

Board of Aldermen

Richard J. McGrath President

[Signature] Clerk

Edward G. English, Clerk
19 at o'clock and minutes M.

eived and entered with the Register of Deeds in the County of

Page

ATTEST

Register of Deeds

Notice to be recorded by Land Owner.

A True Copy
Attest
[Signature]
City Clerk of Newton, Mass.

CITY OF NEWTON
IN BOARD OF ALDERMEN

February 16, 1993

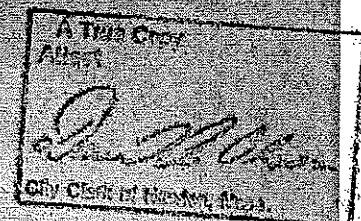
ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT/SITE PLAN APPROVAL AND EXTENSION OF NON-CONFORMING USE AND STRUCTURE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefore, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the Petitioner/Owner will join with the neighborhood to request and support studies for traffic and parking improvements for the intersection of Chestnut Terrace and Commonwealth Avenue, including a loading zone and on-street handicapped parking, which will improve visibility, lessen illegal parking and reduce obstructions at the corners.
2. The Board finds that the new parking spaces will not be used to permit expansion or intensification of uses in the entire building.
3. The Board finds that there is a concern for the frequency and extent of traffic and parking violation by the public on Commonwealth Avenue in the vicinity of the premises and asks for intensive police enforcement of current parking regulations.
4. The Board finds that the fact that a fourth employee (manicurist) for the barber shop was permitted on the premises (#562 Commonwealth Avenue) under this special permit and any subsequent extension thereof shall not justify or serve as a precedent for more than three employees on the largest shift in the event that use of this premises changes from a barber shop.
5. The Board finds that the change of use is not substantially more detrimental to the neighborhood.
6. The Board finds that the owner of the building is committed to improving the facade and appearance of the vacant tenant space and, ultimately, the entire building.
7. The Board finds that the proposed changes in uses will permit the use of a tenant space in the building which has been unused for some period of time and will allow the expansion of an existing low-intensity use which is compatible with adjacent residential uses.

PETITION NUMBER: #317-92(2) and #317-92(3)

PETITIONER: Jerome R. Dangel, Trustee, Avenue Realty Trust
#317-92(2) ZAMPA, INC.
#317-(3) John A. Kasbohm d/b/a ATELIER



LOCATION: 562 and 564 Commonwealth Avenue, Ward 6, Section 61, Block 3, Lot 22, containing approximately 12,944 square feet of land.

OWNER: Jerome R. Dangel, Trustee, Avenue Realty Trust

ADDRESS OF OWNER: 825 Beacon Street, Suite 1
Newton, MA. 02159

TO BE USED FOR: #317-92(2) barber shop
#317-92(3) expansion of a frame shop

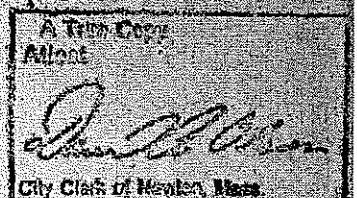
CONSTRUCTION: Interior only

EXPLANATORY NOTE: Section 30-21 allows the Board of Aldermen to grant a Special Permit to change the use in a non-conforming structure. Section 30-19(m) allows the Board of Aldermen to grant a Special Permit for a parking waiver for the dimension and location of parking spaces. Given the topography, retaining wall, a non-conforming building and an easement on the site, parking spaces which meet the dimensional requirements and a handicapped parking space cannot be provided.

Land referred to is in a Multi-Residence 1 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with site plans entitled "Plan of land in Newton, Mass." by U.M. Schiavone, dated December 29, 1992, and "Plan of land 552-562 Commonwealth Avenue, Newton, Mass., prepared for J & B Realty Trust, by Otte & Dwyer, Inc., dated July 26, 1989 and three floor plans by William Gillitt Architect, Inc. dated June 10, 1992 with revisions dated 2/2/93, submitted by the petitioner and filed herewith.
2. That three street trees will be planted at the owner's expense, if permitted by the appropriate City department, unless installation is prohibited by the subsequent implementation of traffic improvements and parking considerations.
3. That three new parking spaces will be provided at the rear of the site in accordance with the site plan by U.M. Schiavone noted in Condition #1. These spaces will be for employees only and shall be located outside the existing right of way. The addition of three parking spaces on the premises will eliminate the need for parking waivers as to numbers which might be required for the use granted and the new uses at #562 and #564 Commonwealth Avenue and will reduce the degree of the impact upon the neighborhood of the new uses. However, the three new parking spaces shall not be used to justify further intensification of the present uses in the entire building or a future change to a more intense use located anywhere in the building as such use might relate to parking.
4. That existing trees, shown on the plan by U.M. Schiavone cited in Condition #1, which are within the easement area and outside the parking areas shall be preserved.



5. That because some of the trees may be lost as a result of the parking improvements at the rear of the site, evergreen shrubs at least 3-3 1/2 ft. high at planting shall be maintained and installed, subject to the review and approval of the Director of Planning and Development, to provide additional screening of the building.
6. That there will be uniform signage within a sign band designated by the Urban Design and Beautification Commission. The installation of the signs at #562 and #564 Commonwealth Avenue will be completed prior to a final Certificate of Occupancy.

This condition shall also apply to tenants under present leases who assent or when there is a renewal of a lease or change in tenancy, whichever is earlier. Any new signs shall not be illuminated.


7. That a dumpster with spring loaded doors to be used by all tenants will be located on the western end of the site. The dumpster shall be screened with a 6 ft. high stockade fence.
8. That pick-up for trash, food waste and medical waste shall occur only on weekdays between 8 AM. and 5 PM. Trash shall be picked up at least once a week or more often, if needed.
9. The Petitioner/Owner and tenants shall use best efforts to recycle all waste materials except food and medical waste products which shall be disposed of under applicable federal and state regulations. Such waste products shall be stored indoors prior to being removed from the premises.
10. That The Commonwealth Avenue and Chestnut Terrace facades shall be uniform in appearance with each other and the rear facade shall have a uniform appearance. The color of the woodwork and the brick, if painted, shall be approved by the Director of Planning and Development. Such work shall be done within 6 months of the date of approval of the Special Permit and prior to the issuance of a Certificate of Occupancy.
11. That the wooded area at the rear of the site shall be cleared of scrub growth and maintained in good condition.
12. That the rear alley shall not be used for outside storage and that the area shall be kept clear of debris.
13. That after 7 PM. the light emanating from the windows of the premises at #562 and #564 Commonwealth Avenue shall be reduced by either curtains, blinds or shielded interior lights. Sufficient light shall be allowed to inform customers that the premises are open. Whichever means of light reduction used shall be approved by the Director of Planning and Development. This condition shall also apply to tenants under present lease whose premises are allowed to be opened after 7 PM. and who assent or when there is a renewal of a lease or change in tenancy, whichever is earlier.
14. That, with regard to the proposed barber shop at #562 Commonwealth Avenue the following shall apply:

APPROVED
[Signature]
Director of Planning and Development

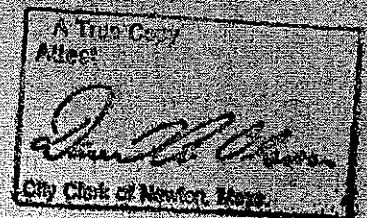
- a. Not more than three employees shall be on the premises at any one time during the weekdays, provided however, that a fourth employee, limited to a manicurist, may be on the premises on Saturdays. Except for a manicurist, no other type of employee serving in a support capacity to the barbers shall work at the premises. A manicurist shall not serve anybody who is not also served by a barber.

The right of the barber shop to have a manicurist on Saturdays shall be for a one-year trial period, commencing on the date either a permanent or temporary Certificate of Occupancy is issued, whichever is first. If the barber shop wishes to continue employing the manicurist after the one-year trial period, the barber shop operator(s) shall file a special permit application with the Board of Aldermen requesting continuation of this condition. The Board of Aldermen may, following a public hearing noticed in accordance with the requirements of MGL Ch. 40A, Sec. 11, extend the right of the barber shop to have a manicurist for such additional time or permanently as the Board of Aldermen, in its discretion, determines appropriate. In acting upon the request to continue the right of the barber shop to have a manicurist, the Board of Aldermen shall limit its deliberations to a consideration of traffic or parking problems created by the presence of the manicurist and shall grant a continuation of such right for whatever period of time it finds appropriate if it determines that the presence of the manicurist does not create traffic or parking problems adverse to the neighborhood.

- b. Not more than three barber chairs, one screened customer chair, and two shampoo customer chairs plus seating in a waiting area shall be provided for customers.
- c. That the hours of operation shall be 7 AM. to 6 PM. five days a week, including Saturdays, but excluding Sundays.
14. That with regard to the frame shop at #564 Commonwealth Avenue the exterior door of the building facing Chestnut Terrace shall be used only for emergency egress.
15. That the Petitioners will inform their customers and suppliers of the on-street parking restrictions and the prohibition of double parking and of the intensive enforcement of these regulations.
16. That the premises at #562 and #564 Commonwealth Avenue shall conform to State and local fire and safety codes, to the extent applicable.
17. That no building permit shall be issued in pursuance of the **SPECIAL PERMIT/SITE PLAN APPROVAL** and **EXTENSION OF NON-CONFORMING USE** and **STRUCTURE** until:
- a. A final landscape plan indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and statement of such certifying such approval shall have been filed with the City Clerk and the Department of Inspectional Services.

A True Copy
Attest

City Clerk of Newton, Mass.

- b. That the City Engineer has reviewed and approved site grading and drainage, and the installation of sidewalk and curbing improvements along street frontages and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - c. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - d. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
18. That no building or structure, or portion thereof subject to this SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING STRUCTURE and USE shall be occupied until:
- a. No temporary occupancy permit shall be issued until Conditions #3, 4, 6, 9, 10 and 11 of this board order have been completely complied with.
 - b. The Petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.
 - c. There shall have been filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the finished grades and final construction details of the driveways, parking area, drainage systems have been constructed to standards of the City of Newton Engineering Department.
 - d. There shall have been filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, and parking areas.
 - e. Notwithstanding the provisions of Section 18d, hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.



Under Suspension of Rules
Readings Waived and Approved
22 yeas 1 nay (Ald. Bauckman)
1 absent (Ald. Lipsitt)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on February 16, 1993. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT and SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the Planning and Development Board and the City Clerk.

ATTEST:



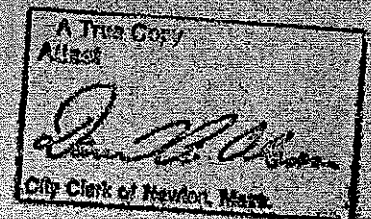
(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on February 16, 1993 and that NO APPEAL to said decision pursuant to M.G. Laws Chapter 40, Section 17 has been filed thereto.

ATTEST



EDWARD G. ENGLISH, City Clerk



ATTACHMENT "E"



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

NOTICE OF MEETING

Date: **Wednesday, October 16, 2019**
Time: 7:00 p.m.
Place: City Hall – Room B17
1000 Commonwealth Avenue, Newton, MA

* AGENDA *

1. Roll Call

2. Regular Agenda

Sign Permits

1. 132-136 Adams Street – Patzcuaro Taqueria & Bar
2. 978 Watertown Street – Spinbox
3. 320 Washington Street – Four Points by Sheraton
4. 562 Commonwealth Avenue – Forevermark Flowers
5. 85 Chapel Street – Advanced Learning Center
6. 40 Austin Street – Rockland Trust

Fence Appeal

1. 1707 Washington Street Fence Appeal
2. 650 Commonwealth Avenue Fence Appeal
3. 524 California Street Fence Appeal

3. Adjournment

Owner or applicant must attend the meeting to present the application

Ruthanne Fuller,
Mayor

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman,
Chair
Jim Doolin
John Downie
Robert Linsky
Carol Todreas
William Winkler

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142

www.newtonma.gov

*Supplementary materials are available for public review in the Planning Department on the 2nd Floor, Room 202, of City Hall by the Friday before the meeting. For more information contact **Shubee Sikka** at **617.796.1139** or ssikka@newtonma.gov

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.





CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

NOTICE OF MEETING

Date: **Wednesday, December 11, 2019**
Time: 7:00 p.m.
Place: City Hall – Room 205
1000 Commonwealth Avenue, Newton, MA

Ruthanne Fuller,
Mayor

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman,
Chair
Jim Doolin
John Downie
Robert Linsky
Carol Todreas
William Winkler

* AGENDA *

1. Roll Call

2. Regular Agenda

Sign Permits

1. 916 Walnut Street – Whole Foods

Design Review

1. 1149, 1151, 1169, 1171-1173, 1179, and 1185 Washington Street, 32-34 Dunstan Street, 12, 18, 24, and 25 Kempton Place – Dunstan East

3. Adjournment

Owner or applicant must attend the meeting to present the application

*Supplementary materials are available for public review in the Planning Department on the 2nd Floor, Room 202, of City Hall by the Friday before the meeting. For more information contact **Shubee Sikka** at 617.796.1139 or ssikka@newtonma.gov.

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

1000 Commonwealth Ave.
Newton, MA 02459
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F 617-796-1142

www.newtonma.gov



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

NOTICE OF MEETING

Date: **Wednesday, January 8, 2020**
Time: 7:00 p.m.
Place: City Hall – Room B17
1000 Commonwealth Avenue, Newton, MA

* AGENDA *

1. Roll Call

2. Regular Agenda

Sign Permits

1. 880 Walnut Street – The Farmacy Café
2. 313 Washington Street – Awaken 180
3. 200 Boylston Street, B104 – The Shade Store
4. 200-220 Boylston Street – Serena & Lily

Design Review

1. 15 Riverdale Avenue - Residences on the Charles Design Review

3. Adjournment

Owner or applicant must attend the meeting to present the application

Ruthanne Fuller,
Mayor

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman,
Chair
Jim Doolin
John Downie
Robert Linsky
Carol Todreas
William Winkler

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142

www.newtonma.gov

*Supplementary materials are available for public review in the Planning Department on the 2nd Floor, Room 202, of City Hall by the Friday before the meeting. For more information contact **Shubee Sikka at 617.796.1139 or ssikka@newtonma.gov**

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

NOTICE OF MEETING

Date: **Wednesday, February 12, 2020**
Time: 7:00 p.m.
Place: City Hall – Room 205
1000 Commonwealth Avenue, Newton, MA

* AGENDA *

1. Roll Call

2. Regular Agenda

Sign Permits

1. 320 Washington Street – Four Points by Sheraton
2. 148 California Street -My Salon Suite
3. 1157 Washington Street – Safelite AutoGlass
4. 313 Washington Street – Newton Corner Dental Care
5. 255 Washington Street – RMR Group
6. 131-181 Needham Street – bfresh by Stop & Shop

Comprehensive Sign Package

1. 1-55 Boylston Street - The Street

Fence Appeal

1. 40 Fernwood Road – Fence Appeal

Design Review

1. 340 River Street – Design Review

3. Adjournment

Owner or applicant must attend the meeting to present the application

Ruthanne Fuller,
Mayor

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman,
Chair
Jim Doolin
John Downie
Robert Linsky
Carol Todreas
William Winkler
Visda Saeyan

*Supplementary materials are available for public review in the Planning Department on the basement level, of City Hall by the Friday before the meeting. For more information contact **Shubee Sikka** at 617.796.1139 or ssikka@newtonma.gov

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

1000 Commonwealth Ave.
Newton, MA 02459
T 617-796-1120
F 617-796-1142

www.newtonma.gov

ATTACHMENT "F"

Inspector Intake Initials & Date Stamp

RECEIVED
INSPECTIONAL SERVICES
NEWTON, MA

20 JAN 23 AM 11:21

City of Newton, Massachusetts
Inspectional Services Department
1000 Commonwealth Avenue
Newton, Massachusetts 02459

Permit No.: 20010558
Date Issued: 1-23-20
Date Received: 1-23-20

APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS PAGE

LOCATION INFORMATION (562-564) Inspector: (P.G.) District No.: _____
Location: 562 Commonwealth Ave Zoning District: MRI
Section: 61 Block: 3 Lot: 22 Year Built: 1920
Historic District: Yes: NR No Condominium: Yes No

TYPE AND USE OF BUILDING

Type of Improvement <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Repair, Replacement <input checked="" type="checkbox"/> Signage <input type="checkbox"/> Temporary Tent <input type="checkbox"/> Other: _____	Proposed Use: Residential <input type="checkbox"/> Single Family <input type="checkbox"/> Two Family <input type="checkbox"/> 3 or more Family No. of Units: _____ <input type="checkbox"/> Garage <input type="checkbox"/> Other: _____	Proposed Use: Non-Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Hospital, Institutional <input type="checkbox"/> Church, other Religious <input type="checkbox"/> Public <input type="checkbox"/> Wireless Communication <input type="checkbox"/> Other: _____
--	--	---

Description of work to be performed: Install a New Channel Letters sign
to the wall

"Forever Mark Flowers"

City Council; Special Permit #: _____ Zoning Board of Appeals; Variance; Petition #: _____

IDENTIFICATION (PLEASE TYPE OR PRINT CLEARLY)

Property Owner: Name: Ronald Cahaly Phone: _____
 Address: 562 Commonwealth Ave Newton MA

Contractor: Name: New CC Sign Inc Phone: 857-205-5678
 Address: 70 Old Colony Ave Boston, MA 02127
 Supervisor's Construction License: 113216 Exp. Date: 7/13/2020
 Home Improvement Registration: _____ Exp. Date: _____
 Contractor ID #: 11766

Architect/Engineer: Name: _____ Phone: _____
 Address: _____ Reg. No.: _____

SIGNATURES: *Note: Persons contracting with unregistered contractors do not have access to the guaranty fund.

[Signature]
SIGNATURE OF AGENT/OWNER

[Signature]
SIGNATURE OF CONTRACTOR

DEBRIS REMOVAL: CONSTRUCTION DEBRIS IS NOT TO BE DISPOSED OF IN THE CITY OF NEWTON TRASH COLLECTION SYSTEM

Section 105.3.1.2 780 CMR, Mass. State Building Code states: "..... A condition of issuing a permit for the demolition, renovation, rehabilitation, or other alteration of a building or structure, M.G.L. Ch. 40 § 54, requires that the debris resulting therefrom shall be disposed of in a properly licensed said waste disposal facility* as defined by M.G.L.Ch.111, § 150 A."

Casella Waste 24 Bunker Hill Industrial Park Boston MA 02129
*Location of Facility or Dumpster Company's Name and Address

DEMOLITION ONLY; DUST CONTROL – Choose one of the following options below

Water Truck Hydrant Meter (Requested through Engineering Dept; Not available Nov. 15th to April 15th)

**FEE SCHEDULE: BUILDING PERMIT \$20.00 PER \$1,000.00 OF CONSTRUCTION OR FRACTION THEREOF
*ROUNDED UP TO THE NEAREST THOUSAND***

★ Total cost of the job: \$ 2390 X .02 = FEE \$ 100
Check No.: 1671 Receipt No.: 0500000 7042

THE FOLLOWING SECTIONS FOR OFFICE USE ONLY

DEPARTMENT APPROVALS	APPROVED	DISAPPROVED	NOT APPLICABLE
Planning and Development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conservation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engineering Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

WATER & SEWER SERVICE: Dwelling or structure built prior to 1970; Gutting more than 50% or increase of more than 1,000 sq ft new water and sewer must be installed (Refer to Engineering Department for policy)

Gutting more than 50%: Yes No Increase of more than 1,000 sq ft: Yes No

COMMENTS/NOTES:

1/23 owner signature - RB

BUILDING PERMIT APPROVED AND ISSUED BY:

AD

December 1, 2017

ATTACHMENT "G"

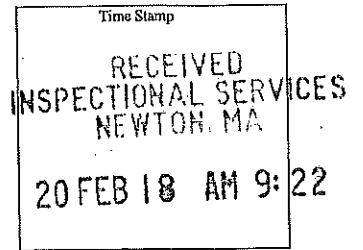


ATTACHMENT "H"

Inspectional Services Department



John D. Lojek, Commissioner
1000 Commonwealth Avenue
Newton, MA 02459
www.newtonma.gov



Ruthanne Fuller
Mayor

REQUEST FOR ZONING ENFORCEMENT

Craig Edsall, Zoning Enforcement Agent, cedsall@newtonma.gov (617) 796-1063

*CRAB
10-4*

To: The Commissioner
Inspectional Services Department

Date: 2/18/2020

ADDRESS OF VIOLATION

560 & 562 Commonwealth Avenue

I believe the zoning ordinance is being violated because:

NATURE OF COMPLAINT

A violation of Board Orders

SPECIAL PERMIT #317-92(2) and (3) Conditions:

#6 Uniform Signage designated by Urban Design and

Beautification Commission - NO illuminated signs

#13 After 7pm lights shielded - not done

#8 Trash pick up between 8 & 5 to 5:45 regularly!

See Pictures -

302 - ILLUMINATED "FLOWERS" and "OPEN"

560 - illuminated clothes hangers - 8/17

It is my understanding that, as the complainant, I may be asked to participate with the Inspectional Services Department by appearing jointly with the Zoning Enforcement Agent in court.

Pursuant to the above allegations and Section 30-31(b) of the City of Newton Revised Zoning Ordinance, I am requesting enforcement of said ordinance. I understand that my name will not be disclosed unless said disclosure is ordered by court.

I give my permission for the Inspectional Services Department to enter upon and traverse my property for the purposes of investigating this complaint.

Email debbiemegrian@gmail.com

Mail Below

Phone 617 332-2262

Fax _____

Deborah Megrian

Complainant Name (Please Print)

Deborah Megrian
Signature

563 Commonwealth Avenue

Newton Centre, MA 02459

Address



INSPECTIONAL SERVICES DEPARTMENT
CITY OF NEWTON
1000 COMMONWEALTH AVENUE
NEWTON, MA 02459-1449
617-796-1060

SIGN PERMIT 20010558

This is to certify that the named person has permission to do the stated work at the stated location, provided that such work complies with all applicable codes, statutes and ordinances. Appropriate inspections must be made before work can proceed to the next phase. Failure to obtain inspections or to comply with code is a criminal offense punishable by fines and/or jail.

Owner: 552 COMM AVE LLC
Location: 552 COMMONWEALTH AVE (564)
NEWTON CENTER, MA 02459
SBL: 61003 0022
Purpose: "Forever Mark Flowers" #562. Install a new channel letters sign to the wall.
Issued To: NEW CC SIGN INC
70 OLD COLONY AVE
BOSTON, MA 02127

Date Issued: 01/23/2020
Permit Fee: \$100.00
License No.: 113216
Contractor ID: 10766
Inspector: Alan Gifford 617-796-1066

Nadia Khan

From: Adrianna Henriquez
Sent: Thursday, March 19, 2020 12:35 PM
To: Nadia Khan; David A. Olson
Subject: FW: ZBA Appeal

CITY CLERK
NEWTON, MA, 02459

2020 MAR 19 PM 12:35

RECEIVED

Hi there,

Could you please take in and time stamp this extension. Could you also send back a copy?

Thanks!

From: Debbie Megrian
Sent: Thursday, March 19, 2020 11:43 AM
To: Jonah Temple
Cc: Adrianna Henriquez; Jaclyn R. Zawada
Subject: Re: ZBA Appeal

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear Mr. Temple,

This email is to acknowledge and confirm our conversation today in which we agreed that we will extend the 65 day time limit until May 27, 2020.

Stay well,

Debbie Megrian

On Mar 19, 2020, at 11:37 AM, Jonah Temple <jtemple@newtonma.gov> wrote:

In follow up to our conversation today, I am writing on behalf of the ZBA to confirm our agreement to extend the 65 day time limit to open a public hearing on your appeal to May 27, 2020. Please respond this email to confirm your agreement to this extension.

Thanks

Jonah

Jonah M. Temple
Assistant City Solicitor
City of Newton Law Department
1000 Commonwealth Ave.
Newton, MA 02459
Tel: 617-796-1240
Fax: 617-796-1254
jtemple@newtonma.gov

From: Jonah Temple
Sent: Wednesday, March 18, 2020 11:07 AM