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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	October 14, 2014
Land Use Action Date:	November 18, 2014
Board of Aldermen Action Date:	December 15, 2014
90-Day Expiration Date:	January 5, 2015

DATE: October 10, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #132-14(2)**, STONE GALLERYLLC/CLINE REALTY LIMITED, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a second freestanding sign at 49-51 WINCHESTER STREET, Ward 5, Newton Highlands, on land known as SBL 51, 28, 30, containing approximately 79,500 sf of land in a district zoned MIXED USE 1. Ref: 30-24, 30-23, 30-20(l) and special permits #219-05 #132-14.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



49-51 Winchester Street

EXECUTIVE SUMMARY

The property located at 49-51 Winchester Street consists of a 79,500 square foot lot and is improved with three commercial structures totaling approximately 23,978 square feet. The petitioner, Stone Gallery, received a special permit via Board Order #132-14 to operate a retail and wholesale business for landscaping materials with an outdoor display area, as well as other relief relative to the nonconforming site conditions and outdoor parking facilities. To provide greater visibility to the business, the petitioner would like to install a free-standing sign. In order to install the free-standing sign, which would be the second free-standing sign on the property, the petitioner is seeking a special permit to allow a two-sided free-standing sign with approximately 13 square feet of sign area at the corner of Curtis Street and Winchester Street.

The petitioner was noticed by the City's Inspectional Services Department (ISD) after the petitioner began constructing the free-standing sign without a building permit. ISD issued a "Stop Work Order" for the construction of the sign and informed the petitioner that a special permit and building permit are necessary for the erection of the sign as proposed. According to ISD, it appears the petitioner did not know that permits were necessary for the installation of the sign.

The Urban Design Commission (UDC) reviewed the sign proposal and recommended approval of the free-standing sign (**ATTACHMENT A**). In arriving at their recommendation, the UDC considered that the establishment was largely separate from the types of uses in the principal building, the proposed sign will further enhance the already improved streetscape, and the proposed free-standing sign takes a modern approach to advertising and improves way-finding for customers looking for the establishment. The Planning Department has no particular concerns with this petition. The Department, however, generally prefers the co-location of signs for multi-tenant sites to unify the presentation of signage and to minimize the appearance of sign clutter. The existing placement of the sign does not appear to interfere with the movements of pedestrians or vehicles, and its replacement will improve way-finding for customers of the establishment from Winchester Street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The free-standing sign is in the public interest as it will improve way-finding along the Winchester Street corridor for customers of the establishment. (§30-24(d)(1), §30-20(I))
- The location of the proposed free-standing sign will not create a nuisance or serious hazard to pedestrians or vehicles, since the proposed sign will not impede the movement or visibility for pedestrians or vehicles. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located at the corner of Curtis Street and Winchester Street, but is proximate to the intersection of Boylston Street/Route 9 at Winchester Street and

Centre Street. The subject property, which contains a mix of commercial uses, is adjacent to other properties containing commercial, nonprofit, and single family and multi-family residential land uses (**ATTACHMENT B**). The project site also immediately abuts the City's Evergreen Cemetery and the Massachusetts Bay Transit Authority Green Line right-of-way. The subject property is zoned Mixed Use 1, but the surrounding neighborhood contains properties zoned Single Residence 3, Multi-Residence 1, Business 2, Manufacturing, Mixed Use 1 and 2, and Public Use (**ATTACHMENT C**).

B. Site

The property consists of 79,500 square feet of land and is improved with three commercial buildings totaling approximately 23,978 square feet. While a small portion at the northern end of the site is wooded (adjacent to Curtis Street), the remainder of the site is developed with the commercial buildings and surface parking lots. To advertise the site's different establishments, two wall-mounted signs (facing Winchester Street) and a two-sided free-standing sign (also along Winchester Street) have been erected. These signs have been erected by right or with a previous special permit.

The petitioner received a special permit via Board Order #132-14 to operate a retail and wholesale business for landscaping materials with an outdoor display area in and around the smaller structure adjacent to Curtis Street. In accordance with this approval, the petitioner is making certain improvements to enhance the streetscape along Winchester Street and to rectifying the noncompliant outdoor parking facility through restriping and the installation of wheel stops.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will continue to have a mix of commercial uses.

B. Building and Site Design

The petitioner is proposing to erect a free-standing sign, which will not result in any changes to the structures on the site. According to the petitioner, the proposed free-standing sign will be integrated into the larger outdoor display area for the landscaping materials. Since this establishment is not located within the principal commercial building and is set back near the smaller structure and wooded area at the northern end of the site, the proposed free-standing sign will improve visibility for the business from Winchester Street.



C. Signage

The proposed free-standing sign will be located near the vehicular entrance on the northern side of the site. The sign is constructed from sign board, or high density urethane foam, and will be anchored to a stone veneered block wall. To visually blend the sign into the display area for the landscaping materials, the petitioner is proposing to install decorative plantings at the base and atop the free-standing sign. Furthermore, the proposed sign will be two-sided, have approximately 13 square feet of sign area on each side, and will be externally illuminated with solar powered LED lights.

The Planning Department has no particular concerns with this petition. However, the Department prefers the co-location of signs for multi-tenant sites to unify the presentation of signage and to minimize the appearance of sign clutter. After consultation with the Newton Police Department, the Department believes that the location of the proposed sign will not create a nuisance or serious hazard to pedestrians or vehicles, and will improve way-finding for customers of the establishment from Winchester Street.

D. Parking and Circulation

There will be no change to the parking or circulation of the site due to the proposed development.

E. Landscape Screening

No landscape plan was required for this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- §30-20(f)(9) and §30-20(l) to allow the erection of a second free-standing sign.

B. Urban Design Commission

The UDC reviewed the proposed free-standing sign on August 20, 2014, and recommended approval of the replacement sign as proposed (**ATTACHMENT A**). In arriving at their recommendation, the UDC considered that the establishment is separate from the uses in the principal building, the proposed sign will further enhance the streetscape, and the proposed free-standing sign takes a modern approach to advertising and improves way-finding for customers looking for the establishment.

C. Engineering Review

This project does not require review by the Engineering Division of Public Works.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

Attachment A: Urban Design Commission - Recommendation, dated August 21, 2014

Attachment B: Land Use Map


Attachment C: Zoning Map

Attachment D: Zoning Review Memorandum, dated September 4, 2014

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: August 21, 2014
TO: John Lojek, Commissioner of Inspectional Services
FROM: James Freas, Acting Director of Planning and Development
Daniel Sexton, Senior Planner 
LOCATION: 49 Winchester Street **BUSINESS:** Stone Gallery
CONTRACTOR: TBD

Sections 30-20(c)(1), as amended, allows the Director of Planning and Development, in consultation with the Urban Design Commission (UDC), to review sign permit applications. The Commission reviewed the proposed sign for compliance with Section 30-20(f) on **August 20, 2014** and has recommended to the Land Use Committee the approval of the sign as proposed:

- One principal free-standing sign, non-illuminated, with approximately 12.25 square feet of sign area facing Winchester Street.

The UDC also offered the following thoughts for consideration:

The UDC generally encourages establishments seeking approval for free-standing signs to co-locate and unify the presentation of signage for multi-tenant sites to minimize the appearance of sign clutter. However, without cooperation and support from the property owner this may not always be possible. The UDC also recognized that the principal building serves a different type of occupancy and use than the proposed establishment, which is based around an outdoor display area. The petitioner has also made significant improvements to the site that enhance the streetscape appeal, which include restriping the parking facility, installation of landscape planters along Winchester Street, and cleaning up the area around the small structure on the north side of the site. Further, the UDC found the proposed sign to be a substantial improvement to the site's signage, as the proposed sign takes a modern approach to advertising and improves way-finding for customer to the establishment, over the existing free-standing sign.

The Planning Department concurs with the UDC, and recommends approval of the proposed signage described in the application and plans of reference. This application, specifically the proposed free-standing sign, requires further review by the Land Use Committee and Planning Department through the special permit permitting process.

This memo does not constitute a permit. The applicant must receive a special permit from the Board of Alderman and 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.

Cc:
Edward Dee, 49 Winchester Street, Newton, MA 02461
Urban Design Commission file

Land Map 49-51 Winchester Street

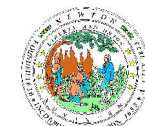
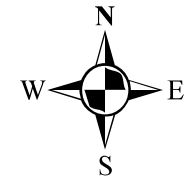
*City of Newton,
Massachusetts*

ATTACHMENT B

Legend

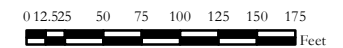
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Open Space
-  Nonprofit Organizations
-  Vacant Land
-  Property Boundaries
-  Building Outlines

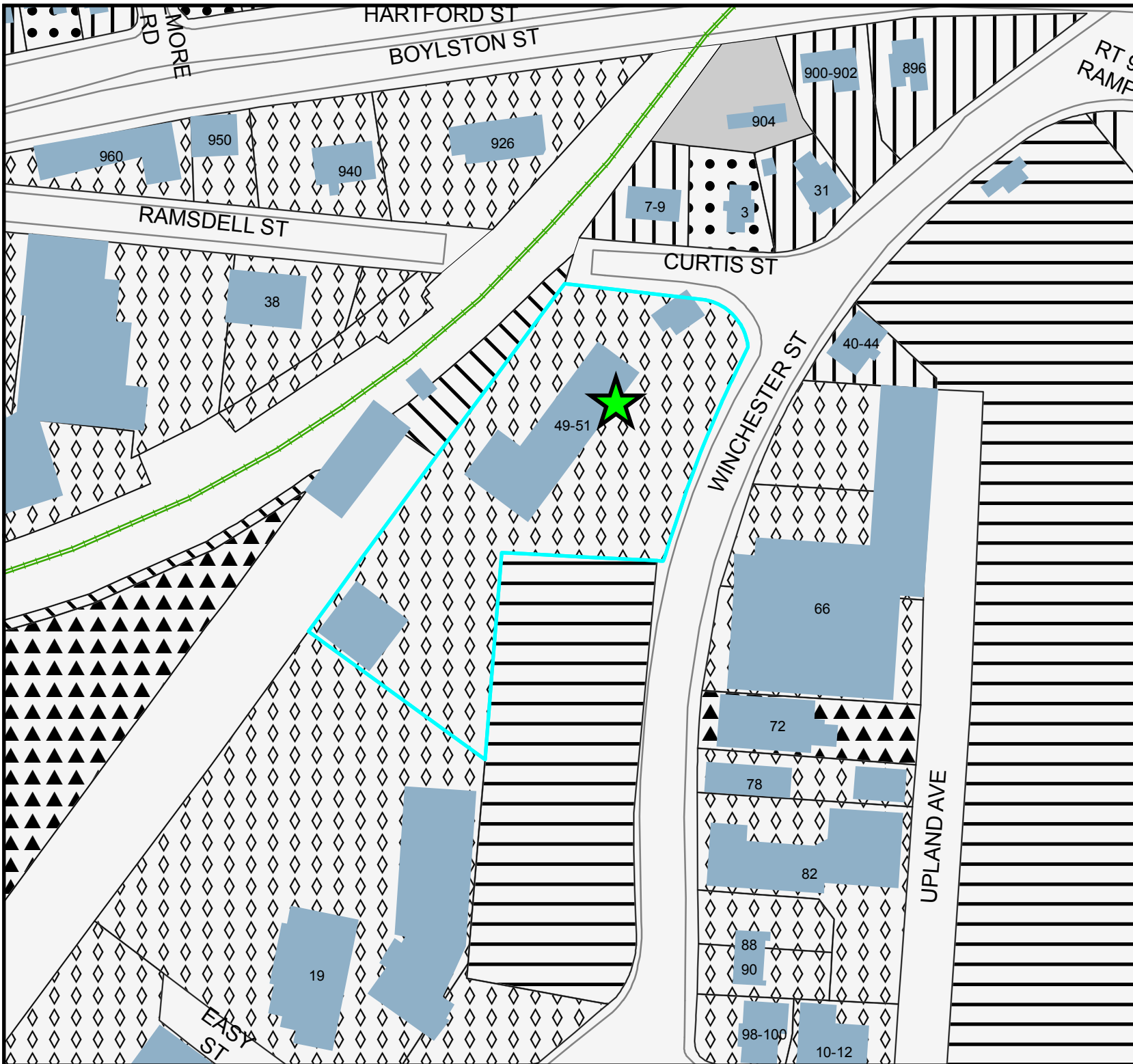


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: September 22, 2014



Zoning Map 49-51 Winchester Street

*City of Newton,
Massachusetts*

ATTACHMENT C

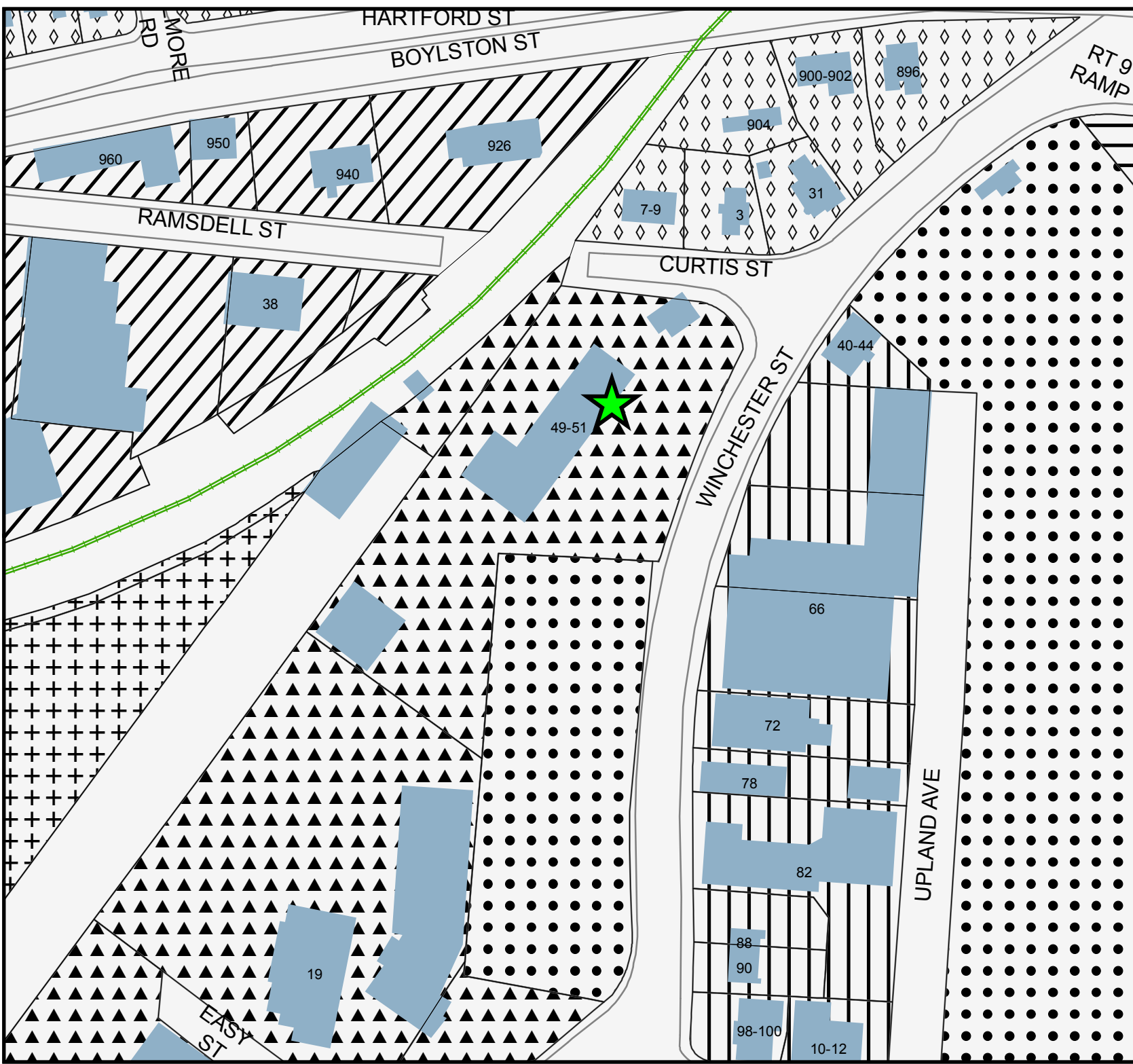
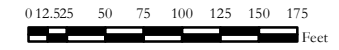
Legend

- Single Residence 3
- Multi-Residence 1
- Business 2
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Public Use
- Property Boundaries
- Building Outlines



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CITY OF NEWTON, MASSACHUSETTS
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Setti D. Warren
Mayor

Attachment D

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: September 4, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Edward Dee, The Stone Gallery, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a Special Permit for a free-standing sign

Applicant: Edward Dee, The Stone Gallery	
Site: 49-51 Winchester Street	SBL: 51028 0030
Zoning: MU1	Lot Area: 79,500 square feet
Current use: Multi-tenant commercial	Proposed use: No change

BACKGROUND:

The property at 49-51 Winchester Street consists of a 79,500 square foot lot in a Mixed Use 1 zone. The site is at the corner of Winchester and Curtis Streets and is improved with a 19,000 square foot multi-tenanted commercial building, a detached 3,600 square foot metal shed used for storage in the rear of the property and a detached 1,378 square foot wooden shed at the southeast corner of the property. The applicant, The Stone Gallery, has its primary office space within approximately 900 square feet of space in the main commercial building. They also use the wooden shed and an approximately 4,800 square foot landscaped area on which it is located as a display area incidental to a retail and wholesale business for the sale of marble, stone and other architectural materials and general landscaping materials for use in gardens, landscaping, patios, building and paving. The Applicant received a special permit to allow for the retail use and an outdoor display area, as well as other relief relative to the site conditions.

There is an existing free-standing at the front center of the property on Winchester Street advertising the businesses within the main building. Where the applicant's primary interaction with its customers is within the separate wooden shed and landscaped display area at the front corner of the property, a separate free standing sign within the display area is proposed. The 5.3 feet wide by 2.3 feet high sign

will sit atop a masonry planting bed, and affixed to a stone wall measuring 6.3 feet long by 4.8 feet tall by 2.3 wide. The applicant proposes lettering on both sides of the wall.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Edward Dee, The Stone Gallery, dated 8/18/2014
- Site Plan, prepared by Everett M Brooks, surveyor, dated 5/6/2014
- Sign details, prepared by Countryside Designs, dated 8/6/2014
- Photos of site, undated

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes a 12.2 square foot free-standing sign measuring 5.3 feet by 2.3 feet. The sign will sit atop a masonry planting bed as part of the display area for the business located next to the accessory shed used for customer service by this particular business at the southeast corner of the lot at the intersection of Winchester and Curtis Streets. There is an existing free-standing sign on site advertising the businesses within the main commercial building. The property sits at the corner of Winchester and Curtis Streets, and Section 30-20(l) allows a corner lot to have two free-standing signs for each frontage.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-20(l), §30-24	Second free-standing sign	S.P. per §30-24