



#14-20(2)

City of Newton, Massachusetts  
Department of Planning and Development  
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Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 12, 2021  
Land Use Action Date: March 30, 2021  
City Council Action Date: April 5, 2021  
90-Day Expiration Date: April 12, 2021

DATE: January 8, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner

SUBJECT: **Petition #14-20(2)**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a free-standing sign (3.75' high x 8' wide) and to amend the site plan approved by Special Permit Board Order #14-20 at **287-289 Newtonville Avenue**, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.8, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**287-289 Newtonville Avenue**

## **EXECUTIVE SUMMARY**

The property at 287-289 Newtonville Avenue is an approximately 72,643 square foot lot at the corner of Newtonville Avenue and Albany Street. It is improved with a one-story warehouse building constructed in 1951. The rear (northern) and east (along Albany Street) portions of the lot are located in Manufacturing (MAN) district; the front left (southwest) portion of the lot is located in a Multi Residence 1 (MR1) district.

The property was granted Special Permit #14-20 to allow the construction and operation of a parking facility accessory to a business or manufacturing use in a residential district (a portion of the parking area is located in a MR1-zoned portion of the lot) and to grant various waivers to certain parking landscaping and lighting requirements.

The petitioner seeks to amend the above-referenced special permit to, per sections 5.2.3, 5.2.8 and 5.2.13 of the Newton Zoning Ordinance (NZO), allow a single-sided, 30 square foot free-standing sign (measuring 8 feet in width by 3.75 feet in height) at the back of the sidewalk at corner of Newtonville Avenue and Albany Street and to modify the approved site plan to include the addition of said sign.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed free-standing sign (§7.3.3.1)
- The proposed free-standing sign will not adversely affect the neighborhood (§7.3.3.2)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3)
- There will be no nuisance or serious hazard to vehicles or pedestrians associated with the proposed free-standing sign (§7.3.3.4)
- Given the location of the commercial structure on the lot and its distance from Newtonville Avenue, the installation of the proposed free-standing sign is in the public interest as it would provide directional assistance to drivers travelling to the site (§5.2.13.A)

### **II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

#### **A. Neighborhood and Zoning**

The site is located on the northwest corner of Newtonville Avenue and Albany Street and is bounded by the Massachusetts Turnpike to the north. The properties on either side of Albany Street (including portions of the subject property), as well as those in the vicinity to the east along the north side of Newtonville Avenue, are zoned Manufacturing (MAN). The southwest portion of the parcel, as well as those along the south side of Newtonville Avenue and those to the west along the north

side of that street are zoned Multi- Residence 1 (MR1), with an exception being a large Multi-Residence 3 (MR3) parcel to the south. The area features a mix of land uses, with two-family dwellings predominating in the immediate area to the west (including an immediate abutter) and south of Newtonville Avenue (a notable exception being an assisted living facility on the MR3-zoned parcel referred to above) and commercial and/or non-profit uses located on MAN-zoned parcels to the east/northeast of the site (**Attachments A and B**).

B. Site

The subject property is a generally level parcel, with the exception of the southwestern portion of the lot (between the new parking area and abutting dwellings), that inclines upward from east to west. Vehicular access to the warehouse and the accessory parking is provided from Albany Street. The western boundary of the parcel is fenced, and there is a combination of mature and newly installed landscaping on much of the perimeter of the site.

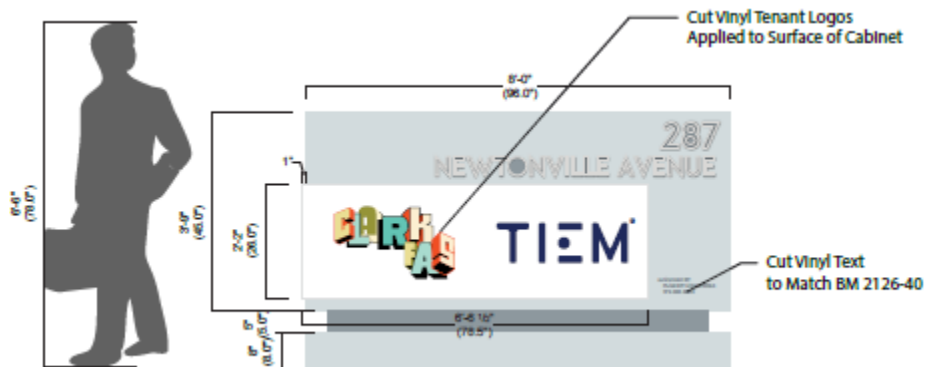
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The site is occupied by a warehouse structure with associated paved parking, loading, and maneuvering areas.

B. Site Design- Parking, Landscaping, and Lighting

The petitioner proposes to locate a 30 square foot free-standing sign (measuring 8 feet in width by 3.75 feet in height) at the corner of Newtonville Avenue and Albany Street.



On October 20, 2020 the Urban Design Commission reviewed information submitted by the applicant and recommended approval for the proposed sign “on the condition that the white portion of the tenant logo signs be blacked out from

behind, so they don't glow at night" (**Attachment C**). The Planning Department generally shares the UDC concern as reflected in its proposed condition, especially since the subject property abuts several residential uses.

The Planning Department also recommends that since the submitted plan bears the indication that the proposed location for the sign is "approximate," in the event the petition is granted the petitioner submit a final site plan for approval by the Department in advance of the issuance of a building permit for the sign.

The petitioner should be prepared to address these recommendations in advance of and/or at the public hearing and/or any subsequent working session(s).

#### IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment D**) provides an analysis of the proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- Amend Special Permit #14-20
- Special Permit per §7.3.3 to allow a free-standing sign (§§5.2.3, §5.2.8 §5.2.13)

#### V. PETITIONER'S RESPONSIBILITIES

The petition is complete at this time.

#### **ATTACHMENTS:**

- Attachment A:** Zoning Map  
**Attachment B:** Land Use Map  
**Attachment C:** Urban Design Commission Memorandum  
**Attachment D:** Zoning Review Memorandum

# ATTACHMENT A

## Land Use








287-289

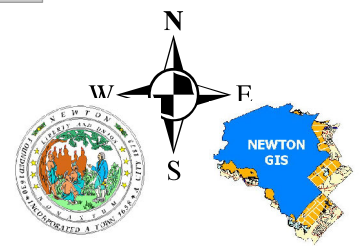
Newtonville Ave.

*City of Newton,  
Massachusetts*

## Land Use

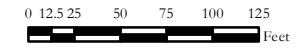
### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

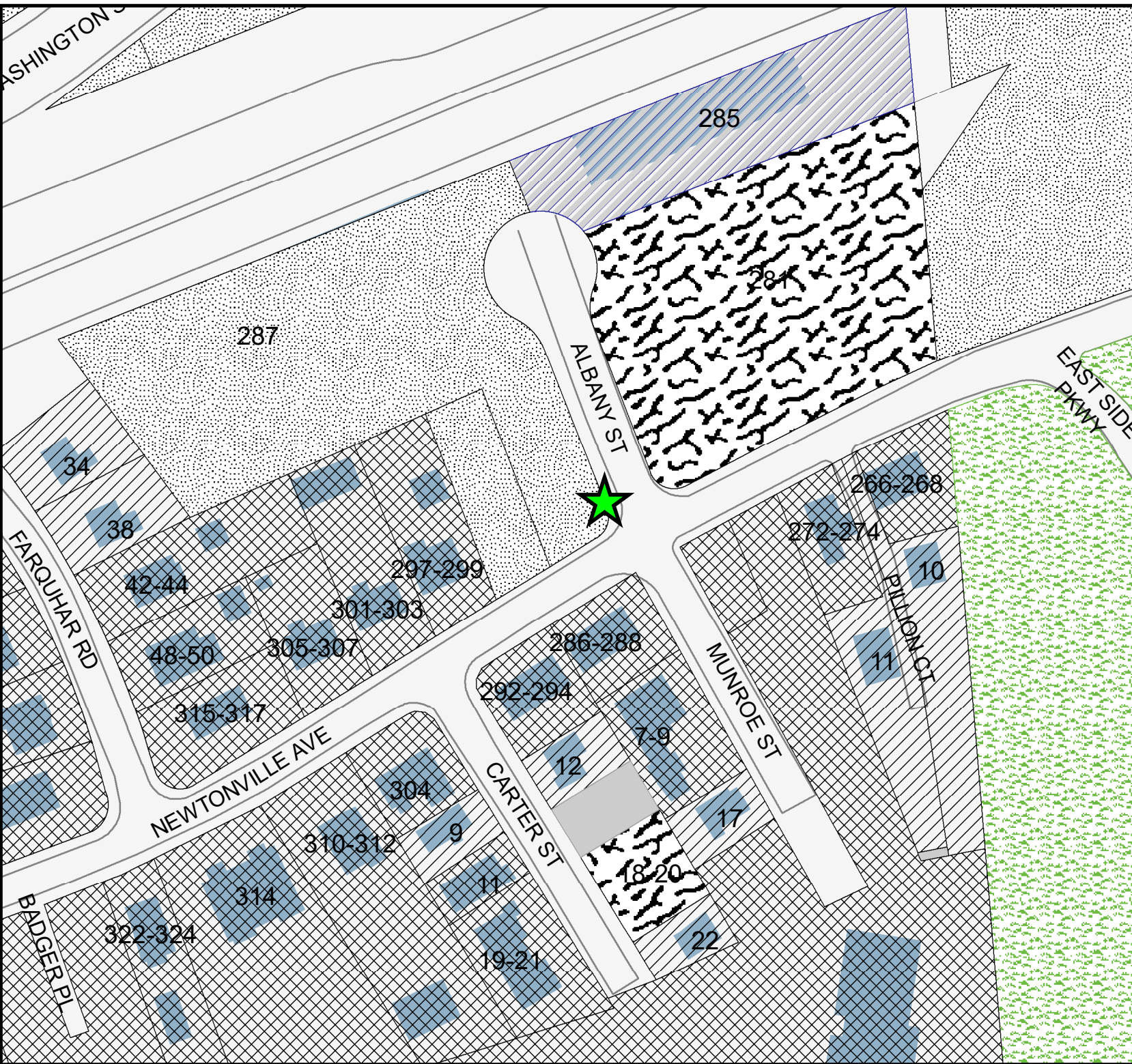


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: January 08, 2021



# ATTACHMENT B

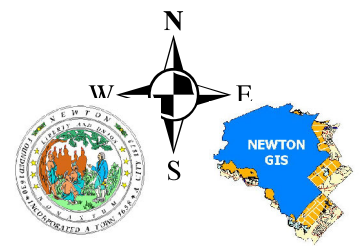
## Zoning

287-289  
Newtonville Ave.

*City of Newton,  
Massachusetts*

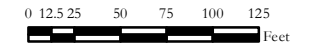
### Legend

-  Multi-Residence 1
-  Multi-Residence 3
-  Business 2
-  Manufacturing
-  Public Use



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## ATTACHMENT C

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Barney Heath  
Director

**DATE:** October 20, 2020  
**TO:** Neil Cronin, Chief Planner  
Jane Santosuosso, Chief Zoning Code Official  
**FROM:** Urban Design Commission  
**RE:** 287 Newtonville Avenue  
**CC:** Land Use Committee of the City Council  
Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission has reviewed and provides the following comments to the Department of Planning and Development and the Land Use Committee of the City Council regarding the free-standing sign at 287 Newtonville Avenue. The following members were present at the UDC meeting: Michael Kaufman, John Downie, Robert Linsky, Carol Todreas, Visda Saeyan, and William Winkler. Jim Doolin recused. The following information is intended to give advice on specific matters affecting the free-standing sign.

### **287 NEWTONVILLE AVENUE – FREE-STANDING SIGN**

At its regularly scheduled meeting on September 9<sup>th</sup> and October 14<sup>th</sup>, the Urban Design Commission (UDC) reviewed the proposed Signage at 287 Newtonville Avenue for:

- One free-standing principal sign, internally illuminated, with approximately 30 sq. ft. of sign area at the corner of Newtonville Avenue and Albany Street.

Based on the signage submitted and the presentations by the applicant, the Urban Design Commission recommends approval for the proposed free-standing sign on the **condition** that the white portion of the tenant logo signs be blacked out from behind, so they don't glow at night.



Ruthanne Fuller  
Mayor

# ATTACHMENT D

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: December 10, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: POFCO, Inc, applicant  
G. Michael Peirce, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: **Request to allow a free-standing sign and to amend the site plan associated with Special Permit #14-20**

Petitioner: POFCO, Inc	
Site: 287 and 289 Newtonville Avenue	SBL: 22001 0017 and 22001 0013
Zoning: MAN and MR1	Lot Area: 72,643 square feet (combined)
Current use: warehouse	Proposed use: warehouse

### BACKGROUND:

The property at 287-289 Newtonville Avenue consists of two parcels with a combined total of 72,643 square feet. The larger (rear) lot is located in the Manufacturing district and is improved with a one-story warehouse building constructed in 1951. This parcel is a corner lot with frontage on Newtonville Avenue and Albany Street and is accessed from Albany Street. The smaller (front) parcel is located on Newtonville Avenue in the Multi Residence 1 district is improved with accessory parking for the warehouse use. The petitioner proposes to locate a free-standing sign at the corner of Newtonville Avenue and Albany Street on the front lot.

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

- Zoning Review Application, prepared by G. Michael Peirce, attorney, dated 9/23/2020
- Sign Permit Application, submitted 9/23/2020



**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to locate a free-standing sign at the corner of Newtonville Avenue and Albany Street. The sign is proposed with 8 feet in width by 3.75 feet in height, for a total of 30 square feet. Per sections 5.2.3, 5.2.8 and 5.2.13 a special permit is required for a free-standing sign in the MR1 district.
2. The property was granted Special Permit #14-20 to allow for accessory parking and other associated dimensional waivers from parking. The petitioner seeks to amend the site plan associated with the approval to reflect the introduction of the free-standing sign.
3. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§5.2.3 §5.2.8 §5.2.13	To allow a free-standing sign	S.P. per §7.3.3
	Amend Special Permit #14-20	