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Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, June 9, 2021**

DATE: June 4, 2021

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, Fence Appeal applications or Design Reviews.

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. 1191 Chestnut Street – My Eye Dr.

PROJECT DESCRIPTION: The property located at 1191 Chestnut Street is within Business 2 zoning district. The applicant is proposing to install the following sign:

1. One canopy principal sign, non-illuminated, with approximately 48 sq. ft. of sign area on the northern façade facing Chestnut 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 70 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 principal sign as proposed.

2. 1261-1269 Centre Street– Coldwell Banker Realty

PROJECT DESCRIPTION: The property located at 1261-1269 Beacon Street is within a Business 1 zoning district. The applicant is proposing to replace and install the following signs:

1. One replacement awning split principal sign, non-illuminated, with approximately 27 sq. ft. of sign area on the eastern building façade facing Centre Street.
2. One replacement panel mounted split principal sign, non-illuminated, with approximately 14 sq. ft. of sign area on the eastern building façade facing Centre Street.
3. One replacement wall mounted secondary sign, non-illuminated, with approximately 24 sq. ft. of sign area on the western building façade facing the rear parking lot.

TECHNICAL REVIEW:

- Both the proposed split principal signs appear 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 31.5 feet, the maximum size of the sign allowed is 94.5 sq. ft., which the applicant is also not exceeding. Per Zoning Ordinance §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.”*
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 45.5 feet, the maximum size of sign allowed is 45.5 sq. ft., which the applicant is also not exceeding.
- Visually, both the façade frontages don’t appear to be correct. Staff has sent an email to the applicant to check the façade frontage for both front and the rear. If the applicant has a revised façade frontage, the staff will provide an updated recommendation at the meeting.

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

3. 845 Washington Street – Clover Food Lab.

PROJECT DESCRIPTION: The property located at 845 Walnut Street is within Mixed Use 4 zoning district and has a Special Permit to waive the number, size, location, and height of signs pursuant to section 5.2.13 and has a comprehensive sign package approved by UDC (attachment A). The applicant is proposing to install the following sign:

1. One perpendicular secondary blade sign, internally illuminated, with approximately 10 sq. ft. of sign area on the southeastern corner perpendicular to Washington Street and facing the internal plaza (sign “L3”).

TECHNICAL REVIEW:

- The proposed blade secondary sign appears to be not consistent with the dimensional controls specified in §5.2.8 and the comprehensive sign package approved by UDC (attachment A). Staff encourages the applicant to explore an option for a window sign for George Howell.
- Clover Food Lab. has 4 signs approved by UDC (signs L1, L2, L4, and L6 as shown in the packet document).

STAFF RECOMMENDATION: Staff seeks recommendation from UDC regarding the secondary blade sign.

4. 1239-1243 Centre Street – Tatte Bakery & Café

PROJECT DESCRIPTION: The property located at 1239-1243 Centre Street is within a Business 1 zoning district and has approved signs authorized by a special permit via Board Order #242-09 (attachment B). The applicant is proposing to install the following signs:

1. Two wall mounted split principal signs, externally illuminated, with 7.5 sq. ft. each of sign area on the eastern façade facing Centre Street.
2. One wall mounted secondary sign, externally illuminated, with approximately 7.5 sq. ft. of sign area on the northern building façade facing the rear parking lot.

TECHNICAL REVIEW:

- Both the proposed split principal signs appear to be consistent with the dimensional controls specified in §5.2.8. Per Zoning Ordinance §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.”* 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.
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are

allowed, which the applicant is not exceeding, and on this façade of 17 feet, the maximum size of each sign allowed is 17 sq. ft., which the applicant is also not exceeding.

- As per Board Order #242-09 condition #5 *“Any changes to approved signage shall be reviewed by the Urban Design Commission and the Director of Planning and Development.”* (Attachment B)
- All the window signs appear to be less than 25% of window area and are allowed by right.

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

5. 1261 Centre Street - Stretchmed

PROJECT DESCRIPTION: The property located at 1261-1269 Beacon Street is within a 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 15 sq. ft. of sign area on the southeastern building façade facing Beacon Street and Centre Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 15 sq. ft. of sign area on the southern building façade facing Beacon Street.
3. One wall mounted secondary sign, internally illuminated, with approximately 15 sq. ft. of sign area on the eastern building façade facing Centre 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 20 feet, the maximum size of the sign allowed is 60 sq. ft., which the applicant is also not exceeding.
- Both the proposed secondary signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 15.8 and 19.2 feet, the maximum size of sign allowed is 15.8 and 19.2 sq. ft. respectively, which the applicant is also not exceeding.
- Staff received a public comment regarding this sign permit application (attachment C is a copy of the public comment). Please note that it is the same public comment that staff included in the May staff memo.

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

Fence Appeal

1. **70 Spiers Road Fence Appeal**

PROJECT DESCRIPTION: The property located at 70 Spiers Road is within a Single Residence 3 district. The applicant is proposing to add the following fence:

- a) **Front Lot Line** – The applicant is proposing to add a fence, set at the front property line with a new solid fence, 4 feet in height, 15 feet in length.

TECHNICAL REVIEW:

The proposed fence along the front property line appears to be consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

According to §5-30(d)(1), “Fences bordering a front lot line: No fence or portion of a fence bordering or parallel to a front lot line shall exceed four (4) feet in height unless such fence is set back from the front lot line one (1) foot for each foot or part thereof such fence exceeds four (4) feet in height, up to a maximum of six (6) feet in height, and further, that any section of a perimeter fences greater than four (4) ft. in height must be open if it is parallel to a front lot line.”

As per section 5-30 (f)(7), “Visibility on Corner Lots. No fence shall be erected or maintained on any corner lot as defined in Section 30-1 of the Revised Ordinances, as amended, in such a manner as to create a traffic hazard. No fence on a corner lot shall be erected or maintained more than four (4) feet above the established street grades within a triangular area determined by each of the property lines abutting each corner and an imaginary diagonal line drawn between two points each of which is located twenty-five (25) feet along the aforesaid property lines of said lot abutting each of the intersecting streets as illustrated in the diagram below. The owner of property on which a fence that violates the provisions of this section is located shall remove such fence within ten (10) days after receipt of notice from the Commissioner of Inspectional Services that the fence violates the provisions of this section and creates a traffic hazard in the judgment of the City Traffic Engineer.”

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City’s Fence Ordinance. The proposed fence, however, must be found to comply with the “requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise.” The UDC must also determine whether the “desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good.”

The applicant is seeking an exception to allow 4 feet tall solid fence at the front property line for a length of 15 feet. The applicant’s stated reasons for seeking this exception are “Our property (corner of H Roadway and Spiers) is routinely used as a dumping ground

by plows during the winter months. Unfortunately, due to the repeated snow dumping and accompanying chemicals used, the beautiful dogwood tree at the corner has become ill and frail. Along with the tree, sections of the lawn have been repeatedly destroyed. The constant effort to preserve the tree and lawn has proven to be a significant burden”.

STAFF RECOMMENDATION: Staff’s determination at this time is that this fence may not need to be appealed to UDC and may be allowed by right. Staff will check with the Commissioner of Inspectional Services about this application and provide a recommendation either before (by email) or at the meeting.

Design Review

1. 1114 Beacon Street Design Review

The applicant is proposing to construct a new building with 34 residential condominium units, of which 6 would be inclusionary units. Multifamily residential uses are allowed as-of-right in a BU-2 zoning district above the ground floor. The petitioner is seeking a special permit to authorize residential units on the ground floor. The proposed project will provide 50 parking stalls on site. 46 of these stalls would be in an underground parking garage.

The petitioner is seeking a special permit to allow:

1. residential use at the ground floor pursuant to Section 4.4.1;
2. a development of 20,000 square feet or more of new gross floor area pursuant to Section 4.1.2.B.1;
3. a four-story structure up to 48 (47.17) feet in height pursuant to Sections 4.1.2.B.3 and 4.1.3;
4. FAR of up to 2.0 (1.078) pursuant to Sections 4.1.2.B.3 and 4.1.3;
5. 1.25 parking stalls per unit pursuant to Sections 5.1.4.A and 5.1.13;
6. parking in the side setback pursuant to Sections 5.1.7.A and 5.1.13; and
7. a waiver of the minimum stall depth requirements pursuant to Sections 5.1.8.B.2 and 5.1.13.

At the request of the Planning Department, the petitioner has been asked to present the revised project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building’s design; bulk and massing; and relationship to context and the street.

2. 967 Washington Street Design Review

The applicant is proposing a 28-unit residential condominium building. The site currently consists of 3 lots on the corner of Washington Street and Walker Street. The lot on Washington Street is currently retail while the 2 lots on Walker Street are residential. The project is ¼ mile to the Newtonville T stop. One block to the east there is a brick multi-unit apartment building and across Walker Street there is a brick 2 ½ story apartment building. The number of units allowed by zoning is 28 units for the combined parcels. The applicant is requesting relief on FAR for the MR-3 zoning district.

The UDC reviewed the project in February 2021, comments from February design review are attached to this memo (attachment D).

At the request of the Planning Department, the petitioner has been asked to present the project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building's design; bulk and massing; and relationship to context and the street.

III. Old/New Business

1. Approval of Minutes

Staff will provide meeting minutes via email before the June 9th meeting.

Attachments

- Attachment A: 845 Washington Street – pages comprehensive sign package
- Attachment B1 & B2: 1239-1243 Centre Street – Board Order and Approved Drawings
- Attachment C: Public comment for Stretchmed sign
- Attachment D: UDC Design Review Memo for 967 Washington Street



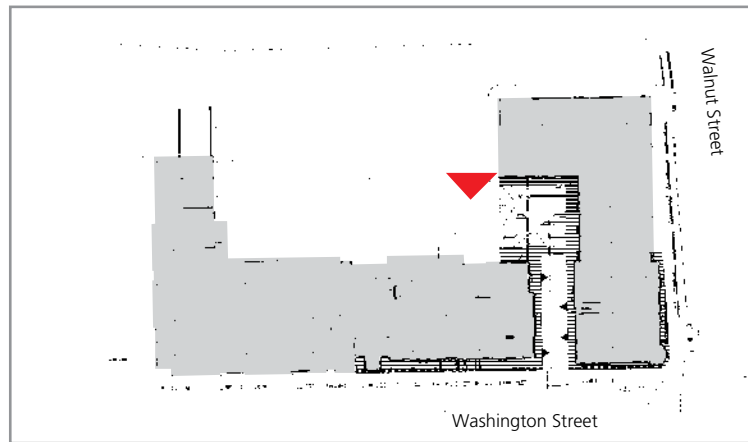
Elevation
1/4" = 1'-0"

SIGN BAND AREA
44sf. (13'-4" x 3'-4")

PRINCIPAL SIGN

TENANT ADDRESS

SECONDARY SIGN
Storefront Blade Sign
(3'-10" x 3'-0")



Key Plan

Commercial Tenant 2: 35'-0" Frontage

Secondary Sign: 35sf max
 (11' x 3'-1" sign shown = 35sf)
 Plus Storefront Blade Sign



Elevation
 1/8" = 1'-0"

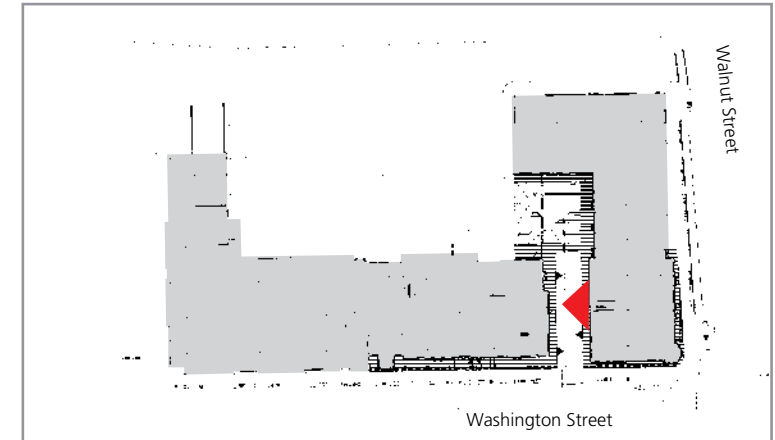
SECONDARY SIGN
 10.5 SF (6'-0" x 1'-9")

SIGN BAND AREA
 35 sf. max. (11'-0" x 3'-1" shown)

SECONDARY SIGN
 Storefront Blade Sign

Commercial Tenant 4: 78'-0"

Principal Sign: Sign Standards Allowable Sign Area = 50 sf.
Secondary Sign: Storefront Blade Sign



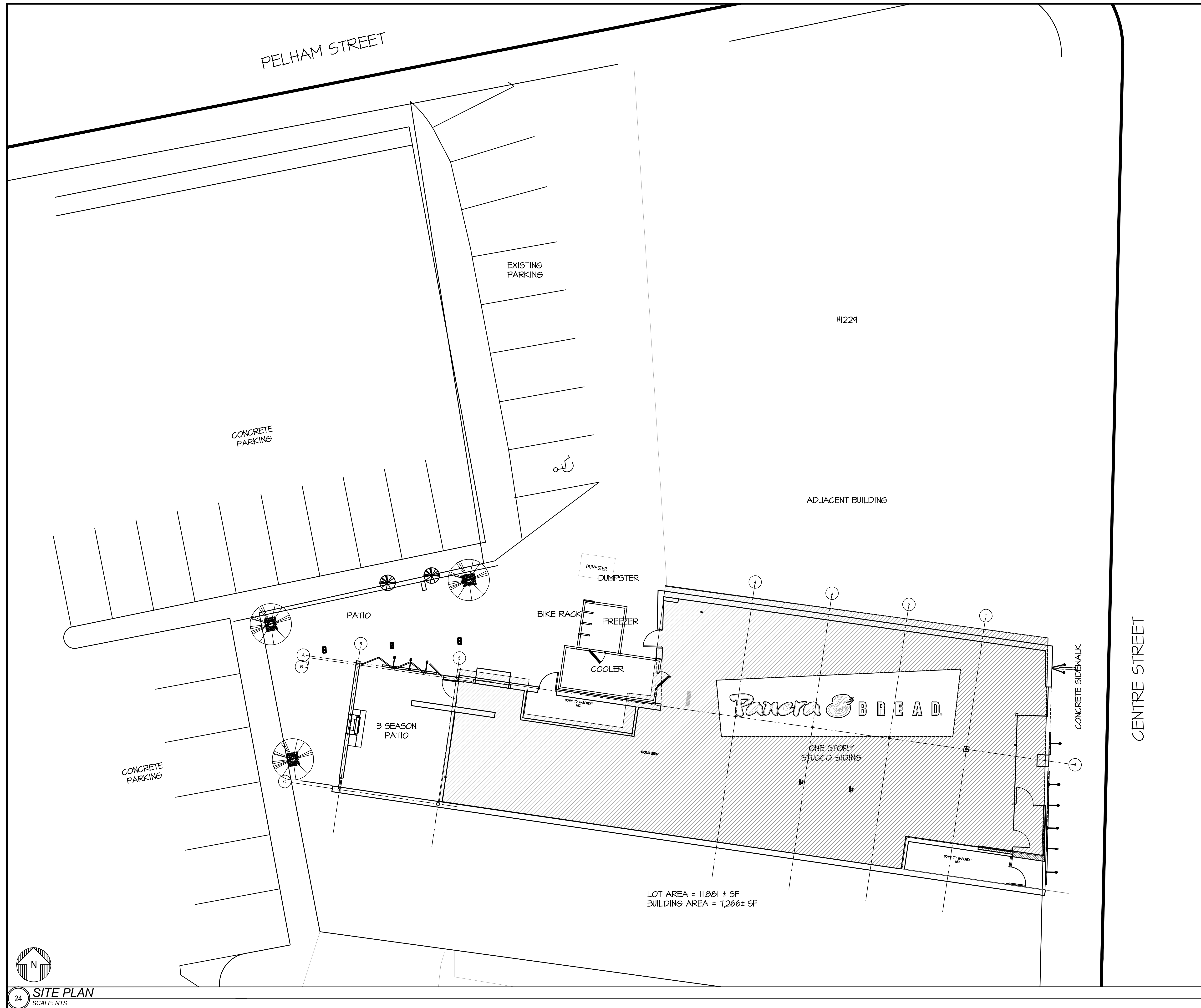
Key Plan

SIGN BAND AREA
44sf. (13'-4" x 3'-4")

Elevation
1/8" = 1'-0"

SECONDARY SIGN
Storefront Blade Sign
(3'-10" x 3'-0")

PRINCIPAL SIGN



GENERAL NOTES:

A. -

KEYED NOTES: INDICATED BY SYMBOL

GENERAL:
 1.1 -

BAKERY CAFE:
#1403
 SYSTEM: GS
 FINISH: FUN

ARCHITECT:

dm design group
 architecture + interior design
 325 North LaSalle Street
 Suite 700
 Chicago, IL 60654
 312.424.2424

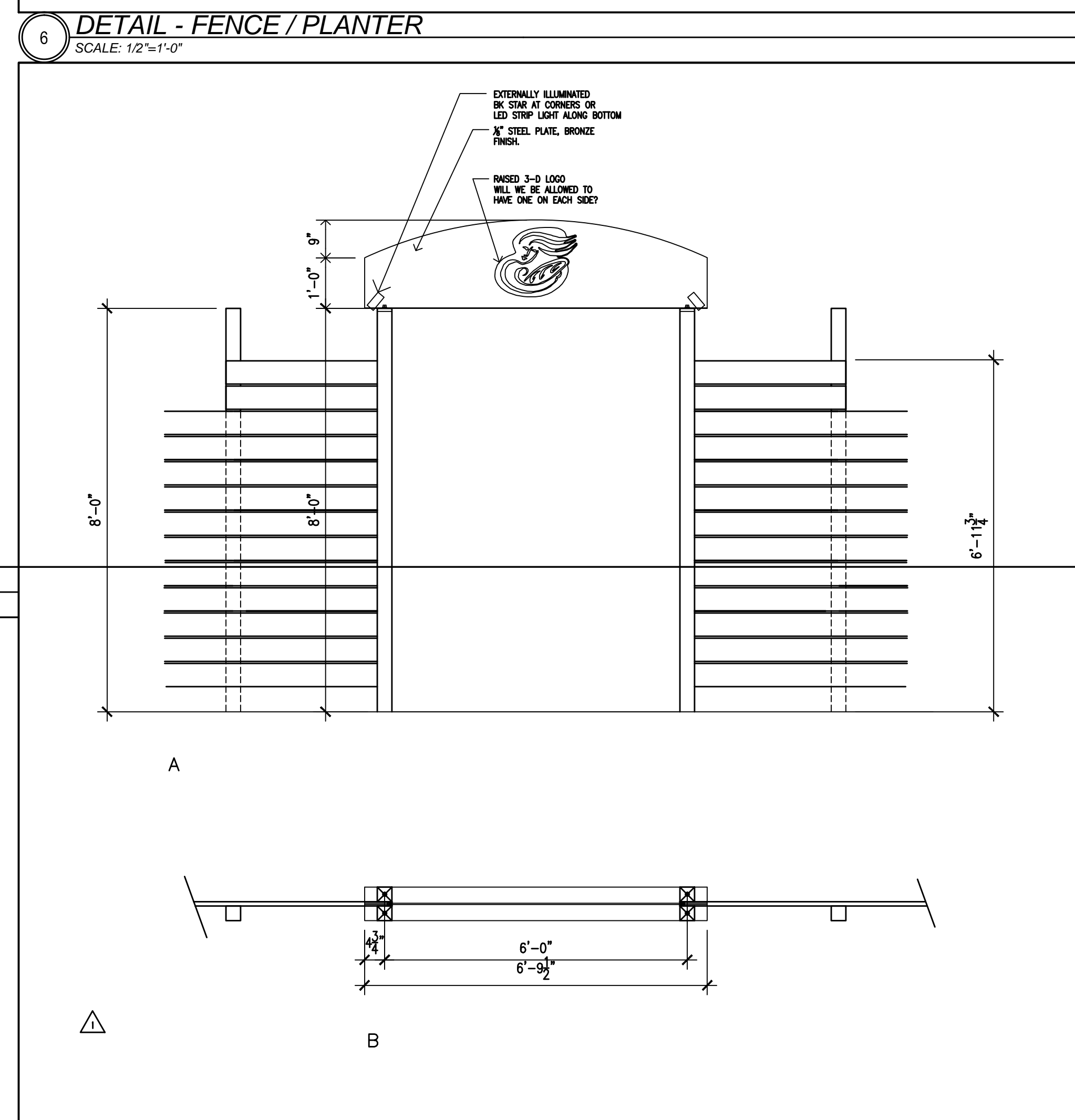
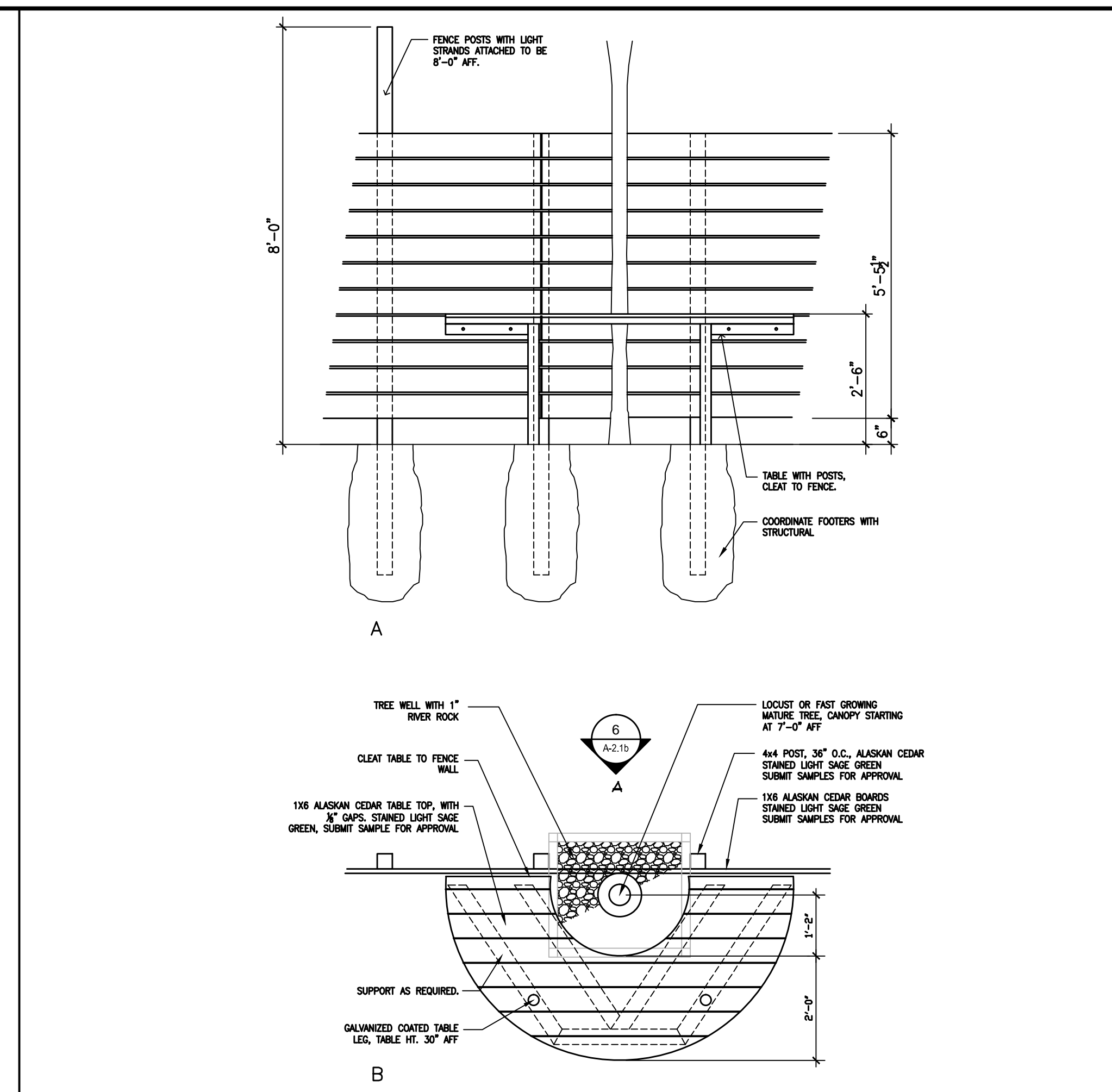
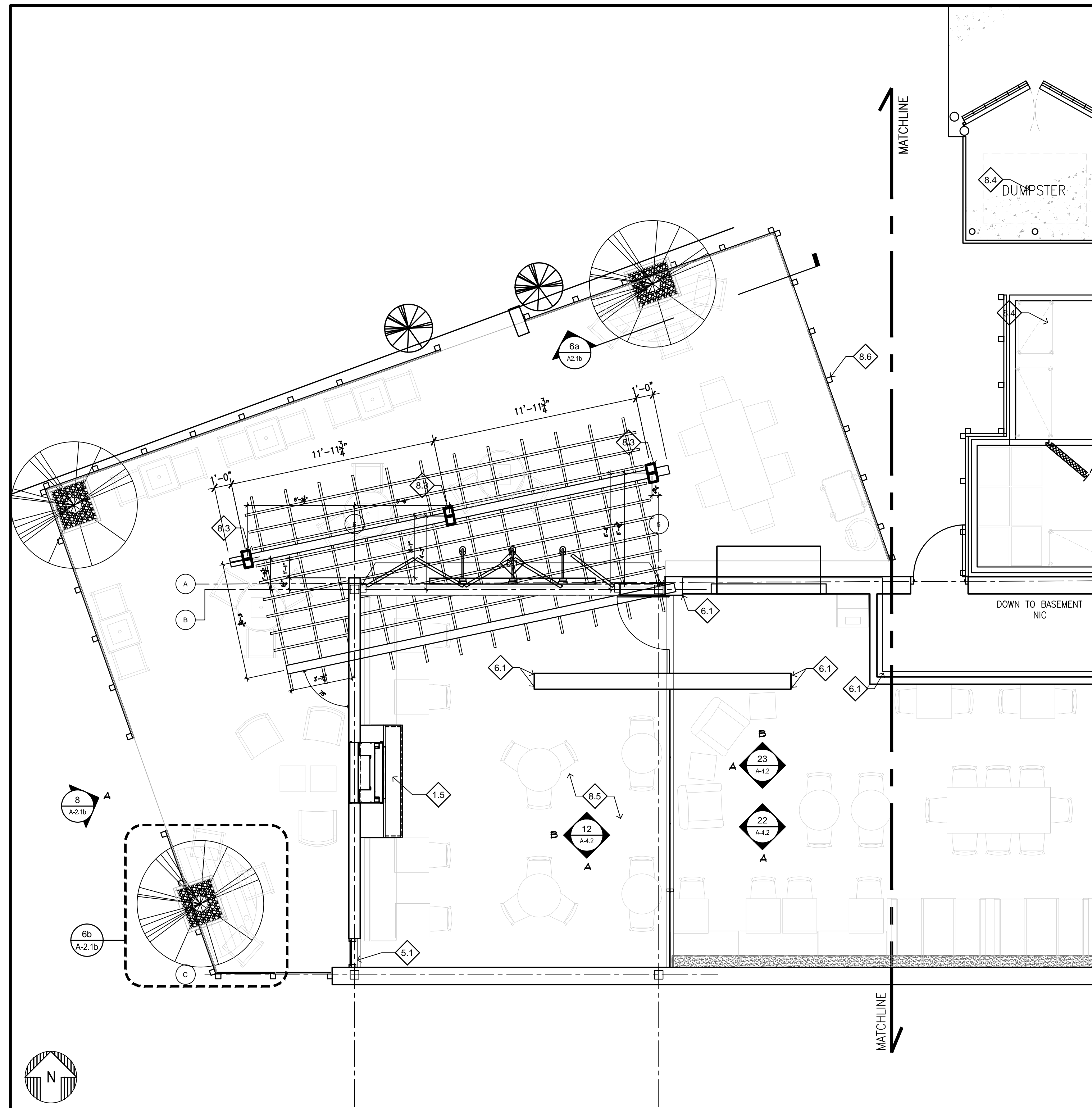
Engineering Consultants
 Mechanical - Electrical - Plumbing
 3109 S. Grand - Suite 240
 St. Louis, Missouri 63116
 Allkemeyer & Associates
 Fax: (314) 772-0108

BAKERY CAFE #1403
 1241 CENTRE STREET
 @ BEACON STREET
 NEWTON, MA 02459

REVISION	DATE
REVIEW	10.27.10
AS BUILT	12.03.10

ISSUE DATE: -
 PROJECT NUMBER: 090405
 DRAWN BY: CUBELLIS
 DM: P. SULLIVAN
 DPM: J. RICHTER
 CPM: P. OTT

SHEET NO:
A-1.0
 SITE PLAN
 NEW CONSTRUCTION
 FILE: 7777-A-1.0.dwg



BAKERY CAFE:
#1403
SYSTEM: G2
FINISH: FUN

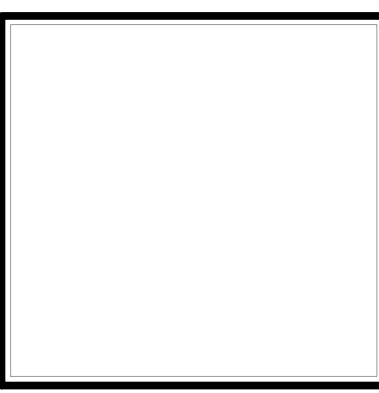
3109 S. Grand - Suite 240
St. Louis, Missouri 63116
Tel: (314) 772-0108
Fax: (314) 772-0109

dm
design group
architecture + interior design

1312 424 2400
1312 424 2424

325 North LaSalle Street
Suite 700
Chicago, IL 60654

Engineering Consultants
Mechanical - Electrical - Plumbing



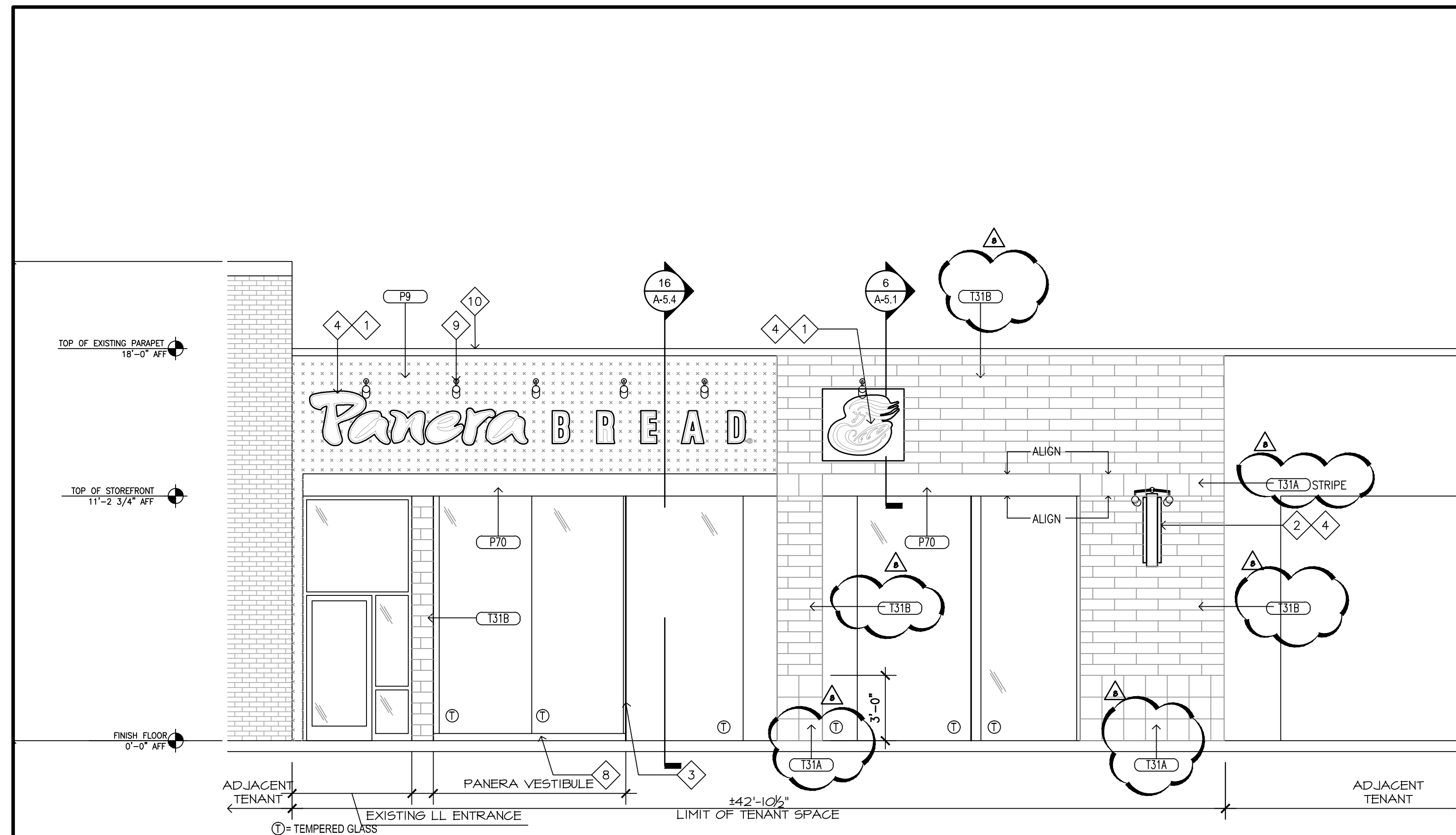
BAKERY CAFE #1403
1241 CENTRE STREET
@ BEACON STREET
NEWTON, MA 02459

Panera
BREAD

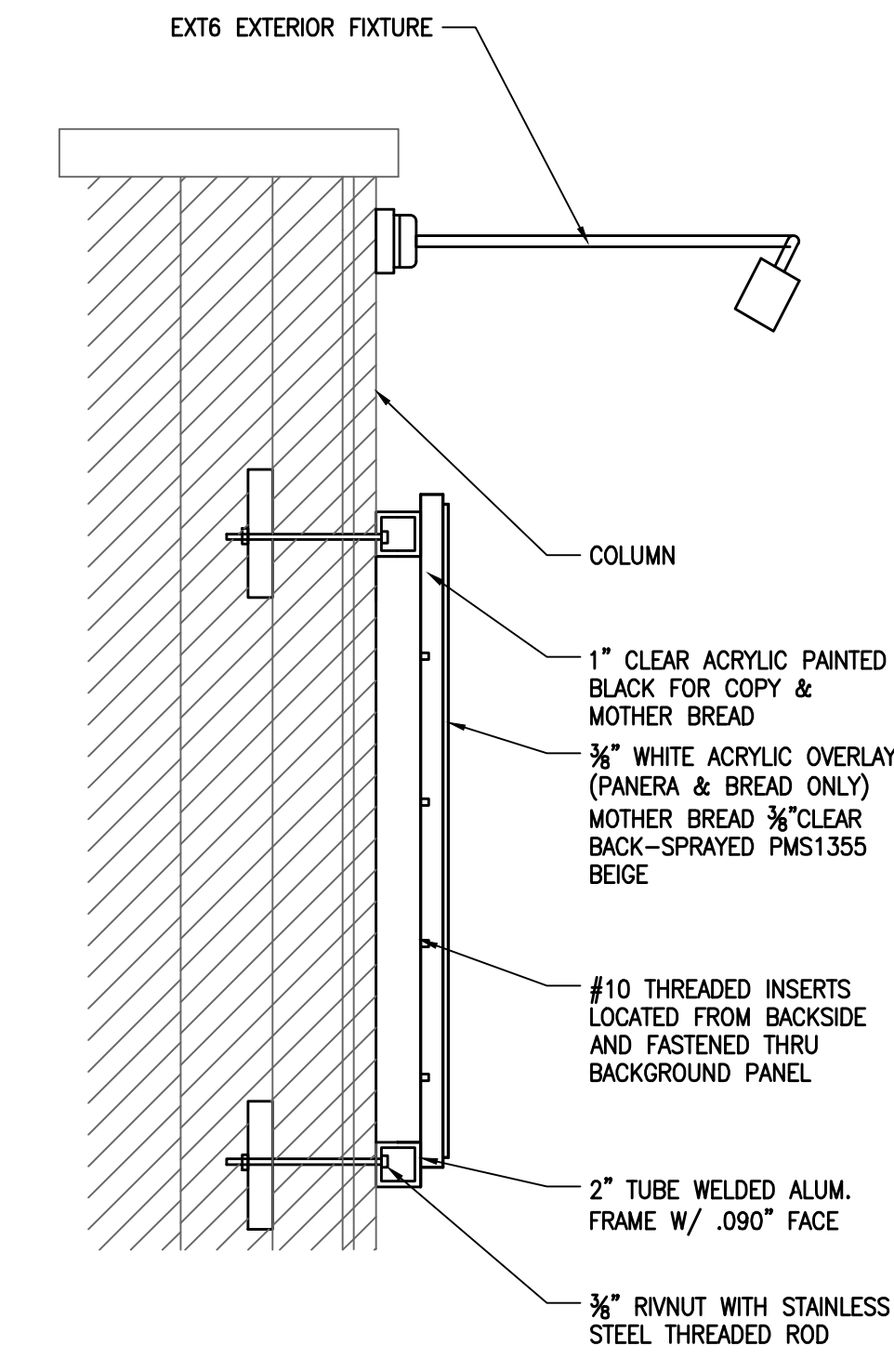
REVISION	DATE	BY
REVIEW	10.27.10	AS BUILT
	12.03.10	

ISSUE DATE: -
PROJECT NUMBER: 090405
DRAWN BY: CUBELLIS
DM: P. SULLIVAN
OPM: J. RICHTER
OPM: P. OTT

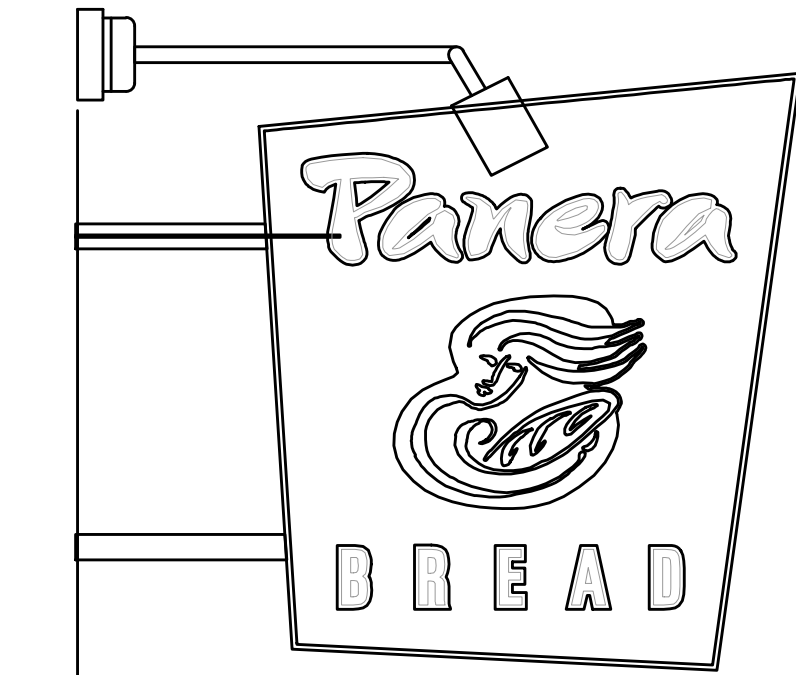
SHEET NO:
A-2.1b
FLOOR PLAN
CONSTRUCTION KEYNOTES
FILE: 7777-A-2.1.dwg



22 EAST (FRONT) ELEVATION
SCALE: 1/4"=1'-0"



6 SECTION @ MOTHER BREAD SIGN
SCALE: 1 1/2"=1'-0"



2 BLADE SIGN
SCALE: NTS

GENERAL NOTES:

- PANERA SIGNAGE SUPPLIED AND INSTALLED BY PANERA BREAD SIGN VENDOR, POWER PROVIDED BY G.C.
- PANERA AWNINGS SUPPLIED AND INSTALLED BY PANERA BREAD SIGN VENDOR.
- EXTERIOR LIGHT FIXTURES ARE SUPPLIED AND INSTALLED BY G.C.

KEYED NOTES

- PANERA SIGNAGE, SUPPLIED AND INSTALLED BY PANERA BREAD SIGN VENDOR, POWER BY GC
- BLADE SIGN @ 90 DEGREE ANGLE TO BUILDING SUPPLIED AND INSTALLED BY PANERA SIGN VENDOR. GC TO SUPPLY POWER.
- NEW STOREFRONT SYSTEM AND MAIN ENTRY
- G.C. TO PROVIDE PLYWOOD BLOCKING AS NEEDED FOR SIGNAGE AND AWNINGS.
- NEW EXTERIOR COOLER/FREEZER AND DUMPSTER
- NEW FENCE ENCLOSURES
- EXISTING BUILDING BEYOND
- NEW CONC. CURB FOR NEW VESTIBULE SYSTEM.
- NEW LIGHT FIXTURE, G.C TO SUPPLY POWER - VERIFY JUNCTION BOX LOCATION W/ SIGN VENDOR.
- PAINT COPING TO MATCH ADJACENT FINISH
- GLASS WINDOW ON TRACKS - SEE DETAILS SHEET A5.2
- NEW FOLDING DOOR - SEE SHEET A5.5 FOR DETAILS. Δ

SIGNAGE REGULATIONS:

SIGNAGE ALLOWANCE:

WALL SIGNS:
ONE (1) PRINCIPAL = 100 SQ.FT. AND
ONE (1) SECONDARY SIGN = 17 SQ.FT.

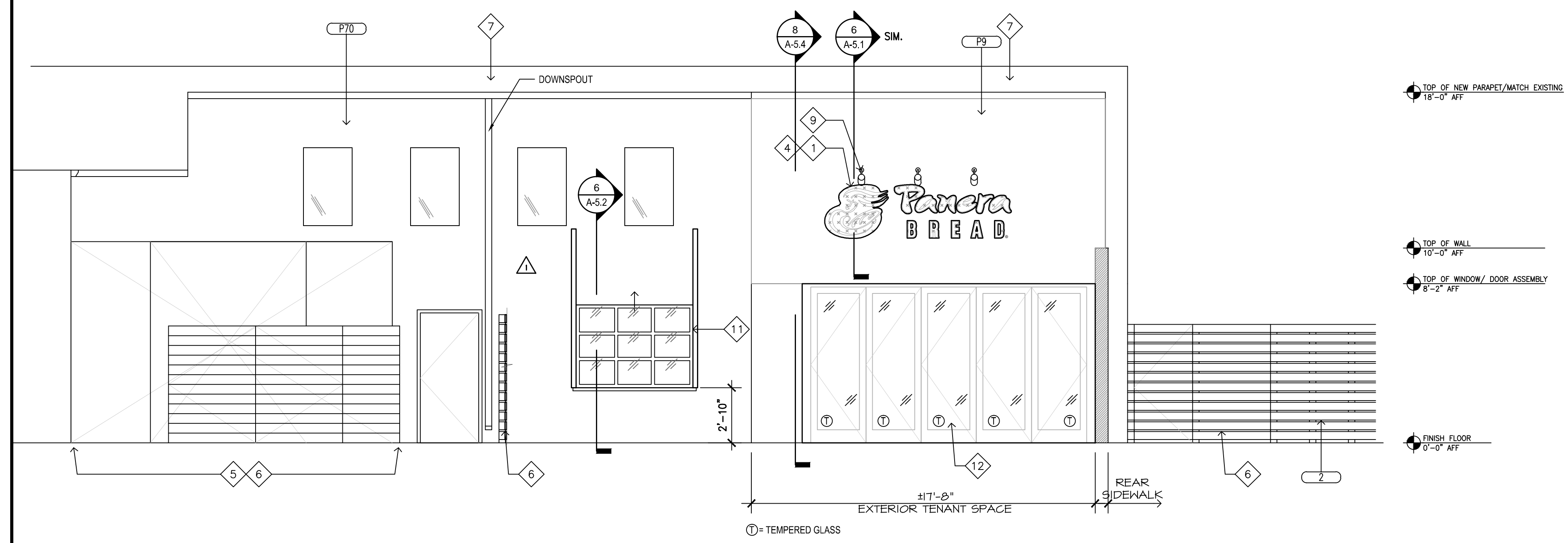
BLADE SIGN: TAKES PLACE OF THE PRINCIPAL WALL SIGN. MAX DIM = 6 LINEAR FEET.

SIGNAGE SQUARE FOOTAGE

NO. OF SIGNS PROPOSED: 02

MAX. AREA ALLOWED PER SIGN:
EAST ELEVATION = 100 SF
NORTH ELEVATION = 17 SF

AREAS OF PROPOSED SIGNAGE:
EAST FACADE: 47.6 +12.3 +9 = 68.9 SF
NORTH FACADE: 9 +9 +5 = 23 SF (EXCEEDS ALLOWABLE AREA)
TOTAL AREA = 91.9 SF



24 NORTH (SIDE) ELEVATION
SCALE: 1/4"=1'-0"

BAKERY CAFE:
#1403
SYSTEM: 62
FINISH: FUN

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1 312 424 2424

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Mechanical - Electrical - Plumbing

BAKERY CAFE #1403

1241 CENTRE STREET
@ BEACON STREET
NEWTON, MA 02459

Panera BREAD

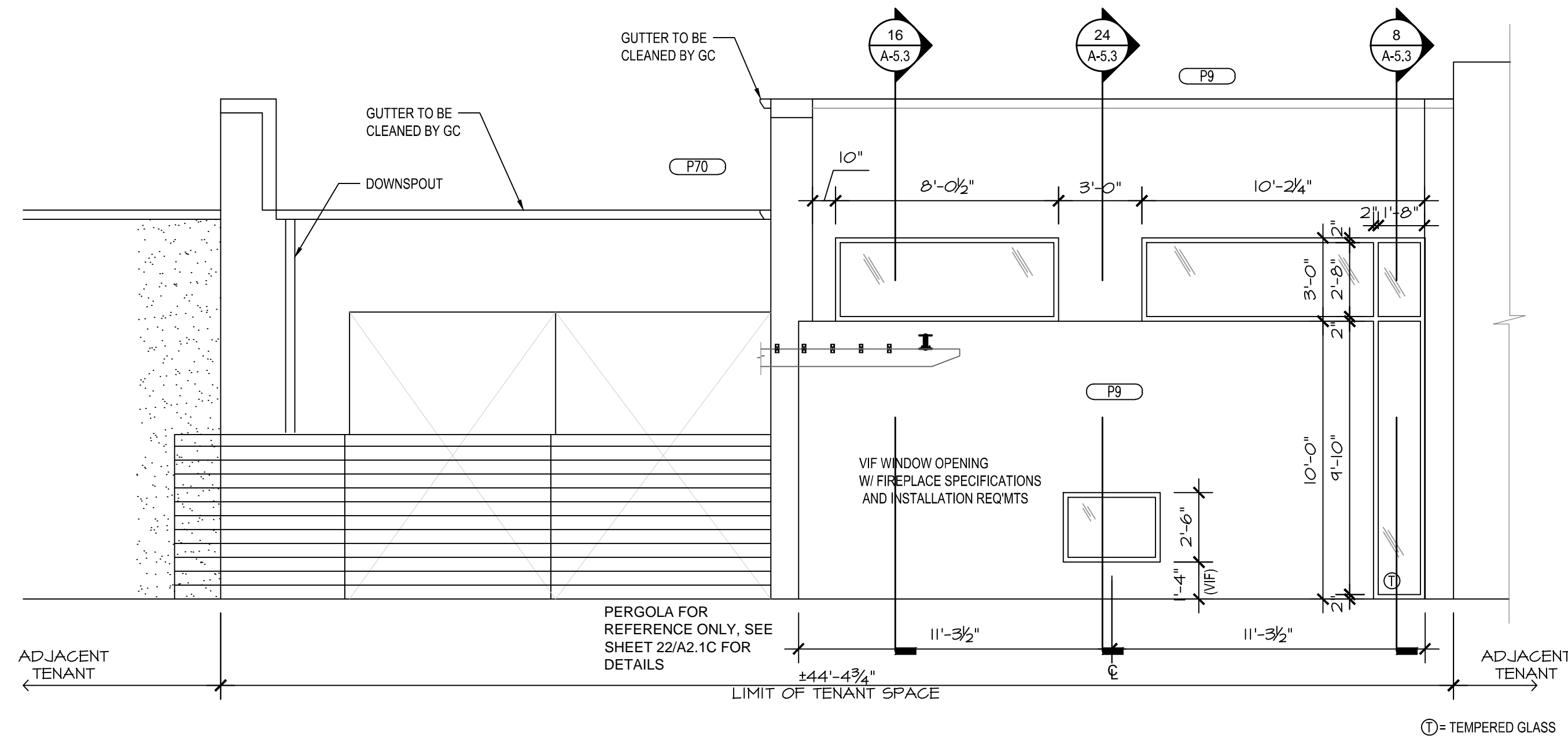
REVISION	10.27.10	
AS BUILT	12.03.10	

ISSUE DATE: -
PROJECT NUMBER: 090405
DRAWN BY: CUBELLIS
DM: P. SULLIVAN
DPM: J. RICHTER
CPM: P. OTT

SHEET NO:
A-5.1
EXTERIOR ELEVATIONS
FILE: 1411_A-5.1.dwg

GENERAL NOTES:

A. SEE SHEET A5.1 FOR ALL KEY AND GENERAL NOTES.

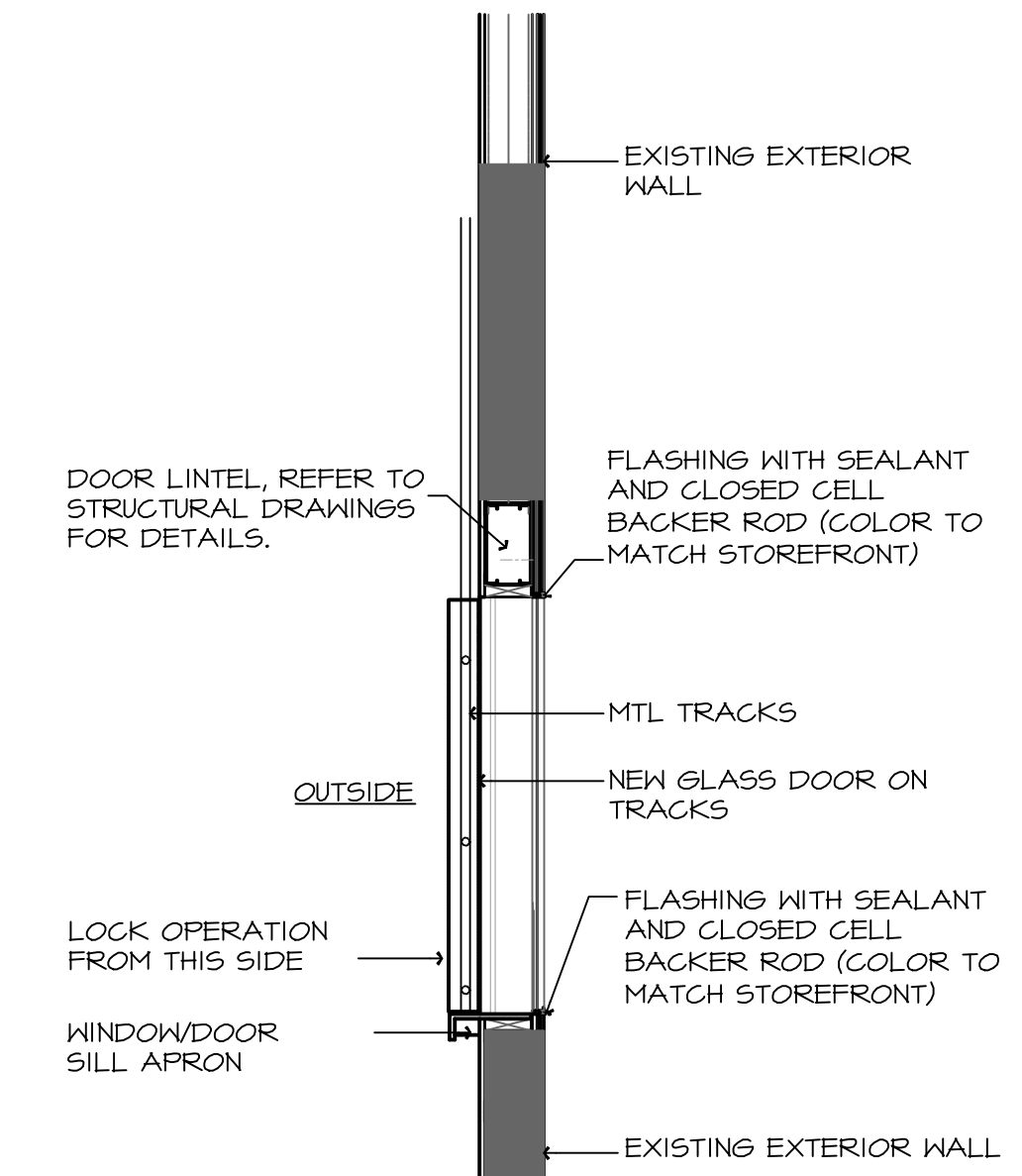


TOP OF NEW PARAPET MATCH EXISTING
18'-0" AFF

TOP OF WINDOW
13'-0" AFF

FINISH FLOOR
0'-0" AFF

⊕ = TEMPERED GLASS

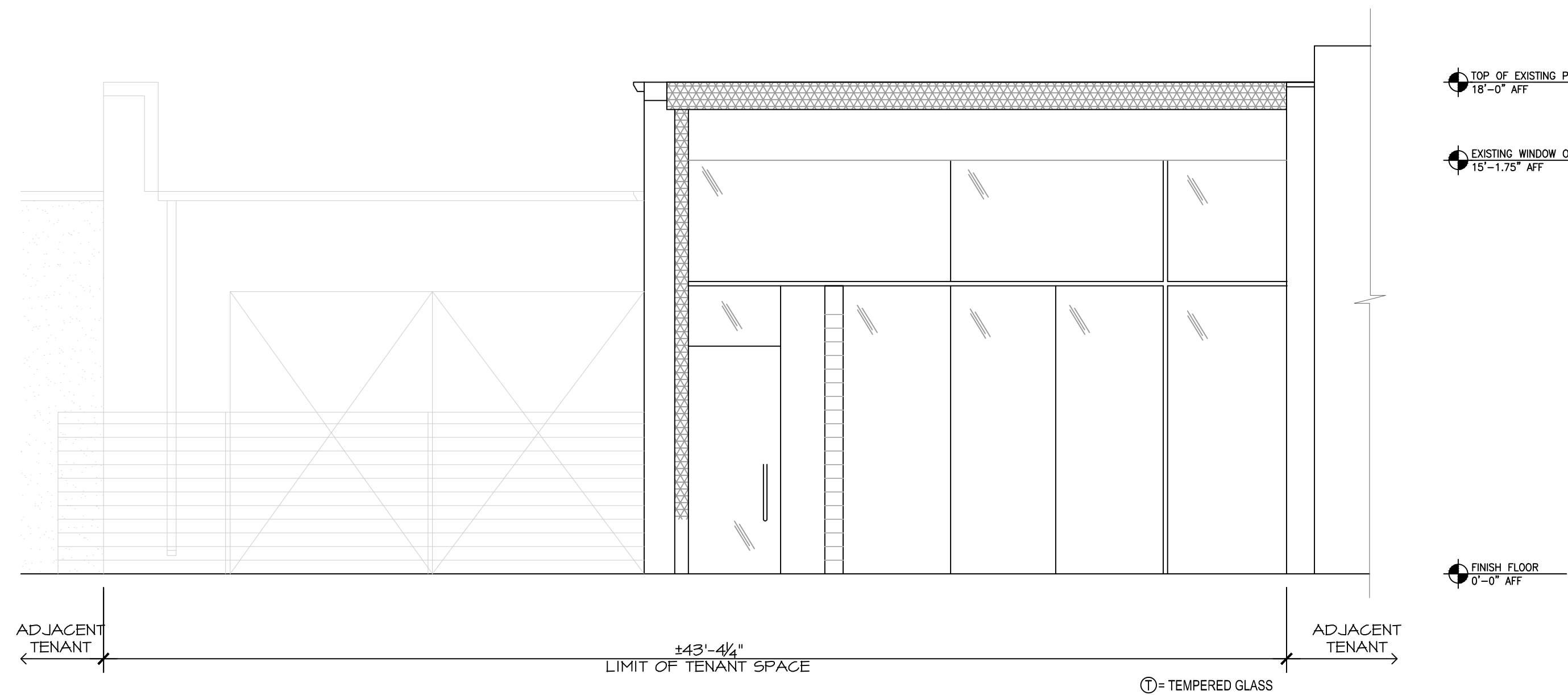


22 WEST (REAR) ELEVATION

SCALE: 1/4"=1'-0"

6 SECTION - PUSH-UP GLASS COUNTER DOORS

SCALE: 1/2"=1'-0"

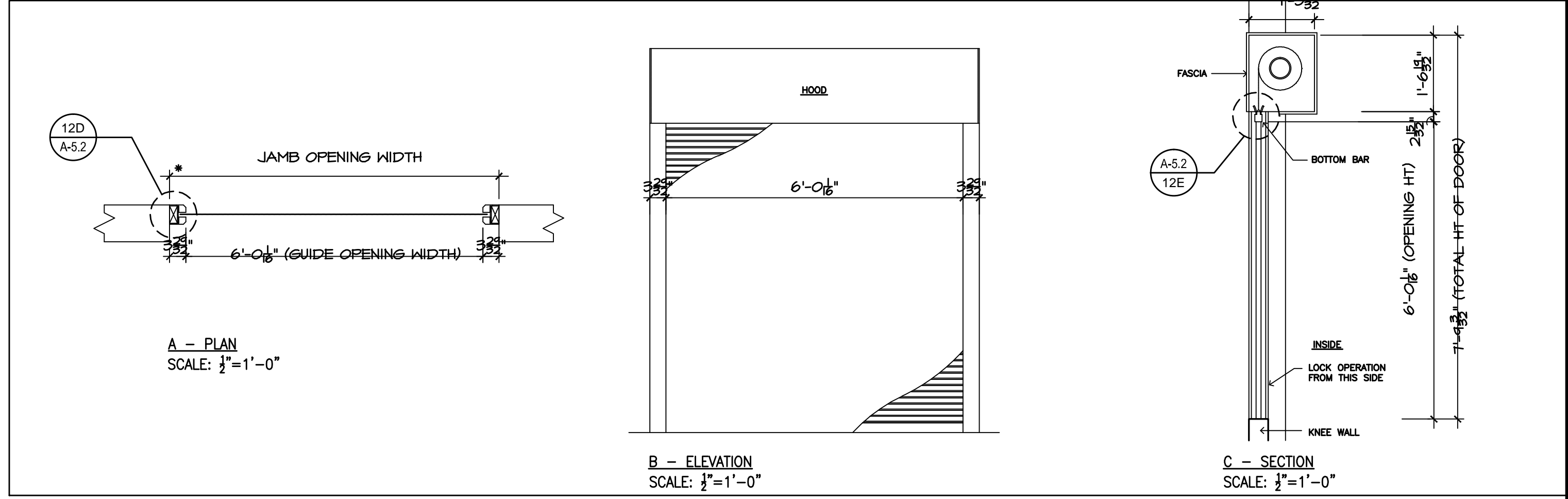


TOP OF EXISTING PARAPET
18'-0" AFF

EXISTING WINDOW OPENING
15'-1.75" AFF

FINISH FLOOR
0'-0" AFF

⊕ = TEMPERED GLASS



MANUFACTURER:
COOKSON ROLLING DOORS OR EQUAL
TYPE CDW-2 PUSH-UP WOOD COUNTER DOORS
CUSTOM SIZE: 6'-0" X 6'-0"
DOOR DIMENSION:
6'-0" JAMB OPENING WIDTH X 7'-9" TOTAL HEIGHT OF DOOR

24 WEST (REAR) ELEVATION - CUT AT 3-SEASON ROOM

SCALE: 1/4"=1'-0"

12 PUSH-UP WOOD COUNTER DOOR (USE FOR ALTERNATE BID ONLY)

SCALE: AS SHOWN

BAKERY CAFE:
#1403
SYSTEM: G2
FINISH: FUN

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St. Louis, Missouri 63116
Tel: (314) 772-0100
Fax: (314) 772-0108

dm design group
architecture + interior design

1312 424 2400
1312 424 2424

ARCHITECT: **dm** Engineering Consultants
Mechanical - Electrical - Plumbing

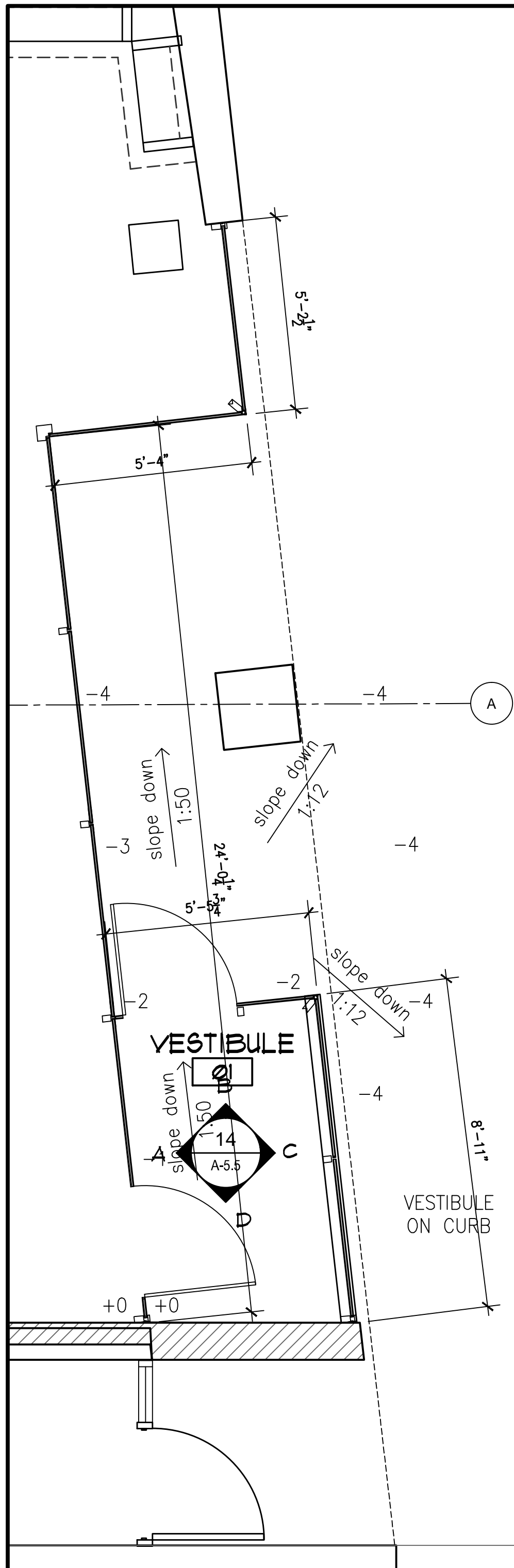
BAKERY CAFE #1403
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@ BEACON STREET
NEWTON, MA 02459

Panera
BREAD.

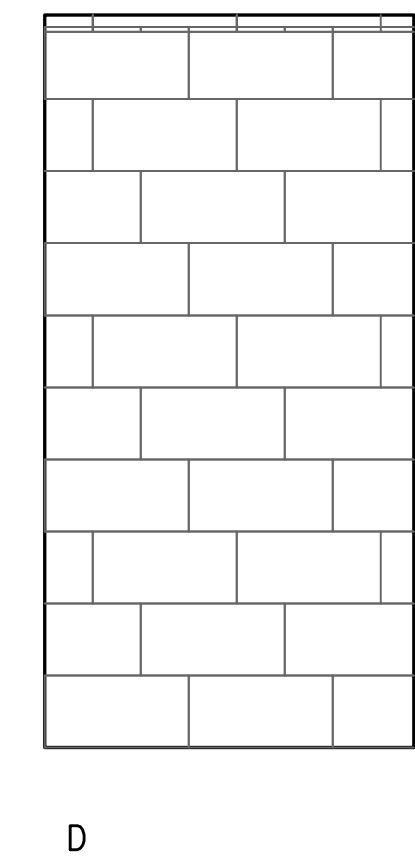
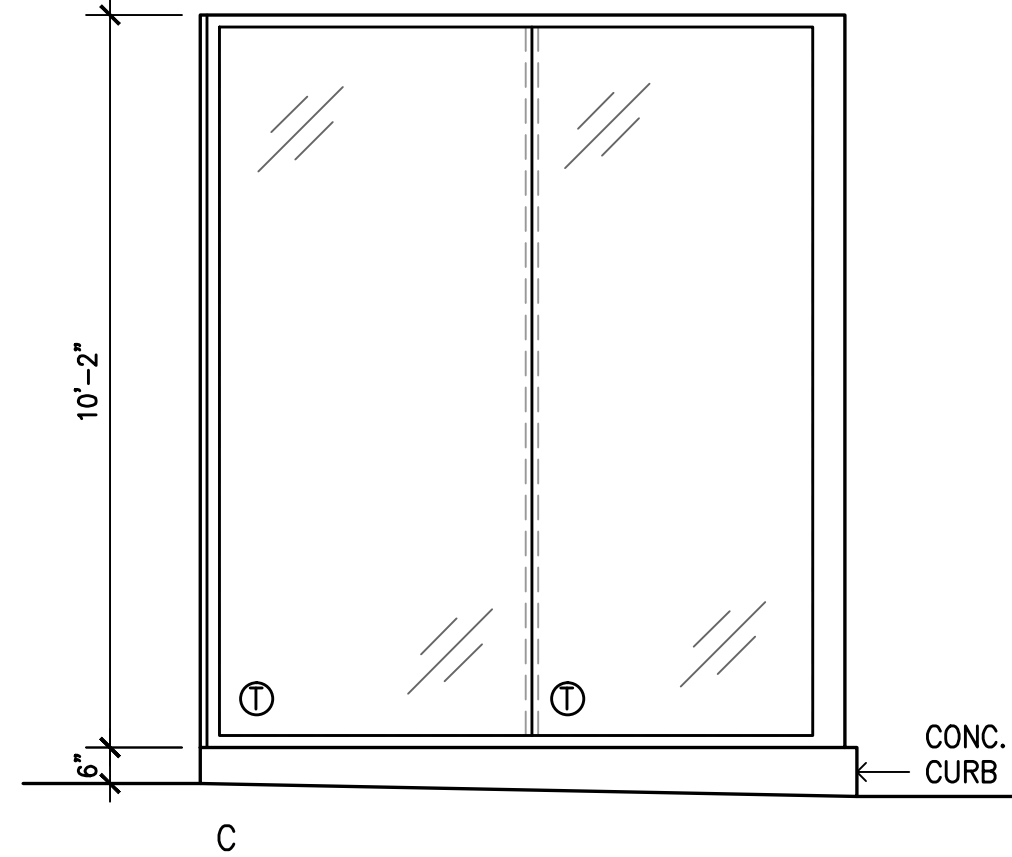
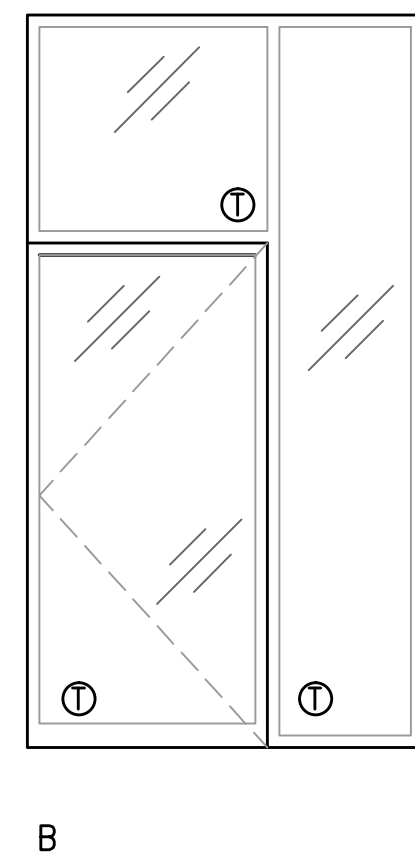
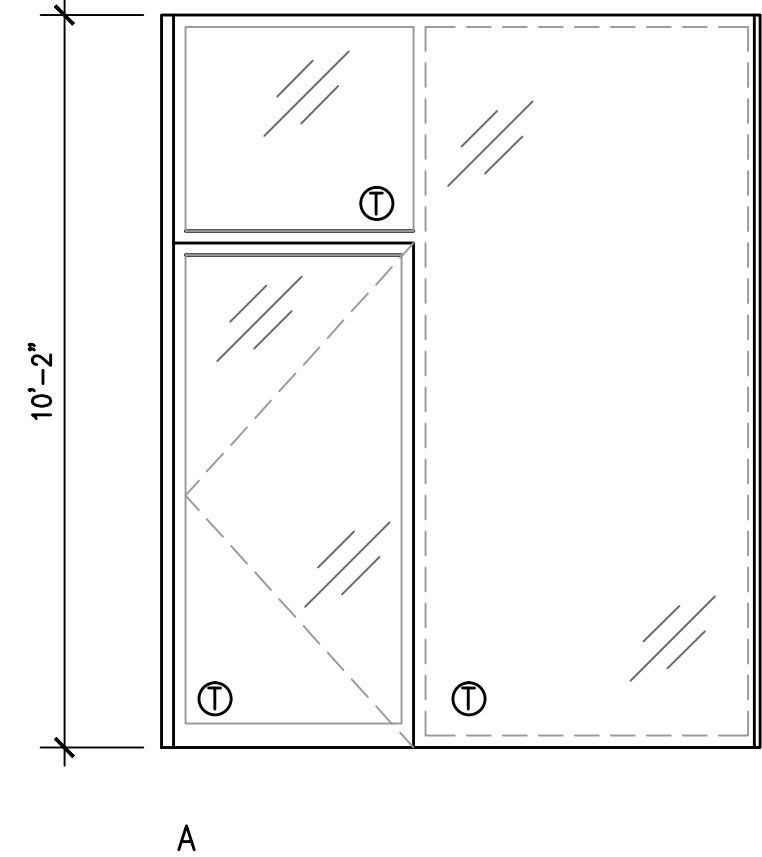
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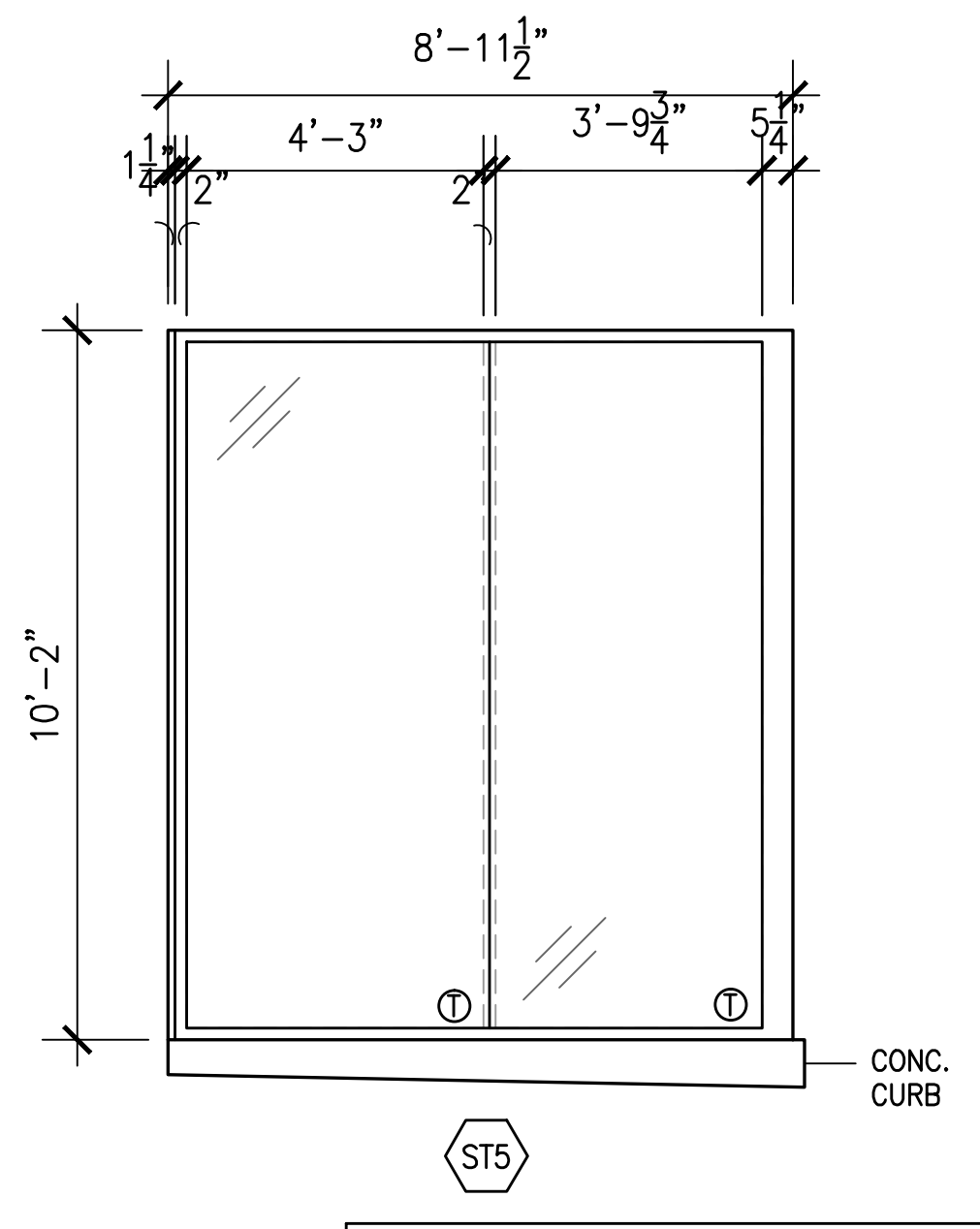
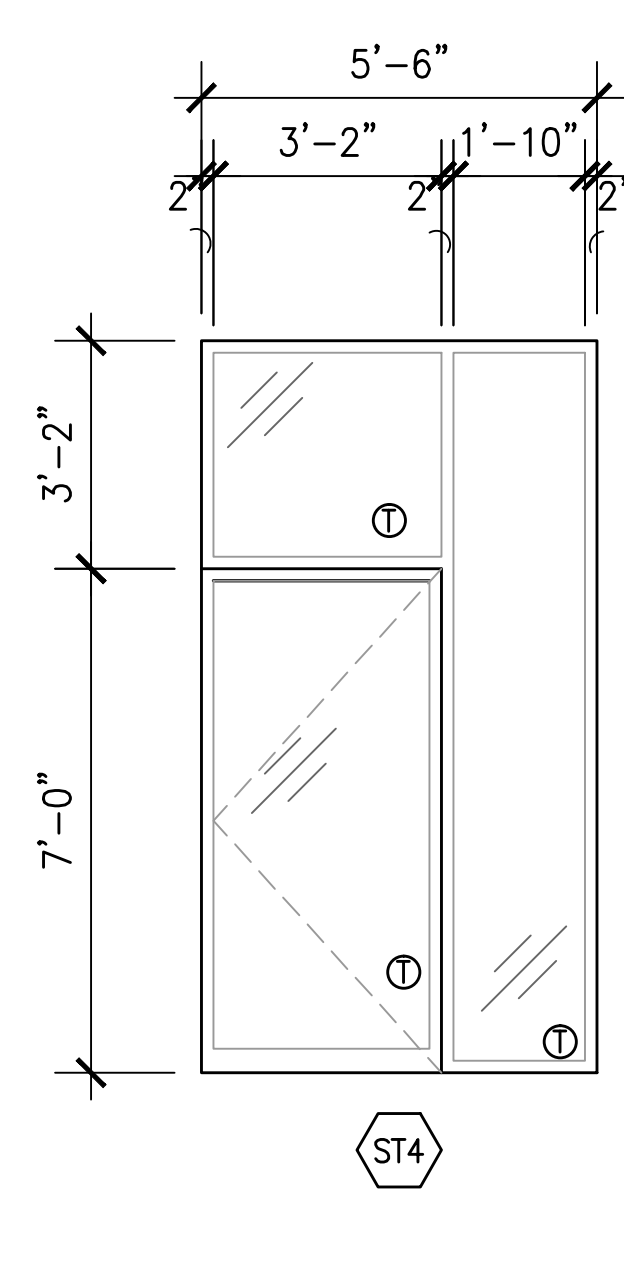
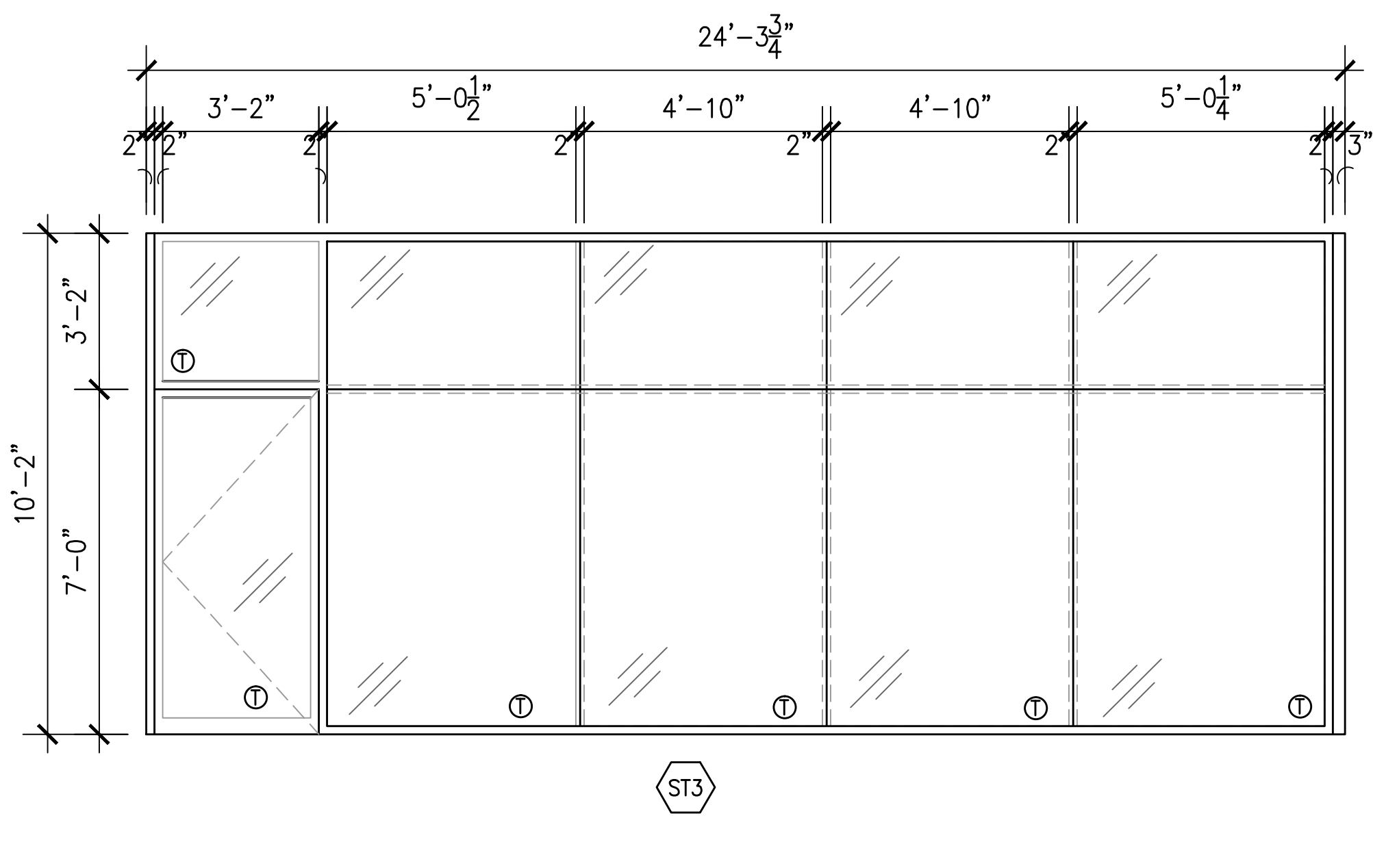
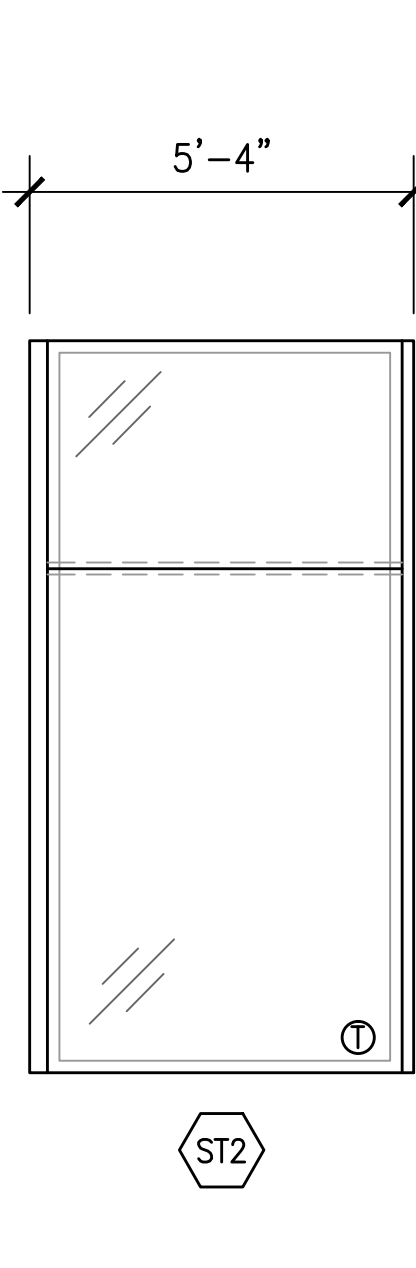
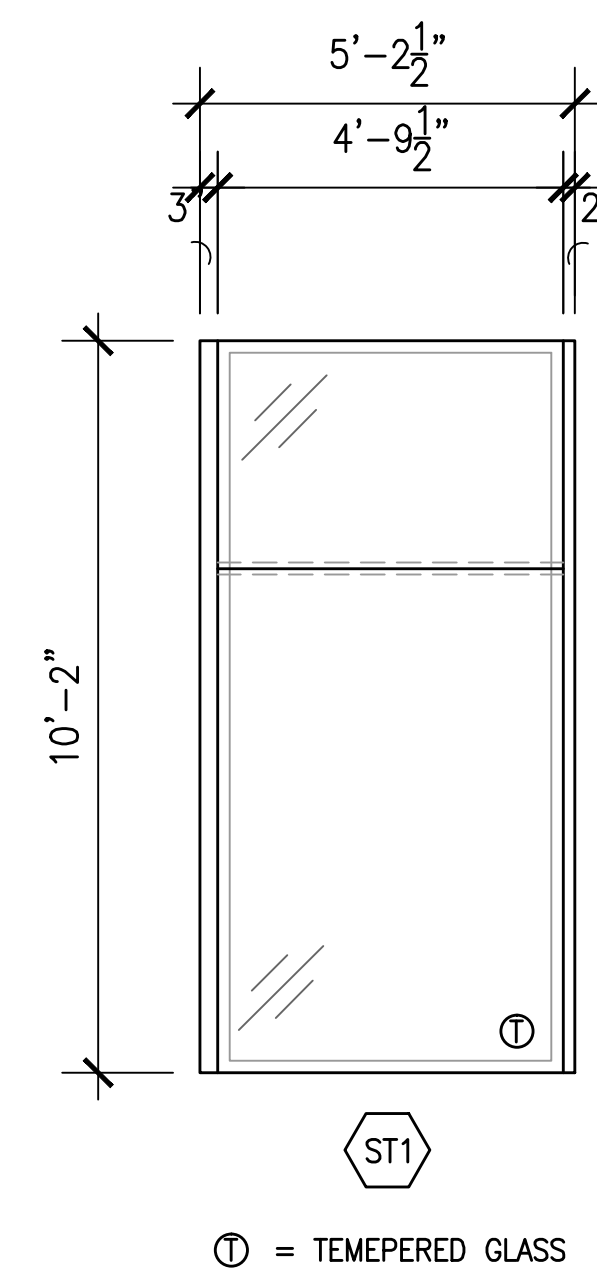
SHEET NO:
A-5.2
EXTERIOR ELEVATIONS
FILE: 1411_A-5.1.dwg



23 VESTIBULE - ENLARGED PLAN
SCALE: 3/8"=1'-0"



14 VESTIBULE ELEVATIONS
SCALE: 3/8"=1'-0"



23 STOREFRONT ELEVATIONS
SCALE: 3/8"=1'-0"

STOREFRONT SYSTEM BY KAWNEER OR EQUAL. G.C. TO INSTALL SYSTEM PER MANUF. SPECS. SEE THIS SHEET FOR STOREFRONT DETAILS.

G.C. TO PROVIDE SHOP DRAWINGS FOR ARCHITECT APPROVAL.

- NOTE:
1. STOREFRONT TO BE BUTT GLASS INSULATED SYSTEM
 2. ALL SHOPS DRAWINGS TO BE SUBMITTED TO ARCHITECT FOR APPROVAL.
 3. CLEAR TEMPERED GLASS
 4. CLEAR ANNO. ALUM. 4" FRAME
 5. G.C. TO NOTIFY ARCHITECT OF EXISTING CONDITION DISCREPANCIES.
 6. GC TO VERIFY THE SLOPE OF NEW VESTIBULE SLAB W/ NEW STOREFRONT SYSTEM. NOTIFY ARCHITECT OF DISCREPANCIES.

NOTE:
INSULATED STOREFRONT SYSTEM:
KAWNEER (TRIFAB VG 451 SSG), G.C. TO INSTALL PER MANUF. SPECS.

BAKERY CAFE:
#1403
SYSTEM: G2
FINISH: FUN

ARCHITECT:

dm design group
architecture + interior design

3109 S. Grand - Suite 240
St. Louis, Missouri 63116
Tel: (314) 772-0100
Fax: (314) 772-0108

Alkemeyer & Associates
Engineering Consultants
Mechanical - Electrical - Plumbing

325 North LaSalle Street
Suite 700
Chicago, IL 60654
1 312 424 2400
1 312 424 2424

BAKERY CAFE #1403

1241 CENTRE STREET
@ BEACON STREET
NEWTON, MA 02459

Panera BREAD

REVISION	DATE	BY
REVIEW	10.27.10	
AS BUILT	12.03.10	

ISSUE DATE: -
PROJECT NUMBER: 090405
DRAWN BY: CUBELLIS
DM: P. SULLIVAN
DPM: J. RICHTER
CPM: P. OTT

SHEET NO:
A-5.5
ENLARGED VESTIBULE
PLAN & ELEVATIONS
FILE: 1403_A-5.2.dwg

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 8/9/2019 11:12:54 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
7739	DECISION		54149/88	01/14/2010	
Property-Street Address and/or Description					
1239-1243 CENTRE ST					
Grantors					
NEWTON CITY, LINEAR RETAIL NEWTON #1 LLC					
Grantees					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					

Middlesex South Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number	: 7739
Document Type	: DECIS
Recorded Date	: January 14, 2010
Recorded Time	: 11:21:27 AM
Recorded Book and Page	: 54149 / 88
Number of Pages(including cover sheet)	: 7
Receipt Number	: 1086104
Recording Fee	: \$75.00

**Middlesex South Registry of Deeds
Eugene C. Brune, Register
208 Cambridge Street
Cambridge, Massachusetts 02141
617/679-6310**

6 pages

DEC 23 PM 3: 22
#212-09
CITY CLERK
NEWTON, MA 02159

CITY OF NEWTON
IN BOARD OF ALDERMEN

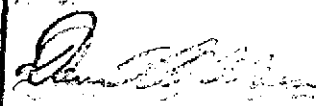
December 21, 2009

ORDERED:

That the Board, 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, that the application meets the criteria established in §30-19(m), §30-21(b), and §30-24 (d) (1)-(4), 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 for a parking waiver of up to 23 parking stalls, a restaurant in excess of 50 seats and the extension of a nonconforming structure as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman George E. Mansfield:

1. The Centre Street location is an appropriate location for a restaurant use with greater than 50 seats that will serve shoppers, employees, and the surrounding neighborhood.
2. The proposed restaurant use as developed and operated will increase the vitality of the Newton Centre BU-1 zoned commercial district and will complement other uses in the immediate vicinity.
3. The proposed outdoor seating will enhance the rear façade of the building through active use of outdoor space and landscape improvements.
4. The proposed expansion to the non-conforming structure will not be more detrimental than the existing building to the surrounding neighborhood and will not worsen the nonconforming nature of the front and side setbacks.
5. The petitioner submitted a parking study showing that there is adequate on-site and public parking nearby to absorb the expected demand for parking during peak periods, and that the waiver of the requirement for 23 parking stalls will not adversely affect parking, traffic, or circulation in the Newton Centre commercial district.
6. During six months of the year (November through April), there will be a waiver of 14 parking stalls and a maximum of 80 seats located entirely in the indoor café, or in the indoor café and three-season room. The waiver of up to 23 parking stalls applies for six months of the year (May through October) when all 105 seats in the indoor café (66), three-season room (14), and outdoor patio (25) are in use.
7. The provision of 6 on-site parking spaces for employee use will minimize potential conflicts related to the entering and exiting of cars onto and from the subject property since employees will be moving their cars less frequently than customers. This, in turn, will free metered municipal parking spaces for use by the public.
8. The petitioner will improve pedestrian safety in Newton Centre by contributing \$25,000 towards the installation of a pedestrian-activated signal at the intersection of Centre and

1239-1243 Centre Street, Newton
Title Ref. Book 51701, Page 546

A True Copy
Attest

City Clerk of Newton, Mass.

Pelham Streets, which has been identified as a hazardous intersection for pedestrians to cross.

- 9. The petitioner will restripe the handicap parking spaces, add handicap ramping nearest the rear entrance to the site from the Pelham Street municipal parking lot, and replace and add to landscaping at the boundaries of the petitioner's property and the parking lot, if permitted by the City, which will improve access for all patrons traveling from their cars to the restaurant and adjacent businesses by providing a safe and well-marked path to the sidewalk and an attractive pedestrian environment.
- 10. The petitioner will design improved signage in Newton Centre to direct people to available municipal parking in the lots on Pelham Street and Pleasant Street which will help to reduce traffic and circulation in the vicinity.
- 11. The proposed use is consistent with the *Newton Comprehensive Plan* because it increases the vitality of the commercial district.

PETITION NUMBER: #242-09

PETITIONER: Panera, LLC

LOCATION: 1239-1243 Centre Street, Section 64, Block 28, Lots 21 and 24 containing approximately 11,860 square feet of land

OWNER: Linear Retail Newton #1 LLC

ADDRESS OF OWNER: 5 Burlington Woods Drive, Burlington, MA 01803

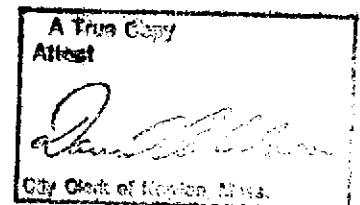
TO BE USED FOR: Restaurant in excess of 50 seats: parking waiver of 14 parking stalls for an 80 seat bakery/café restaurant, with an additional parking waiver of 9 parking stalls (for a total waiver of 23 parking stalls) for six months of the year (May through October) when the restaurant may have 25 additional seats located on an outdoor patio; and enlargement of a nonconforming commercial structure.

CONSTRUCTION: Renovation to exterior of existing commercial building

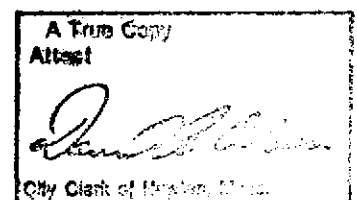
EXPLANATORY NOTES: §30-19(c)(2), 30-19(d)(13), and 30-19(m) for parking waivers
 §30-15, Table 3, §30-21(b) for extension of nonconforming structure
 §30-11(d)(9) for restaurant in excess of fifty seats

ZONING: Business 1 Zone District

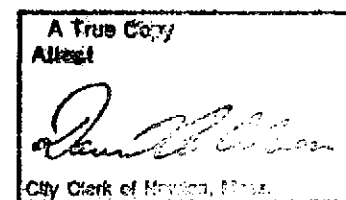
Approved subject to the following conditions:



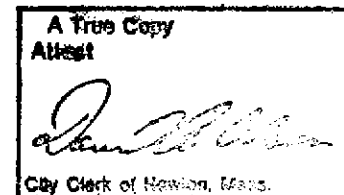
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with the plans entitled "Existing Parking Plan, 1239-1241 Centre Street, Newton, MA," dated 7-21-09 by Christopher Emilius, Professional Engineer
"Conceptual Design for Panera Bread Landscaping, Parking and Handicap Access" dated December 1, 2009 by Andrea W. Kelley, Rockwood Terrace Consultants Landscape Design
"Proposed Site Plan, 1239-1243 Centre Street, Newton, Massachusetts," dated July 20, 2009 by Francis L. Struble, Professional Land Surveyor and Christopher Emilius, Professional Engineer
"Area Plan, 1239-1243 Centre Street, Newton, Massachusetts," dated June 8, 2009 by Francis L. Struble, Professional Land Surveyor
"Proposed Panera Bread, Proposed Floor Plan, 1241 Centre Street, Newton, MA," dated 7-8-09 by Peter Sullivan, revised 9-23-09
"Proposed Panera Bread, Proposed Site and Patio Plan, 1241 Centre Street, Newton, MA," dated 7-8-09 by Peter Sullivan
"Proposed Panera Bread, Existing Exterior Elevations, 1241 Centre Street, Newton, MA," dated 7-8-09 by Peter Sullivan
"Proposed Panera Bread, Proposed Exterior Elevations, 1241 Centre Street, Newton, MA," dated 7-8-09 by Peter Sullivan
"Sheet EC-2.1, Floor Plan, Existing Conditions" dated 7-17-09 by Cubellis Architects
2. The petitioner may operate a bakery/café restaurant with a maximum of 80 seats and 9 employees on the largest shift, with a parking waiver of 14 parking stalls. The petitioner may locate an additional 25 seats on an outdoor patio during a six-month period from May through October, with an additional parking waiver of 9 parking stalls for such use, provided however, that the total number of seats shall not exceed 105 and the total number of outdoor patio seats shall not exceed 25, notwithstanding any subsequent change to the Zoning Ordinance which may authorize additional outdoor seating independent of a parking requirement.
3. Any plant material installed by the petitioner that becomes diseased or dies shall be replaced on an annual basis with similar material.
4. All dumpsters on the subject property will be appropriately screened with fencing to be approved by the Planning Department, and maintained by the petitioner so that they are clean and the area is free of debris and odors.
5. Any changes to approved signage shall be reviewed by the Urban Design Commission and the Director of Planning and Development.
6. The bakery café hours of operation shall be from 6 a.m. to 10 p.m. daily, provided, however, that the outdoor patio shall be utilized only from 7 a.m. to 9 p.m. Routine deliveries and trash collection shall occur at the rear private parking area off Pelham Street only between 7 a.m. and 7 p.m. so as not to disturb residents in the area. Deliveries from vehicles too large to enter the lot off Pelham Street may occur on Centre Street, but only before 7 a.m. or after 10 p.m. to prevent traffic problems during peak hours for traffic on Centre Street.



7. Cooking on the premises shall be limited to baking, which may occur at any hour unless otherwise prohibited by Ordinance. The use of Panini presses, egg steamers and similar items are permitted, but no grilling or frying equipment may be installed or utilized. The premises shall be secured from entry from 10 p.m. to 6 a.m., except for deliveries authorized by the petitioner.
8. Two parking stalls at the north end of the parking area owned by the petitioner's landlord shall be made available for short term parking for retail customers. The remaining six stalls shall be reserved for parking for employees of business tenants in the owner's property.
9. In the event that the petitioner seeks approval for live or recorded music or entertainment from appropriate municipal officials, no such music or entertainment shall be permitted at any time in the outdoor seating area.
10. The petitioner shall make an annual donation of \$1,000, due and payable on or before April 1st of each year, to be applied to the maintenance of the Newton Centre green.
11. The petitioner shall request permission from the Commissioner of Public Works to restripe handicap parking spaces, to construct handicap ramping nearest to the rear entrance to the site from the Pelham Street municipal parking lot, and to remove and install landscaping therein. If permission is granted, the petitioner shall, at its sole expense, restripe such spaces and construct the handicap ramping at the time the petitioner is installing abutting landscaping on its own site.
12. The petitioner shall also request permission from the Commissioner of Public Works to place trash receptacles on the public sidewalks near both the front and rear entrances to the premises. If permission is granted, the petitioner shall, at its sole expense, provide the approved receptacles and maintain and empty them regularly to prevent litter.
13. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has
 - a. contributed \$25,000 to the City of Newton for installation of a pedestrian-activated traffic warning signal to be installed at the intersection of Centre and Pelham Streets, or other traffic control improvements in Newton Centre village, as approved by the Traffic Council, which shall be designed and installed by the City of Newton.
 - b. submitted for review to the Urban Design Commission, Director of Planning and Development, and Commissioner of Public Works a signage plan for improved directional signs to the Pelham Street and Pleasant Street municipal lots. The petitioner shall also pay for the cost of fabricating any approved signage, but not the cost of installing such signage.
 - c. submitted to the Director of Planning and Development for review and approval a final landscape plan indicating the location, number, size, and type of plants to be installed and improvements to the adjacent Pelham Street parking lot to accommodate handicap access.



- d. designated a site for the placement of a bike rack for at least six bikes at a location in or adjacent to the Pelham Street municipal lot, that is visible from public property, to be reviewed and approved by the Director of Planning and Development.
 - e. submitted to the Director of Planning and Development a Transportation Demand Management Plan to actively encourage employees to use alternative modes to access the site. Such a plan may include but not be limited to providing subsidies for employee expenses for public transportation and other incentives to foster walking, biking and carpooling.
 - f. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - g. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - h. obtained a statement from the Director of Planning and Development that plans are consistent with Condition #1.
14. No occupancy permit for the use 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 the City Engineer certifying that final construction of the handicap access improvements have been constructed to the standards of the Department of Public Works.
 - b. 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 compliance with Condition #1.
 - c. submitted to the City Engineer final as-built, record site engineering, utilities, grading and drainage plans in both digital format and hard copy.
 - d. submitted to the Director of Planning and Development final as-built plans in digital format.
 - e. filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final location, number and type of plant materials, final landscape features, bike rack and directional signage.
15. Notwithstanding the provisions of Condition #9.e. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of the bike rack, directional signage and landscaping provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site improvements to ensure their completion.



Under Suspension of Rules
Readings Waived and Approved
23 yeas 1 nay (Alderman Harney)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 23, 2009. 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:



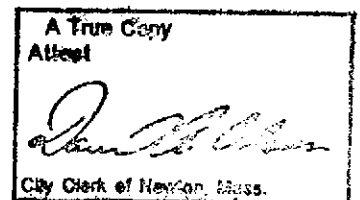
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, 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 12/23 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



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



From: [Bernie Lebow](#)
To: [Shubee Sikka](#)
Subject: Liberty Travel facade photos attached and my comments about the signage allowed per code for public record
Date: Friday, April 23, 2021 8:45:07 AM

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

Shubee,

Happened to be driving in Newton Centre this morning and saw the Liberty Travel sign down and thought you would like to see some photos of the lead glass lintel and facade. Quite nice!

Also wanted you to know that I think your interpretation of the zoning during the discussion of this application at the March meeting suggesting that it should only get one large and two smaller signs flanking is correct.

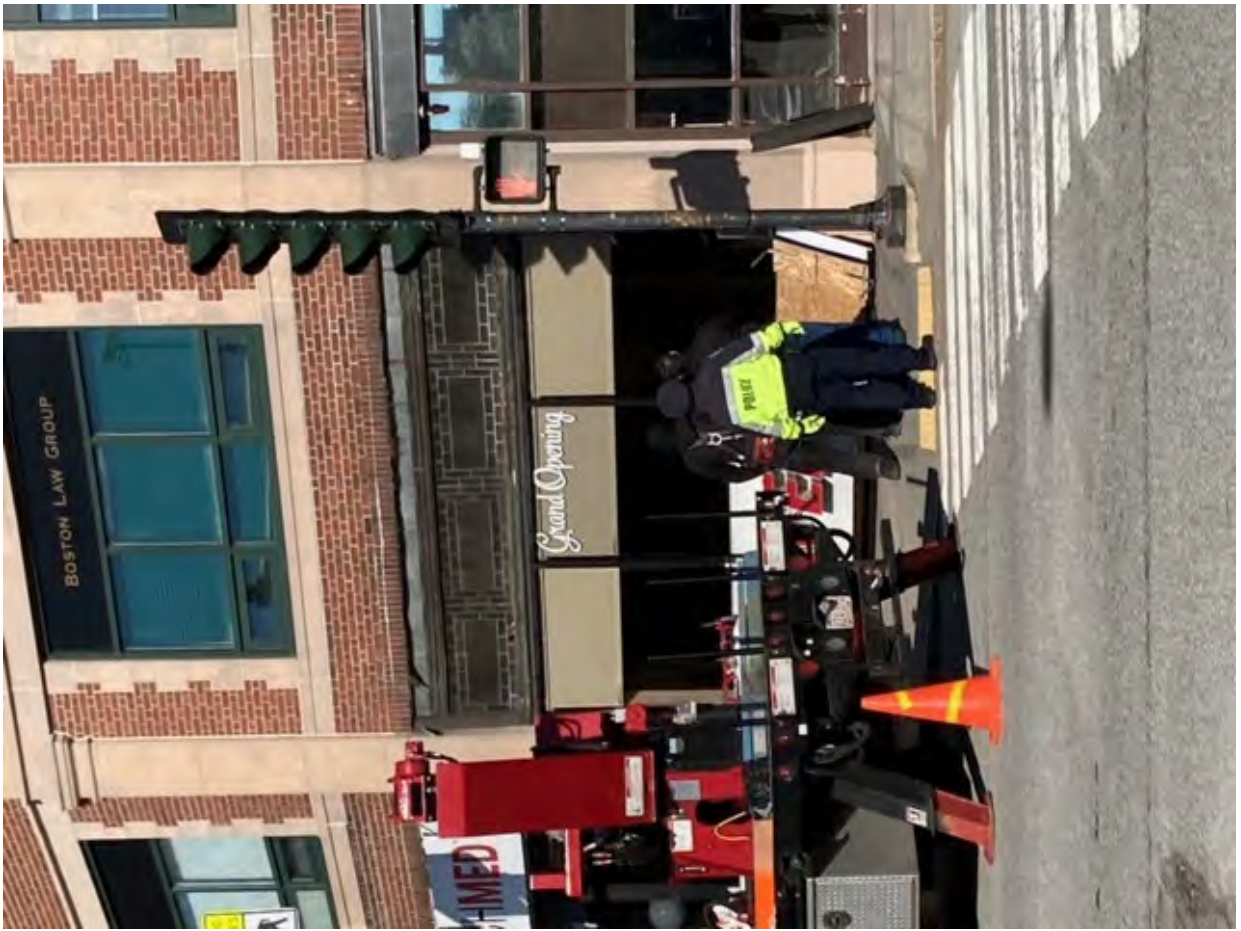
Also wanted you to know that you can see a minimum of two complete signs at all vantage points and mostly see all three signs when looking at the storefront and it should not be treated like a 90 degree facade as suggested by the Chairperson at March's hearing.

As a Newton lifer and very interested in the built environment and excessive signage I wanted to share my point of view for the record.

Thanks,

Bernard Lebow
40 Algonquin Road
Chestnut Hill, MA

C 617 592-8617









Shubee,
Per your request to provide you the East and West elevations facade frontage.

We can confirm both elevations are 21'-0

On Mar 10, 2021, at 11:15 AM, Shubee Sikka <ssikka@newtonma.gov>
wrote:

Good morning,

As I'm reviewing your application, I realize that the sign permit application is missing the façade frontage for the business. Please send me the façade frontage for Apotheco Pharmacy for both west and east elevation by tomorrow at noon.

Please let me know if you have any questions.

Thanks,
Shubee

Shubee Sikka
Urban Designer
Planning and Development Department
City of Newton, Massachusetts
ssikka@newtonma.gov

Please note that I am working remotely with access to email and voicemail.

For updates on Newton's COVID-19 response, please visit:

http://www.newtonma.gov/gov/health_n_human_services/public/covid_19.asp

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

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

Barney Heath
Director

DATE: April 5, 2021
TO: Neil Cronin, Chief Planner
FROM: Urban Design Commission
RE: 967 Washington Street
CC: Land Use Committee of the City Council
Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Michael Gleba, Senior Planner
Katie Whewell, Senior Planner
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on February 10, 2021, the Newton Urban Design Commission reviewed the proposed project at 967 Washington Street for design. The applicant presented three options:

- Option 1: 4-story building with flat roof
- Option 2: 4-story building with sloping roof
- Option 3: 3-story building, this option was not as well developed as the other 2 options

The Urban Design Commission had the following comments and recommendations:

General comments and recommendations:

Site Plan, Circulation and Connectivity

- There were questions about the site plan. The UDC requested a more detailed site plan to understand the relation between the building, landscaping, parking, garage ramp, and the townhomes.
- It was asked if the applicant explored putting the garage entrance off the parking lot so there are not 2 curb cuts next to each other. The two vehicular entrances next to each other are not good and UDC would like the applicant to explore other solutions. It also appears making a left out of the parking ramp is very close to the road.

Building Massing, Height and Architecture

- The UDC commented that commercial space feels like an appendage to the main building. The UDC recommended to integrate retail into the building, so it is 1 building and does not appear to be two separate buildings. It appeared at first that the applicant was retaining the existing retail. Since the applicant is tearing down the building, it is an excellent opportunity to ensure that it looks like a single building. It could be achieved with the help of materials, with color or form.
- One of the members commented that it may be a good idea to eliminate the retail at this site. This recommendation is based on current and projected conditions: it is not the highest and best use of the ground floor space.
- The UDC recommends using fewer materials instead of 5 different materials.
- Some of the members like the idea of a sloping roof on this building, so it is better integrated with the neighborhood. While some other members thought that the sloping roof added to the height/ bulk.

Landscape, Streetscape and Public Open Space

- The UDC recommended to add more greenery at the site.
- The UDC recommended the applicant explore possibility of planting some trees across the street, next to the Turnpike.

Specific comments and recommendations about the three options:

Option 1: four story building with flat roof

- Some of the members commented that flat roofed solution is better because of less bulk. There is too much bulk in the four-story option with a sloping roof.
- Some of the members recommended to maybe use 1 material, like brick. It will also help to pull the building forward over top of the retail, pull a portion of the building forward, maybe at the corners so two corner bays are all brick coming straight down and being part of the retail and then continued to push and pull a little to break it up, maybe break it at the entry point as well. It may also help to pitch it down along Walker Street and toward the neighboring house on Washington Street. It may be that there are too many materials that is making it look even bigger than it is.

Option 2: 4 story building with sloping roof

- Some members commented that the scheme with the sloping roof fits better since its picking up elements from the neighboring house.
- Some other members commented that it makes the building much taller and very bulky.
- It was also commented that this option has two materials which is more successful than the first scheme that has a few different materials.

Option 3: 3 story building

- The UDC commented that the three-story option appears to be most appropriate for this site and should be further developed.
- The UDC observed that the three-story option did not have any retail.

- One of the members recommended to explore the option of eliminating the townhomes and instead step down the building towards the neighborhood. It will probably help to make the site plan and parking work a lot better as well.

Public Comments:

The UDC also heard from the following members of the public:

Councilor Pamela Wright

Peter Bruce, President of Newtonville Area Council (NAC)

Meg W., 957 Washington Street

Schuyler Larrabee

Peter Harrington

Councilor Wright commented that Washington Street Vision Plan allows this property to be 3 stories. It's a transition area before you get into Village Centers or Washington Street or Walnut Street where it is taller. In this area, the tallest building is supposed to be a maximum of 3 stories.

Mr. Bruce commented that NAC objects to the height, the Washington Street Vision Plan should be respected. Mr. Bruce commented that Principle Group also said that the current heights should be respected, 3 stories were the maximum. The NAC strongly encourages the applicant to stay within those parameters. Regarding conserving land by going taller, it appears not a lot of land will be conserved by increasing the height from 3 to 4-stories. Even though Trio is not too far away and as Principle Group pointed out this is an inter-village center area, it's not part of Newtonville Village Center.

Meg W. commented that the proposed 4-story building is not in scale with the Washington Street Vision Plan. The document that created the Washington Street Vision Plan was the Hello Washington Street report that was presented by the Principle Group. Four-story is inconsistent with what Principle Group suggested for this neighborhood/block. She commented that this development resides west of her house and it will eclipse the sun all day all season long. There will be no sunlight to the backyard as a result of this development. This area has already taken a quality of life blow when Mass DOT cut down all the foliage across the street along Mass. Turnpike. It has had a profound negative impact on this neighborhood. There is a huge increase in sound, pollution, and the heat that emits from asphalt from the Mass. Turnpike. She also pointed out that there is some reference to the abutting house on Walker Street, the abutting house on Walker Street is the same height as her house. There will be a lot of cleaning that will need to be done on the façade because of the pollution that accumulates from the Mass. Turnpike after the foliage was cut down.

Mr. Larrabee commented that this stretch of Washington Street has a fair amount of residential buildings that have commercial uses in them. The 3-story plan has some merit to it, a real roof on top of it will be helpful. He also commented that bending around the corner and stepping down will be helpful.

Mr. Harrington said he lives just around the corner on Lowell Avenue. He commented that he was glad to hear that there is a 3-story option because the proposed 4-story option overshadows the apartment building across Walker Street. He also commented that it may be an issue to change the zone, it may be a spot zoning issue that should be investigated.

The applicant mentioned that they were encouraged to pursue a zoning change in order to get retail and 4 stories. UDC recommends against that concept. The Washington Street Vision was carefully done, and this part of Washington Street is supposed to be limited to 3 stories. The UDC supports the Washington Street Vision. The applicant needs to settle on a scheme for this property, rather than bringing conceptual choices to UDC.

The UDC recommended to explore the 3-story scheme that eliminates the townhomes with the building stepping down on Walker Street and to the neighboring house on Washington Street. Some members thought that the sloping roof adds to the mass and bulk while other members thought it makes it look more neighborly. The UDC also recommended to reduce the number of materials on the façade. The site plan also needs to be worked on, like curb cuts, parking, townhomes. A landscape plan will also be helpful, explore ways to increase greenery at the site.

Additional materials requested:

- **Site Plan:** The UDC requested a more detailed site plan to understand the relation between the building, landscaping, parking, garage ramp, and the townhomes.
- **Sections** will be helpful for future discussion
- **Landscape Plan**
- UDC would also like to see more detail on townhomes