



Ruthanne Fuller
Mayor

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

#292-21
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 13, 2021
Land Use Action Date:	November 23, 2021
City Council Action Date:	December 6, 2021
90- Day Expiration Date:	December 12, 2021

DATE: September 10, 2021

TO: City Council

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

SUBJECT: **Petition #292-21** for SPECIAL PERMIT/SITE PLAN APPROVAL to install a 22.5 sq. ft. free-standing sign on the Washington Street frontage and to amend Special Permit Council Order #61-17 on the property located at 431 Washington Street, 29 Hovey Street and an unnumbered lot on Hovey Street in Ward 1, Newton, on land known as Section 12 Block 06 Lots 03, 04 and 05, containing approximately 66,909 sq. ft. in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.3, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

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.



431 Washington Street

EXECUTIVE SUMMARY

The subject property at 431 Washington Street consists of a 66,909 square foot lot in a Business 1 (BU1) zoning district currently improved with a four-story assisted living facility approved by Special Permit #61-17.

The petitioner proposes to install an illuminated sign on a brick wall along the Washington Street frontage that would identify the name of the facility. As the sign would not be affixed to the building, it is considered a free-standing sign under Section 5.2.3 of the Newton Zoning Ordinance. The petitioner seeks a special permit per Sections 5.2.3 and 5.2.13 and to amend Council Order #61-17 to allow for the proposed free-standing sign.

The Planning Department is generally not concerned with the proposed sign given its location and function identifying the Washington Street entrance to the assisted living facility.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in a Business 1 (BU1) district is an appropriate location for the proposed free-standing sign (§7.3.3.C.1)
- The proposed free-standing sign will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed free-standing sign will 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);
- Permitting the proposed freestanding sign would be in the public interest given the nature of the use of the premises, the architecture of the building or its location with reference to the street (§5.2.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of Washington and Hovey streets. Across Washington Street to the south is the Massachusetts Turnpike, directly across which is the West Suburban YMCA. Properties along Washington Street to the east of the site are occupied by commercial uses, as are some lots directly adjacent to those to the north. There are several residential properties across Hovey Street from the northern portion of the subject lot. Properties along the north and western property lines include several two- and single-family dwellings. The wider area is similarly composed mostly of residential uses, predominantly two- and multi- family dwellings, with single family dwellings dispersed throughout. Notably, there is a four-story multifamily dwelling on the same block front to the east at the corner of Washington and Jewett streets. The zoning districts in the immediate

neighborhood consist of MR2, Multi-Residence 1 (MR1) about a block to the west, and BU2 to the east and one property just to the west (**Attachments A & B**).

B. Site

The subject site is a corner lot comprising 66,909 square feet occupied by a four-story assisted living facility. The property is generally level (with an exception being the driveway serving the basement level parking) and features newly installed landscaping, passive recreation space and fencing.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain an elderly housing with services facility and associated publicly accessible open space.

B. Building and Site Design

No changes to the existing building and/or site design are contemplated by the present petition.

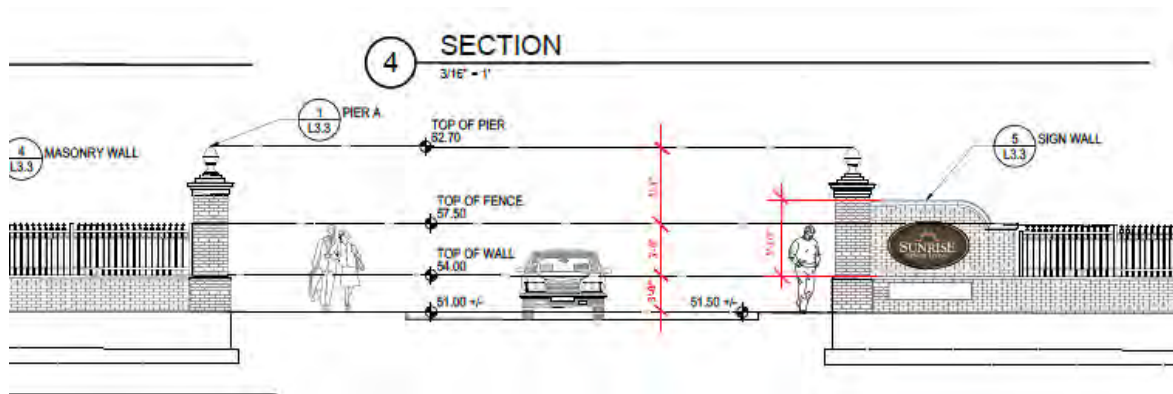
C. Parking and Circulation

No changes to the site's parking and circulation are contemplated by the present petition.

D. Landscape, Lighting and Signage

No changes to the site's landscaping and lighting are contemplated by the present petition.

The proposed illuminated free-standing sign would be mounted on an existing masonry wall approximately three feet above street level. It would measure 38 inches by 66 inches, be constructed of urethane and have LED components. Its relative size and scale, and its proposed location and context an existing brick wall on the property's Washington Street frontage, is shown below:



More detail of the sign:



The Planning Department is generally not concerned with the proposed sign given its location and function identifying the Washington Street entrance to the assisted living facility.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3:
 - amend Council Order #61-17
 - allow a free-standing sign (§5.2.3, §5.2.13)

B. Engineering Review

Review of this proposal by the Engineering Division is not required at this time.

C. Historic Review

Review of this proposal by the Newton Historic Commission is not required.

D. Urban Design Commission

The Urban Design Commission (UDC) reviewed the proposed freestanding sign on March 18th and April 14th, 2021. The UDC recommended approval of the sign based on submitted material and the petitioner's presentations.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum

ATTACHMENT A








Land Use

431 Washington St.

City of Newton,
Massachusetts

Land Use

Land Use

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

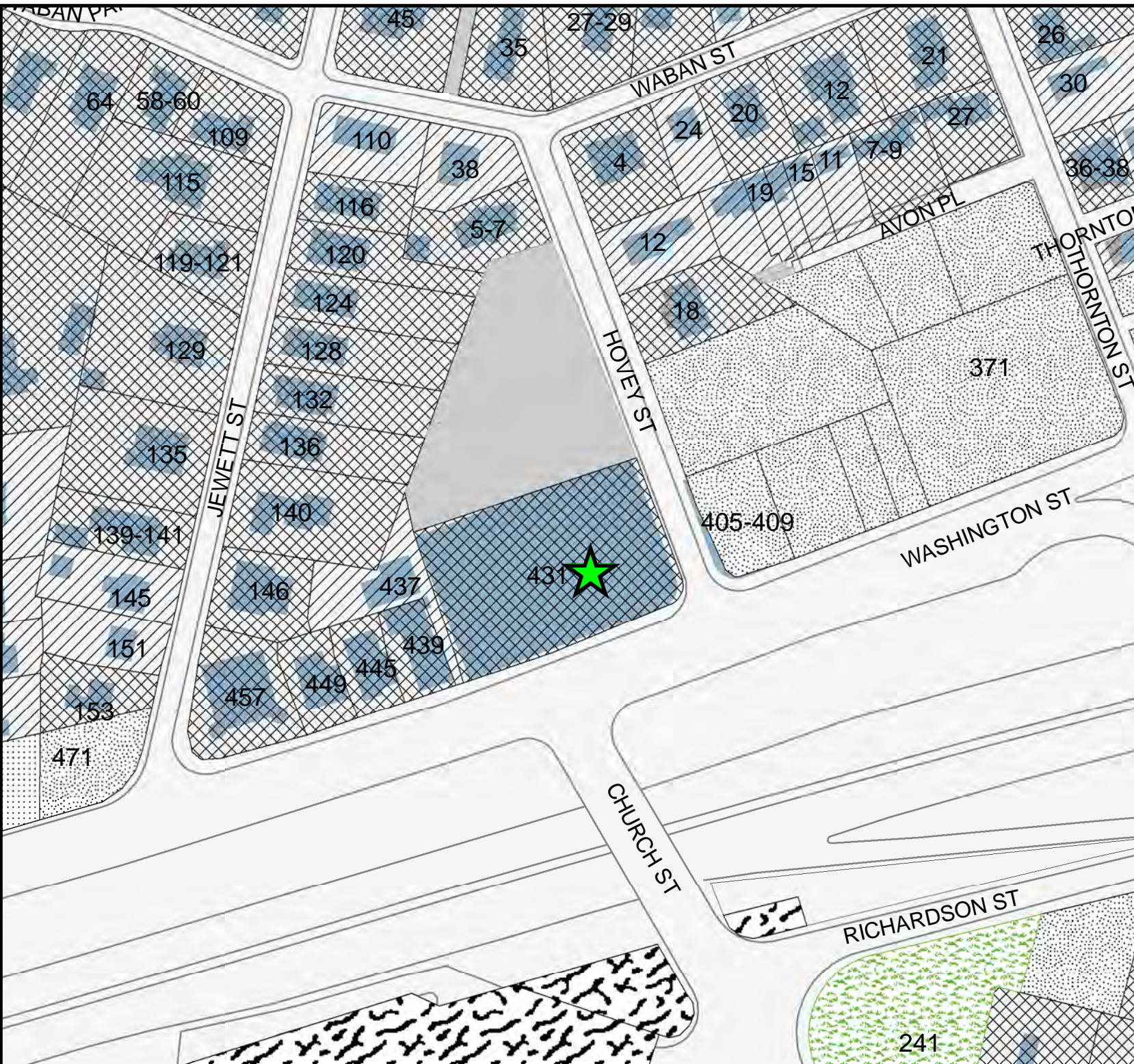


The information on this map is derived from a Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.525 50 75 100 125 150 175
Feet

Map Date: September 09, 2021

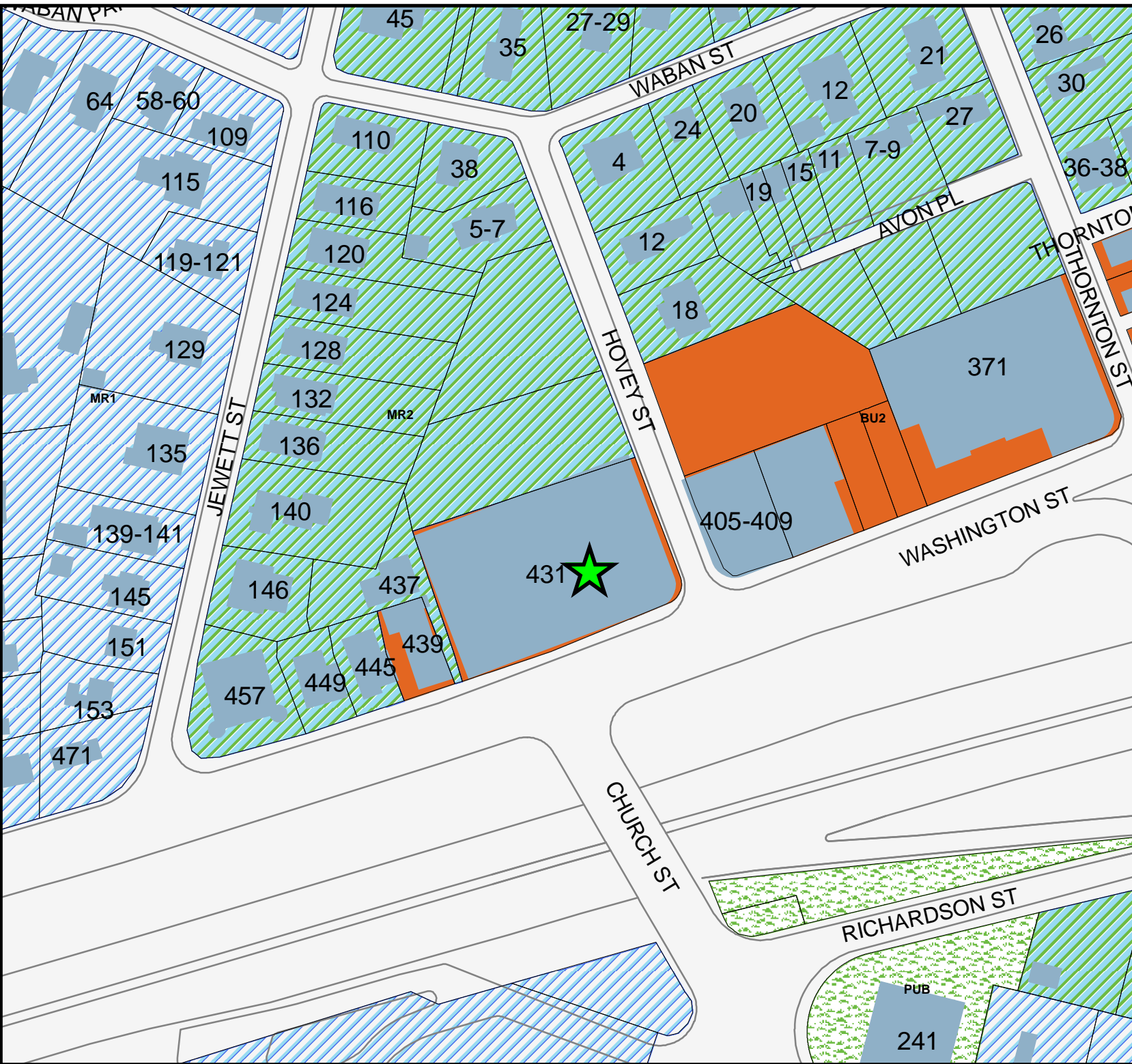


ATTACHMENT B

Zoning

431 Washington St.

*City of Newton,
Massachusetts*

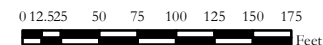


-  Multi-Residence 1
-  Multi-Residence 2
-  Business 2
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
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Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 8, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Sunrise of Newton PropCo LLC, applicant
Stephen J. Buchbinder, 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 Council Order #61-17

Petitioner: Sunrise of Newton PropCo LLC	
Site: 431 Washington Street	SBL: 61038 0005 and 61038 0006
Zoning: BU2	Lot Area: 66,909 square feet
Current use: Elder housing with services	Proposed use: No change

BACKGROUND:

The property at 431 Washington Street consists of 66,909 square feet and is currently improved with a four-story assisted living facility approved by special permit. The petitioner seeks approval for a free-standing sign.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 5/3/2021
- Sign plans and elevations, prepared by Allegra, dated 3/9/2021
- Council Order #61-17

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to install a 22.5 square foot sign on a brick wall along the Washington Street frontage. As the sign is not affixed to the building, it is considered a free-standing sign under section 5.2.3 of the Zoning Ordinance. The petitioner seeks to amend Council Order #61-17 to allow for the proposed free-standing sign. Additionally, a special permit per sections 5.2.3 and 5.2.13 is required.

2. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to amend Council Order #61-17	
§5.2.3 §5.2.13	Request to allow a free-standing sign	S.P. per §7.3.3