



Ruthanne Fuller  
Mayor

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Barney Heath  
Director

## STAFF MEMORANDUM

Meeting Date: **Wednesday, October 13, 2021**  
DATE: October 8, 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. 1-55 Boylston Street – Baystate Physical Therapy**

PROJECT DESCRIPTION: The property located at 1-55 Boylston Street is within a Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 417-12(2). The applicant is proposing to install the following sign:

- One wall mounted principal sign, internally illuminated, with approximately 14 sq. ft. of sign area on the southern building façade facing Boylston 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 117 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding. However, the proposed sign is not consistent with the comprehensive sign package. It appears 25 Boylston Street elevations with sign bands were not included in the comprehensive sign package. The applicant will need to apply for a consistency ruling to allow this proposed principal sign.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign. Staff seeks recommendation from the Commission regarding the proposed sign to the Commissioner of Inspectional Services.

**2. 108 Madison Avenue – Phoenix Physical Therapy**

PROJECT DESCRIPTION: The property located at 108 Madison Avenue is within Business 1 zoning district. The applicant is proposing to replace and install the following signs:

- One wall mounted principal sign, non-illuminated, with approximately 18 sq. ft. of sign area on the northern façade facing Madison Avenue.
- One awning sign, non-illuminated, with approximately 12 sq. ft. of sign area on the northern façade facing Madison Avenue.

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 49 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding. Please note that this sign is on the “Los Amigos” façade frontage and not “Phoenix Physical Therapy” frontage. A sign has been approved in the past for this location (attachment A).
- The proposed awning sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, awning signs are allowed that cover up to 20% of awning (84 square feet area), which the applicant is not exceeding.

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

**3. 415 Lexington Street – Doll House**

PROJECT DESCRIPTION: The property located at 415 Lexington Street is within Business 1 zoning district. The applicant is proposing to replace and install the following sign:

- One wall mounted principal sign, non-illuminated, with approximately 28 sq. ft. of sign area on the eastern building facade facing Lexington 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 16 feet, the maximum size of the sign allowed is 48 sq. ft., which the applicant is also not exceeding.

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

#### **4. 88 Needham Street – My Gym**

PROJECT DESCRIPTION: The property located at 88 Needham Street is within Mixed Use 2 zoning district. The applicant is proposing to install the following signs:

- One wall mounted principal sign, internally illuminated, with approximately 58 sq. ft. of sign area on the western building façade facing Needham Street.
- One wall mounted secondary sign, internally illuminated, with approximately 9 sq. ft. of sign area on the southern building façade facing Columbia Avenue.
- One wall mounted secondary sign, internally illuminated, with approximately 33 sq. ft. of sign area on the eastern building façade facing the rear parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 40 feet, the maximum size of the total sign allowed is 100 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 40 feet, the maximum size of the sign allowed is 40 sq. ft. each, which the applicant is also not exceeding.

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

#### **5. 60 Needham Street – Directory Sign**

PROJECT DESCRIPTION: The property located at 60 Needham Street is within a Mixed Use 2 zoning district and has a free-standing sign authorized by a special permit via Board Order # 231-17. The applicant is proposing to reface the following sign:

- Reface of one free-standing principal sign, internally illuminated, with approximately 23 sq. ft. of sign area perpendicular to Needham Street.

**TECHNICAL REVIEW:**

- The proposed free-standing principal sign appears to be consistent with the dimensional controls specified in §5.2.8 and the special permit (attachment D). As per condition #10 of the Board Order, the freestanding sign shall not be lighted other than between the hours of 8 a.m. and 5 p.m.

**STAFF RECOMMENDATION:** Staff recommends approval of the free-standing principal sign as proposed on the condition that the sign not be lighted other than between the hours of 8 a.m. and 5p.m.

## **6. 60 Needham Street – Cha’s Taekwon Do**

**PROJECT DESCRIPTION:** The property located at 60 Needham Street is within a Mixed Use 2 zoning district. The applicant is proposing to install the following sign:

- One wall mounted secondary sign, internally illuminated, with approximately 34 sq. ft. of sign area on the western building façade facing Needham Street.

**TECHNICAL REVIEW:**

- The proposed secondary sign appears to be not 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 27 feet, the maximum size of the sign allowed is 27 sq. ft., which the applicant is exceeding.

**STAFF RECOMMENDATION:** Staff has recommended to the applicant (by email) to reduce the size of the sign to less than 27 sq. ft. Staff is waiting to hear back from the applicant. Staff will provide a recommendation at the meeting.

## **7. 1505 Washington Street – Learning Prep School**

**PROJECT DESCRIPTION:** The property located at 1507 Washington Street is within a Single Residence 2 zoning district. The applicant is proposing to replace and install the following signs:

1. One free-standing sign, non-illuminated, with approximately 6 sq. ft. of sign area on Prospect Street (sign A)
2. Five directional signs, non-illuminated, with approximately 2 sq. ft. of sign area (signs B and C)
3. One free-standing principal sign, non-illuminated, with approximately 7 sq. ft. of sign area on Prospect Street (sign D)

4. One free-standing principal sign, non-illuminated, with approximately 6 sq. ft. of sign area in the parking lot (sign E)
5. One free-standing principal sign, non-illuminated, with approximately 6 sq. ft. of sign area in the parking lot (sign F)

**TECHNICAL REVIEW:**

- Four free-standing signs (signs A, D, E, and F) appear to be consistent with the dimensional controls specified in §5.2.7. Per the Zoning Ordinance, 1 free-standing sign is allowed per street frontage (up to 20 sq. ft.) and 1 per building group (up to 10 sq. ft.), which the applicant is not exceeding.
- Five directional signs (signs B and C) appear to be consistent with the dimensional controls specified in §5.2.7. Per the Zoning Ordinance, directional signs are allowed of up to 3 sq. ft. are allowed, which the applicant is not exceeding.
- Learning Prep School is a non-profit organization under section 501(c)(3) of the Internal Revenue Code. The applicant will be seeking a “Dover waiver” to allow the four free-standing signs.

**STAFF RECOMMENDATION:** Staff recommends approval of four free-standing signs and five directional signs as proposed. The applicant is required to seek a “Dover waiver” from the Commissioner of Inspectional Services for the four free-standing signs.

**8. 1-55 Boylston Street – The Vault**

**PROJECT DESCRIPTION:** The property located at 1-55 Boylston Street is within a Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 417-12(2). The applicant is proposing to install the following sign:

- One principal perpendicular sign, non-illuminated, with approximately 3 sq. ft. of sign area on the eastern building façade facing the driveway/parking lot.

**TECHNICAL REVIEW:**

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 23 feet, the maximum size of the sign allowed is 69 sq. ft., which the applicant is also not exceeding. However, the proposed sign is not consistent with the comprehensive sign package (attachment C), it is below the sign band approved by the Commission.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed principal sign. Staff seeks recommendation from the Commission regarding the proposed sign to the Commissioner of Inspectional Services.

## **Fence Appeal**

### **1. 377 Walnut Street Fence Appeal**

**PROJECT DESCRIPTION:** The property located at 377 Walnut Street is within a Multi-Residence 1 district. The applicant has added the following fence:

- a) **Front Lot Line** – The applicant has added a white vinyl fence, set at 21 to 24 inches from the front property line, 6 feet in height, 4 feet 3 inches solid and 21 inches lattice, 65 feet in length. 28 feet is set at 24 inches from the front property line and 37 feet is set at an average of 21 inches from the front property line.

#### **TECHNICAL REVIEW:**

The proposed fence set at 21 to 24 inches from the front property line appears to be not 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 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 6 feet tall white vinyl fence, 4 feet 3 inches solid 21 inches lattice set at 21-24 inches from the front property line for a length of 65 feet where the ordinance would permit such a fence to be 6 feet tall 24 inches from the front property line, 4 feet solid and 2 feet lattice. The applicant's stated reasons for seeking this exception are *"When the owners of 377 Walnut Street (and 3 Otis Street) put up the fence on the Otis Street side we intentionally placed it as close as possible to the existing 14 arborvitaes/trees without risking damage to them. In order to avoid damaging the 14 big existing trees, the fence company measured 24 inches from the property line and continued to follow the grade of the land which seems to shift in certain areas. The trees prevented the entire length of the fence to be exactly 24 inches from the property line. The fence starts at 24 inches from the property line and at some*

*points it becomes an average of 23 to 21 inches from the property. The one to three inches in difference was the only placement possible in certain sections so that the trees did not have to be uprooted and then replanted with the potential of killing them. The bottom of the fence is 4 feet 3 inches with the lattice topper being 21 inches. We were told that it was acceptable to measure the lattice supports in this calculation as they are necessary to hold the lattice in place. Removal of the fence to accommodate for the few inches would require uprooting 14 trees, replanting them one to three inches from their existing location, clearing away the cement near the roots of the trees to knock down the fence posts and then pour more cement in order to put the posts back. All of these actions have consequences on the health of these 14 trees. The same is true for the three inches in difference on top. I have already spoken to the fence company and any alterations to the topper would also require complete removal of the fence incurring the same issues mentioned above. We have photos showing the close proximity of the trees to the fence along with photos showing some trees already peaking through the lattice because of how close we tried to keep the fence in line with them to make sure we keep them healthy. Please see attached photos for your review.”.*

**STAFF RECOMMENDATION:** Based on the information submitted in the fence appeal application and staff’s technical review, staff recommends approval of the appeal due to the location of the 14 trees located near the front lot line.

## **2. 564 Dedham Street Fence Appeal**

**PROJECT DESCRIPTION:** The property located at 564 Dedham Street is within a Single Residence 2 district. The applicant has added the following fence:

- a) **Side Lot Lines** – The applicant has added a fence set at both side property lines with a solid fence (masonry wall), height varies from 6.16 to 10.31 feet, approximately 149 feet in length on each side.

### **TECHNICAL REVIEW:**

The existing fence along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

*According to §5-30(d)(2), “Fences bordering side lot lines: No fence or portion of a fence bordering or parallel to a side lot line shall exceed six (6) feet in height except as provided in subsection (6) below, and further, that any portion of a fence bordering a side lot line which is within two (2) feet of a front lot line shall be graded to match the height of any fence bordering the front lot line.”*

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 6-8 feet tall solid fence at the side property line for a length of 149 feet on each side, where the ordinance would permit such a fence to be 6 feet tall. The height varies from 6 to 8 feet based on the slope of the ground over the different wall panels. It is not clear from the application if the fence bordering side lot line is within two feet of the front lot line where the ordinance allows the fence to be 4 feet tall. Staff has sent an email to the applicant to provide pictures of this part of the fence, but staff has not heard back. The applicant’s stated reasons for seeking this exception are *“Wall has already been built and substantially completed per the building permit. Sharp changes in elevation cause some areas of the wall panels to exceed the 6-foot height limit. The height of the wall is consistent with other fences/walls in the area. Owners will incur substantial hardship of cost to lower the height”.*

**Update:** The Commission reviewed this fence appeal at its September 22<sup>nd</sup> UDC meeting and requested the applicant to provide an as-built survey with fence heights and elevations and inquired about the height of the neighboring fences.

Applicant has submitted two plans. One includes the wall heights for both the homeowner’s side and the neighbors’ side and has the height of the neighbors’ fences. The other plan shows the elevations (but has the incorrect measurement for the rear right corner). Due to the time constraints, they were not able to get an updated elevation map from the engineer in a timely manner.

Inspectional Services Department has determined the following:

- the fence is not located on a retaining wall
- the height of the fence must meet the requirements when measured from the natural grade of the ground on both sides of the fence (neighbor and the applicant)

Based on the survey provided and ISD’s determination, the height of the fence varies from 6.16 feet to 10.31 feet.

**STAFF RECOMMENDATION:** Based on the information submitted in the fence appeal application and staff’s technical review, staff seeks recommendation from the Commission.



## **Design Review**

### **1. 50 Jackson Street**

The applicant presented to the UDC in February of this year (attachment E) and has made the following changes since then:

- The number of units has decreased to nine to establish a better relationship with the number of parking spaces while adding more storage space within the units
- The driveway has been pulled away from the abutter's property to the West and modestly shortened
- The overall building length has been shortened by six feet
- The Jackson St. elevation has been further articulated towards adding interest to the building and reducing the apparent mass of the building
- The third-floor setback from the plane of the first and second floor facades to help minimize the apparent mass of the building

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. 416-418 Langley Road**

The applicant is proposing to remove two existing buildings and carport and replace with 3 story structure with 6 residential units and parking below grade. Units would be approximately 2,000 sf units with 3 bedrooms each.

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.

## **III. Old/New Business**

### **1. Approval of Minutes**

Minutes of September meeting are still being prepared. Staff intends to have it ready for the night of the meeting. If any are available early, they will be submitted to the Commission via email.

## **Attachments**

- Attachment A: 108 Madison Avenue
- Attachment B: 60 Needham Street Board Order #231-17
- Attachment C: 1-55 Boylston Street Sign Plan
- Attachment D: 60 Needham Street – Board Order
- Attachment E: 50 Boylston Street/383-387 Boylston Street UDC Memo

## DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON  
Massachusetts

## INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: January 4, 2005

TO: Gerald Brown  
Acting Commissioner of Inspectional Services

FROM: Michael Kruse, Director of Planning and Development  
Juris G. Alksnitis, Chief Zoning Code Official

LOCATION: 108 Madison Street  
CONTRACTOR:

BUSINESS: Basil Tree

Section 30-20(c)(1) and (j)(2), as amended, allows the Director of Planning and Development, in consultation with the Urban Design and Beautification Commission (Commission), to review sign permit applications. The Commission reviewed the proposed sign on December 15, 2004 and has provided the enclosed recommendation (see referenced item).

I concur with the Commission and recommend approval of the proposed sign(s) described in the application and plans of reference:

- Principal fixed canopy sign is approved as submitted.
  - A second principal wall sign on same frontage as the canopy principal sign is approved as submitted.
- Note: Second sign adds direction for the portion of the building that is visually set back from Walnut Street and the business district. The Commission considers this circumstance to be unique with respect to this building and therefore believes two principal signs are warranted. The two principal signs together comprise approximately 40 sf, which meets the area limitation of 30-20 (f)(2)

This application requires no further review by this Department.

**On receiving this notice, the applicant must go to Inspectional Services to pick-up the permit and pay the required fee.**

**Cc:**

Kathee Carr, Basil Tree, 108 Madison St., Newtonville, PHN: 617-224-2389  
Joan Calabro - Planning Department file  
Urban Design and Beautification Commission file

Google Maps 198 Madison Ave



Image capture: Oct 2011 © 2019 Google

Newton, Massachusetts



Street View - Oct 2011

89



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Page: 1 of 4 10/25/2017 10:09 AM

60 Needham Street  
#231-17

CITY OF NEWTON

IN CITY COUNCIL

October 2, 2017

ORDERED:

RECEIVED  
Newton City Clerk

2017 OCT -4 PM 3:31  
David A. Olson, Clerk  
Newton, MA 02459

That the City Council, finding that the public convenience and welfare are substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #437-03, allow a first floor health club use and to locate the parking requirement off site as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site in a Mixed Use 2 district, is an appropriate location for first floor health club because the subject property and the surrounding neighborhood along Needham Street are characterized by commercial uses (§7.3.3.C.1).
2. The proposed health club will not adversely affect the neighborhood (§7.3.3.C.2).
3. The proposed health club use will not create a nuisance or serious hazard to vehicles or pedestrians due to the one-way circular flow of traffic through the site (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
5. Literal compliance with the number of parking stalls is impractical due to the shape of the lot. The property owner has a long term lease until the year 2024 for the existing parking lot adjacent to 60 Needham Street, which has sufficient capacity to accept 15 stalls to be located off site for the health club use.

PETITION NUMBER: #231-17

PETITIONER: Christine D'Amico

23891-81

LOCATION: 60 Needham Street, Section 83, Block 28, Lot 02, containing approximately 25,753

OWNERS: Thomas + Helen Sullivan  
Sullivan Realty Trust TRUSTEES

ADDRESS OF OWNERS: P.O. Box 122  
Newton, MA 02456

A True Copy  
Attest  
  
City Clerk of Newton, Massachusetts

TO BE USED FOR: Retail, office, health club

CONSTRUCTION: Single-story, multi-tenant, commercial building

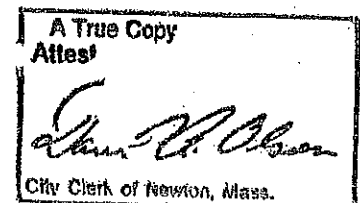
EXPLANATORY NOTES: Amend Board Order #473-03 which permitted 15 off site parking stalls; §4.4.1 and §7.3.3 to allow a first floor health club use; §5.1.6.A, §5.1.6.B, and §5.1.13 to locate the parking requirement for 15 (additional) stalls off site for the health club use; Board Order #437-03(2) permitted a 33.8 sq.ft. freestanding sign.

ZONING: Mixed Use 2 District

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #231-17 are null and void.

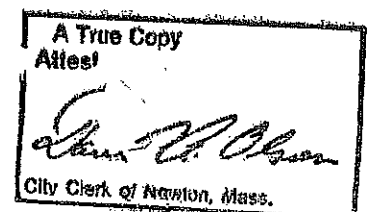
Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
  - a) Layout and Materials Plan, prepared by Symmes, Maini, & McKee Associates (SMMA), unsigned and unstamped, dated October 14, 2003 revised 11/7/2003, 11/13/2003, 11/20/2003, and 11/26/2003
  - b) Architectural Set entitled "Interior Renovations to 60 Needham Street" prepared by UDA Architects, unsigned and unstamped dated consisting of three (3) sheets:
    - i. A1.1 New Work Floor Plan & Reflected Ceiling Plan, dated July 12, 2017
    - ii. A-1 Existing Condition Floor Plan, dated July 12, 2017
    - iii. A-0 Site Plan, dated July 13, 2017
  - c) Sign Details, dated December 6, 2004, prepared by Back Bay Sign
    - i. Drawing 1, "Proposed Monument Sign", and
    - ii. Drawing 2, "Proposed Monument Sign, Lighting Details."
2. In the event that the off site parking stalls required hereunder for the uses at the 60 Needham Street property are no longer available in the adjacent lot, and the combined use(s) of the 60 Needham Street property require more than eighteen (18) parking stalls, then the 60 Needham Street property will be out of compliance with this special permit.
3. All trash and recycling areas onsite shall be maintained in a sanitary condition at all times. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
4. The hours of operation for the health club use shall be from 5:30 a.m. to 8:30 p.m. Monday through Friday, and 7 a.m. to 7 p.m. on Saturday and Sunday.



5. The health club class sizes shall be limited to 30 clients per class.
6. There shall be at least 15 minutes between classes for the health club use, so that new customers are not arriving before the previous customers have left.
7. The health club shall communicate with its clients regarding which parking stalls are available to them. In addition, the health club shall direct its clients to access the site via the southernmost curb cut, between 60 Needham Street and 66 Needham Street, and exit the site via the northernmost curb cut, between 60 Needham Street and 50 Needham Street.
8. The property owner shall maintain all landscaping and features on the site in good condition. Any plant materials that become diseased or die shall be replaced on an annual basis with similar materials.
9. Prior to the issuance of a building permit, the property owner shall submit an affidavit to the Director of Planning and Development, Commissioner of Inspectional Services, and the Law Department stating that there is adequate off site parking at 56 Needham Street required for the uses at 60 Needham Street, including the proposed health club use.
10. The 33.8 sq. ft. freestanding sign shall not be lighted other than between the hours of 8 a.m. and 5 p.m.
11. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
  - a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
12. No occupancy permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
  - a. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
  - b. Submitted to the Director of Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format.

*The following condition is carried over from special permit #437-03*



13. The existing vegetated hillside between the site and the residences to the rear shall be maintained by the property owner to ensure adequate screening of the off-site parking area.

*The following condition is carried over from special permit #437-03(2)*

14. All landscaping proposed in connection with this special permit amendment shall be maintained by the property owner at a maximum height of 20" to assure clear sight lines for drivers and vehicles entering the site.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Councilor Lappin)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on October 4, 2017. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

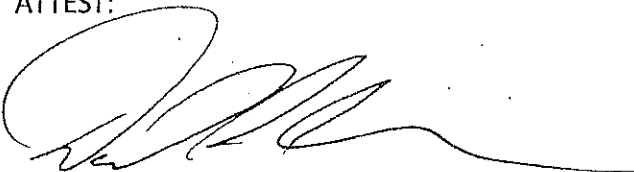
ATTEST:



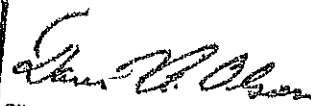
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 12/4 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

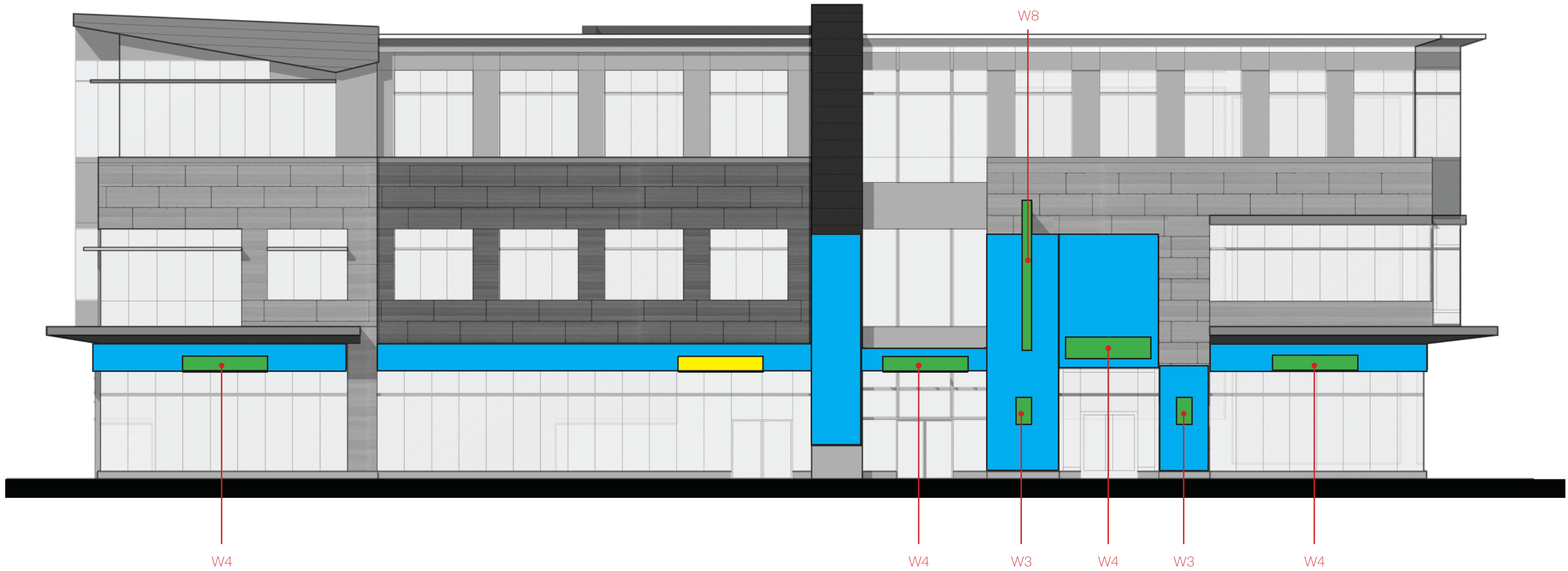
ATTEST:



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

A True Copy  
Attest  
  
City Clerk of Newton





33 Boylston Street  
East Elevation



- Legend
- Sign Band
  - Tenant Sign: Conforming
  - Tenant Sign by waiver (Provisional location)
  - Green: W1 - Theatre Sign  
W2 - Additional Principal Wall Sign - Pondsides Tenant  
W3 - Secondary Sign  
W4 - Canopy Sign  
W8 - Upper Story Sign
  - Wall areas for locating common signs
  - Brown: W5 - Wall Directory Sign  
W6 - Blade Panel & Column Capital Signs  
W7 - Wall Panels

Note: This diagram is based on the 2013 elevation.

89



Bk: 70126 Pg: 238 Doc: DEOIS  
Page: 1 of 4 10/25/2017 10:09 AM

60 Needham Street  
#231-17

CITY OF NEWTON

IN CITY COUNCIL

October 2, 2017

ORDERED:

RECEIVED  
Newton City Clerk

2017 OCT -4 PM 3:31  
David A. Olson, Clerk  
Newton, MA 02459

That the City Council, finding that the public convenience and welfare are substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #437-03, allow a first floor health club use and to locate the parking requirement off site as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site in a Mixed Use 2 district, is an appropriate location for first floor health club because the subject property and the surrounding neighborhood along Needham Street are characterized by commercial uses (§7.3.3.C.1).
2. The proposed health club will not adversely affect the neighborhood (§7.3.3.C.2).
3. The proposed health club use will not create a nuisance or serious hazard to vehicles or pedestrians due to the one-way circular flow of traffic through the site (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
5. Literal compliance with the number of parking stalls is impractical due to the shape of the lot. The property owner has a long term lease until the year 2024 for the existing parking lot adjacent to 60 Needham Street, which has sufficient capacity to accept 15 stalls to be located off site for the health club use.

PETITION NUMBER: #231-17

PETITIONER: Christine D'Amico

23891-81

LOCATION: 60 Needham Street, Section 83, Block 28, Lot 02, containing approximately 25,753

OWNERS: Thomas + Helen Sullivan  
Sullivan Realty Trust TRUSTEES

ADDRESS OF OWNERS: P.O. Box 122  
Newton, MA 02456

A True Copy  
Attest  
  
City Clerk of Newton, Massachusetts

TO BE USED FOR: Retail, office, health club

CONSTRUCTION: Single-story, multi-tenant, commercial building

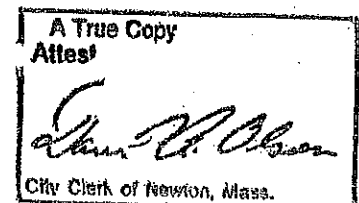
EXPLANATORY NOTES: Amend Board Order #473-03 which permitted 15 off site parking stalls; §4.4.1 and §7.3.3 to allow a first floor health club use; §5.1.6.A, §5.1.6.B, and §5.1.13 to locate the parking requirement for 15 (additional) stalls off site for the health club use; Board Order #437-03(2) permitted a 33.8 sq.ft. freestanding sign.

ZONING: Mixed Use 2 District

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #231-17 are null and void.

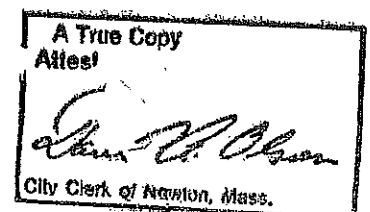
Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:
  - a) Layout and Materials Plan, prepared by Symmes, Maini, & McKee Associates (SMMA), unsigned and unstamped, dated October 14, 2003 revised 11/7/2003, 11/13/2003, 11/20/2003, and 11/26/2003
  - b) Architectural Set entitled "Interior Renovations to 60 Needham Street" prepared by UDA Architects, unsigned and unstamped dated consisting of three (3) sheets:
    - i. A1.1 New Work Floor Plan & Reflected Ceiling Plan, dated July 12, 2017
    - ii. A-1 Existing Condition Floor Plan, dated July 12, 2017
    - iii. A-0 Site Plan, dated July 13, 2017
  - c) Sign Details, dated December 6, 2004, prepared by Back Bay Sign
    - i. Drawing 1, "Proposed Monument Sign", and
    - ii. Drawing 2, "Proposed Monument Sign, Lighting Details."
2. In the event that the off site parking stalls required hereunder for the uses at the 60 Needham Street property are no longer available in the adjacent lot, and the combined use(s) of the 60 Needham Street property require more than eighteen (18) parking stalls, then the 60 Needham Street property will be out of compliance with this special permit.
3. All trash and recycling areas onsite shall be maintained in a sanitary condition at all times. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
4. The hours of operation for the health club use shall be from 5:30 a.m. to 8:30 p.m. Monday through Friday, and 7 a.m. to 7 p.m. on Saturday and Sunday.



5. The health club class sizes shall be limited to 30 clients per class.
6. There shall be at least 15 minutes between classes for the health club use, so that new customers are not arriving before the previous customers have left.
7. The health club shall communicate with its clients regarding which parking stalls are available to them. In addition, the health club shall direct its clients to access the site via the southernmost curb cut, between 60 Needham Street and 66 Needham Street, and exit the site via the northernmost curb cut, between 60 Needham Street and 50 Needham Street.
8. The property owner shall maintain all landscaping and features on the site in good condition. Any plant materials that become diseased or die shall be replaced on an annual basis with similar materials.
9. Prior to the issuance of a building permit, the property owner shall submit an affidavit to the Director of Planning and Development, Commissioner of Inspectional Services, and the Law Department stating that there is adequate off site parking at 56 Needham Street required for the uses at 60 Needham Street, including the proposed health club use.
10. The 33.8 sq. ft. freestanding sign shall not be lighted other than between the hours of 8 a.m. and 5 p.m.
11. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
  - a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
12. No occupancy permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
  - a. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
  - b. Submitted to the Director of Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format.

*The following condition is carried over from special permit #437-03*



13. The existing vegetated hillside between the site and the residences to the rear shall be maintained by the property owner to ensure adequate screening of the off-site parking area.

*The following condition is carried over from special permit #437-03(2)*

14. All landscaping proposed in connection with this special permit amendment shall be maintained by the property owner at a maximum height of 20" to assure clear sight lines for drivers and vehicles entering the site.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Councilor Lappin)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on October 4, 2017. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

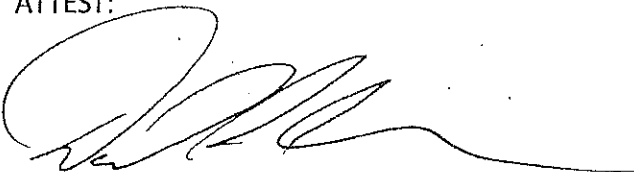
ATTEST:



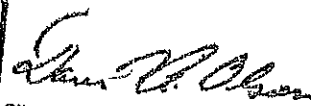
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 12/4 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

A True Copy  
Attest  
  
City Clerk of Newton



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](http://www.newtonma.gov)

**Barney Heath**  
Director

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**DATE:** March 30, 2021  
**TO:** Neil Cronin, Chief Planner  
**FROM:** Urban Design Commission  
**RE:** 383-387 Boylston 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 383-387 Boylston Street for design. The Urban Design Commission had the following comments and recommendations:

The Urban Design Commission (UDC) commented that the building fits nicely on the site. It is a nice breakdown of massing. It is a huge improvement as compared to existing conditions. The proposal is an appropriate solution for this site and UDC is looking forward to seeing more design development.

**Site Plan, Circulation and Connectivity**

- The UDC commented that the issue of having two fronts (Jackson and Boylston Streets) has been solved well by putting the lobby on the side and connecting the lobby to both the streets by a walkway.

**Building Massing, Height and Architecture**

- The UDC recommended to create a clear expression for the second entrance door on Boylston Street side, maybe a canopy above the door (like a main entrance). It was also recommended to make the square window above the door a little bigger to help get more daylight in the stairwell.

- The UDC recommended to provide deeper balconies so there is enough space to provide table and chairs, especially facing Jackson Street.
- The UDC commented that according to the Jackson Street elevation, the grade drops from west to east however, the project's wall appears to be at one level. It was recommended that the applicant investigate the level change again. It appears that the grade is on the same level with the street at the east side versus the west side.
- There was discussion about the materials. The applicant commented that they haven't finalized the materials yet. They would like to have contrast. The applicant commented that they would like to have a different material for the entry, maybe metal siding to give an accent to the entry. The applicant indicated they will be working more on the material choices.
- Based on changes with building code, the UDC recommended to investigate having 1 stairwell instead of 2.

### **Landscape, Streetscape and Public Open Space**

- The UDC recommended to provide some street trees on Jackson Street side between the sidewalk and the curb.
- The UDC recommended to provide landscaping in front of the building along Jackson street. It will be good to provide landscaping next to the entries to the units if there is enough space.
- The UDC recommended to provide more landscape buffer on Boylston Street side, maybe a stone wall, more greenery. A pergola may also help to provide more separation from Boylston street.