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Barney S. Heath
Director

MEMORANDUM

Public Hearing Date: April 12, 2022
Land Use Action Date: June 28, 2022
City Council Action Date: July 4, 2022
90-Day Expiration Date: July 11, 2022

DATE: April 8, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Senior Planner

SUBJECT: **Petition #218-22**, for SPECIAL PERMIT /SITE PLAN APPROVAL to amend Board Order #417-12 (2) and to amend the Comprehensive Sign package to include relief waivers to the number, size, location and types of signs at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 63 Block 37 Lots 18A, 26, 27, 22 and 25 in a district zoned BUSINESS 4

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

1-55 Boylston Street

EXECUTIVE SUMMARY

The subject property consists of two parcels totaling 859,444 square feet in the Business Use 4 (BU-4) zone in Ward 7, in Chestnut Hill. Most of the property is located within in the City of Newton, however the southeastern corner of the site is located within the Town of Brookline. The site contains retail shops, restaurants, and similar uses which help comprise the shopping center known as “The Street”. The petitioner is seeking to amend their sign package, initially approved in 2013, with a recent amendment to the package that was approved in 2020. In total, six of the nine signs proposed for the 27 Boylston Street area require special permits for the either the size, number and/or type of sign.

The petitioner’s sign package is well developed and includes three signs that conform to the Ordinance. The Planning Department has no concerns with the conforming signs and staff has focused this review on the relief requested for signs that are not allowed as of right.

The petitioner is replacing the previously approved plan set with plans that allow for flexibility in sign placement with expanded sign bands. The Urban Design Commission (“the UDC”) approved the comprehensive sign package that expand the area where signs are allowed on a façade. The petitioner is also seeking an amendment to modify Condition 4 in Special Permit #417-12(2) to allow for even more flexibility in sign location when a storefront is altered because of tenant turnover. After conferring with the Law Department, it is determined the Ordinance requires UDC to review signage outside of the sign bands and does not believe the amendment can be approved as proposed.

The subject property is unique due to its frontages on three different public ways, nature of the use as a mixed-use center, and multiple points of access to different shops from those public ways. As such, the sign package is geared towards adding tenant and wayfinding signage and creating a sense of place throughout the site. The Planning Department is supportive of the petition for these reasons.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council consider whether:

- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)
- The specific site is an appropriate location for the proposed amendments to previously approved comprehensive sign package. (§7.3.3.C.1)
- The proposed sign package will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be 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)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located in the BU-4 zone improved with a mixed-use shopping center, known as “The Street” in Chestnut Hill. The property has a small portion at the southeast corner of the site that is located in Brookline and many of the properties on the southern side of Boylston Street are also located in Brookline. The surrounding properties are located in a Single Residence 1 district to the northeast, a Business 1 district west of the site, and Multi-Residence 3 district south of the site. This section of Boylston Street has a mix of uses including residential, commercial, and open space. **(Attachments A & B)**

B. Site

The site consists of 859,444 square feet and is improved with commercial structures, the majority of which are multi-tenant buildings containing a mix of retail, service, restaurant, office, medical office and a movie theater. The site is anchored by a movie theatre at the western end at 55 Boylston Street and a supermarket at the eastern end of the site, at 1 Boylston Street. For the purposes of zoning, the site is considered as one parcel.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain commercial.

B. Amendment to Council Order #417-12 (2)

The petitioner proposed revised language to Condition 4 of Special Permit 417-12(2) to allow for more flexibility with placement of signs. They are seeking to allow approval outside of sign bands that were previously reviewed by the UDC and are referenced in the Comprehensive Sign Plan.

The proposed language is as follows:

*4. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Common Center signs and individual tenants and tenant signs may change over time. Changes to the size, number, **location**, and types of signs shall follow the below procedure:*

- A. *If such changes conform to the requirements of Section 5.2 of the Newton Zoning Ordinance, as **expanded** by the exceptions granted in this Council Order or Special Permit #417-12, or are the result of an altered tenant storefront façade change that causes the **current sign band placement to be no longer practical, and** or are deemed consistent with the Comprehensive Sign Package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.*


B. *If such changes either do not comply with Section 5.2 of the Newton Zoning Ordinance, as expanded by the exceptions granted in this Council Order or Special Permit #417-12, and are not the result of an altered tenant storefront façade change that causes the current sign band placement to be no longer practical, and are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the petitioner shall seek an amendment to this special permit.*

As proposed, Planning Staff are concerned with the proposed amendment to Condition 4 because sign locations are approved via sign bands in the Comprehensive Sign Plan referenced in special permit. As written, the amendment would allow staff to administratively approve sign locations outside of the sign bands reviewed by the UDC. After conferring with the Law Department, it is determined the Ordinance requires UDC to review and approve signage outside of the sign bands and does not believe the amendment can be approved as proposed.

C. Comprehensive Sign Package

The petitioner’s proposed signage seeks to amend the previously approved sign package which authorized exceptions to the sign provisions of the Newton Zoning Ordinance (Ordinance). The sign package features the following sign types: freestanding, pedestrian-directory, vehicular- directory, and directory. The Petitioner has labeled each sign type with letters on the plans submitted and are the same labels reflected in the below graphic. The table below summarizes the type, size, and location of signs that require relief from the Ordinance. The sign images below are shown for illustrative purposes and the content of the sign shown below may not reflect the final illustration. A map of the site with the proposed sign locations are attached to this memorandum (**Attachment C**).

Figure 1. Signs that require Special Permit Relief

<u>Sign</u>	<u>Sign Type and Size</u>	<u>Sign Design</u>
E5, E10, E11	Three (3) small directory signs, internally illuminated, with approximately 15 sq. ft. of sign area	

<p>K4, KD15</p>	<p>Two (2) vehicular directional signs, non-illuminated, with approximately 6 sq. ft. of sign area</p>	<p>Type K ● Vehicular Directional - Ground Type KD ● Double Vehicular Directional - Ground</p>
<p>N</p>	<p>One (1) wall-mounted sign, illuminated, with approximately 259 sq. ft. of sign area</p>	<p>Type N ● Placemaking Sign</p>

Pedestrian Directory Signs

The petitioner is proposing three freestanding pedestrian directory signs (E5, E10, E11) that measure 15 square feet in sign area. The pedestrian directory signs (E) are considered freestanding signs, which require a special permit. Additional relief is required because the signs will relay information about events, serving as both directory signs and events signs. The Ordinance only allows event information to be displayed for 14 days or less. As these signs will continually display information regarding events, relief is required to exceed the 14 days. Nine pedestrian directory signs were approved in the 2020 amendment throughout the site.

The Planning Department believes all the proposed pedestrian directory signs are in appropriate locations due to the nature of the signs. The signs (E) are located close to key pedestrian areas at the middle of the site. The pedestrian directory signs will serve as key wayfinding signs and informational directory for shoppers and users of the site.

Vehicular Directional Signs

The petitioner is proposing two new vehicular directional signs (K, KD) with 6 square feet of sign area.

The Planning Department believes the number and size of the vehicular directional signs are appropriate, the increased visibility of the signs will better aid the flow of traffic and contribute to the overall vehicular and pedestrian safety of the site along the 27 Boylston Street frontage of by proving clear, highly visible direction and guiding wayfinding.

Wall-Mounted Sign

The petitioner is proposing an illuminated wall-mounted sign (N) affixed to the 27 Boylston Street south elevation (facing Boylston Street). The proposed sign requires a special permit because the sign area proposed at 259 square feet is greater than the 100 square feet maximum allowed for wall signs.

The Planning Department believes the proposed wall sign is appropriate in this location because of its prominence on the public ways and ties the site together by signifying “The Street”. The Urban Design Commission recommended the sign as proposed for approval at 259 square feet.

Planning Analysis

The mixed-use center presents a unique challenge concerning the sign ordinance given the number of multi-tenant buildings, which front three different public ways, and the number of access points from those public ways, especially Boylston Street. The Planning Department believes the petitioner’s sign package is well developed and will aid in pedestrian and vehicular wayfinding and safety. Additionally, the package will enhance the shopping center and help develop a sense of place, by relaying important information regarding events and communications relating to the site. The signs do not appear to affect nearby communities which is in keeping with the objectives of Newton’s economic development element of the Comprehensive Plan. The Planning Department is unconcerned with the signs that require special permits.

IV. TECHNICAL REVIEW

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

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

- To amend Special Permit # 417-12(2)
- §5.2.3, §5.2.8, §5.2.13A, §5.2.13B, §7.3.3, and §7.4 of Chapter 30, to allow a Comprehensive Sign Package that grants exceptions to the number, size, location and types of signs allowed by the Ordinance.

B. Urban Design Commission Review:

The petitioner appeared before the Urban Design Commission (UDC) on February 9, 2022 and on March 9, 2022. The UDC reviewed the sign package and the mock-up photos and are supportive of the Comprehensive Sign Package amendment as stated in the UDC memorandum dated March 17, 2022 (**ATTACHMENT E**).

V. PETITIONER’S RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: Zoning Map

ATTACHMENT B: Land Use Map

ATTACHMENT C: Proposed Sign Installation Plan

ATTACHMENT D: Zoning Review Memorandum

ATTACHMENT E: UDC Memorandum, dated March 17, 2022

ATTACHMENT F: DRAFT Council Order






ATTACHMENT A

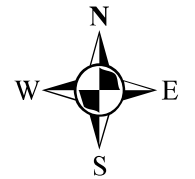
Zoning

1-55 Boylston Street

City of Newton,
Massachusetts


Legend

-  Single Residence 1
-  Multi-Residence 3
-  Business 1
-  Business 4
-  Public Use

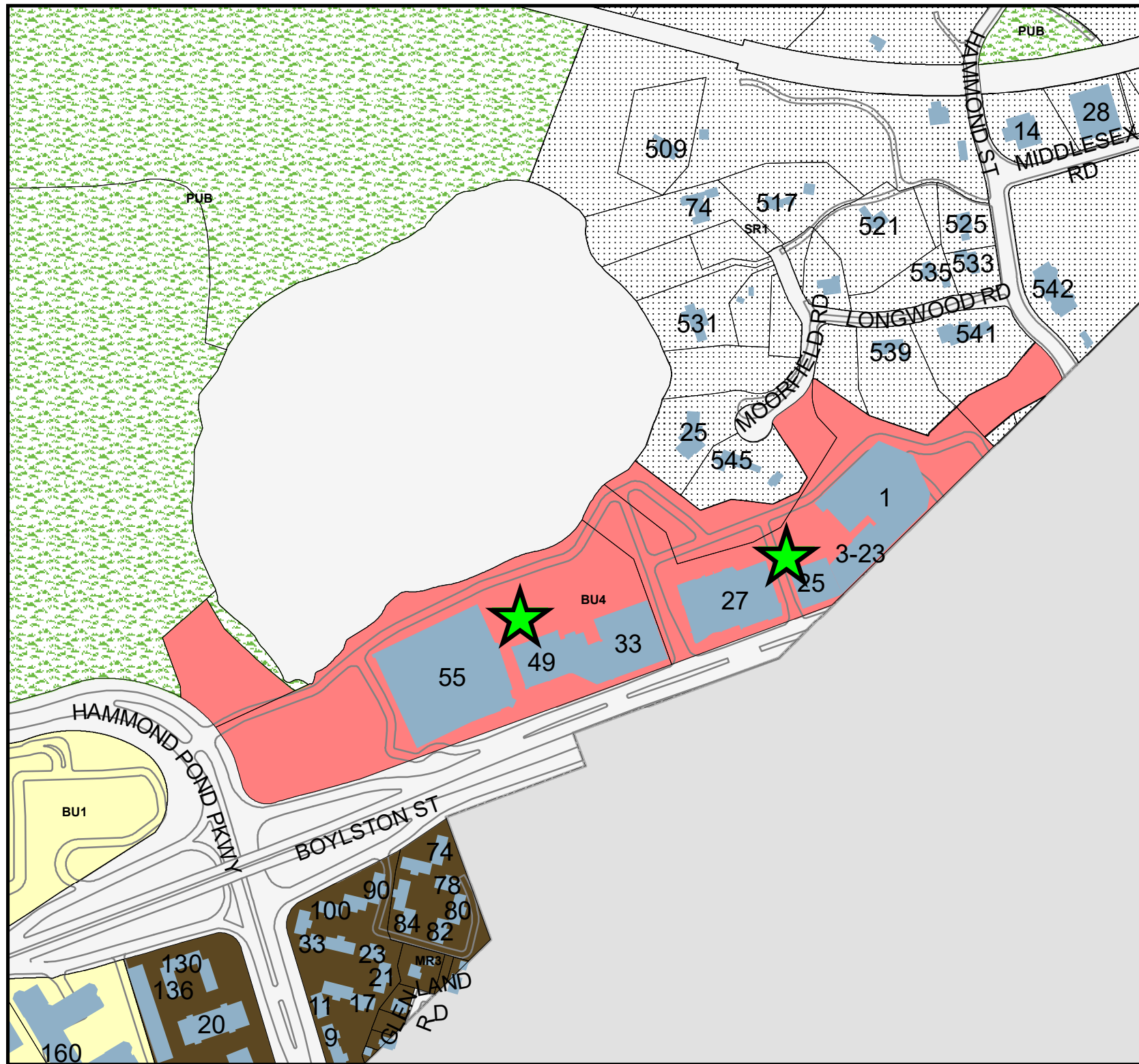


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

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 Feet

Map Date: April 06, 2020



ATTACHMENT B

Land Use

1-55 Boylston Street

*City of Newton,
Massachusetts*

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations

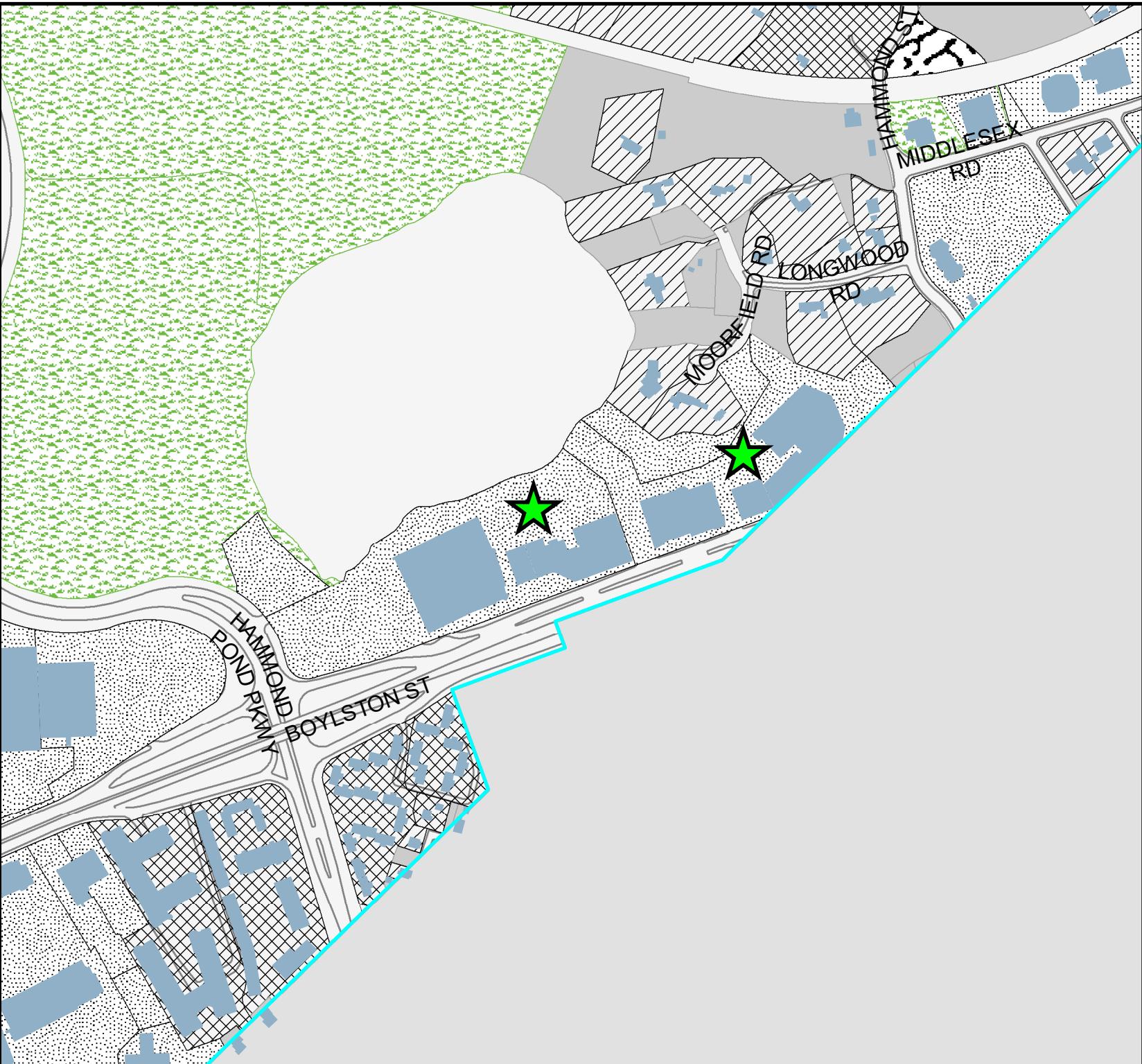


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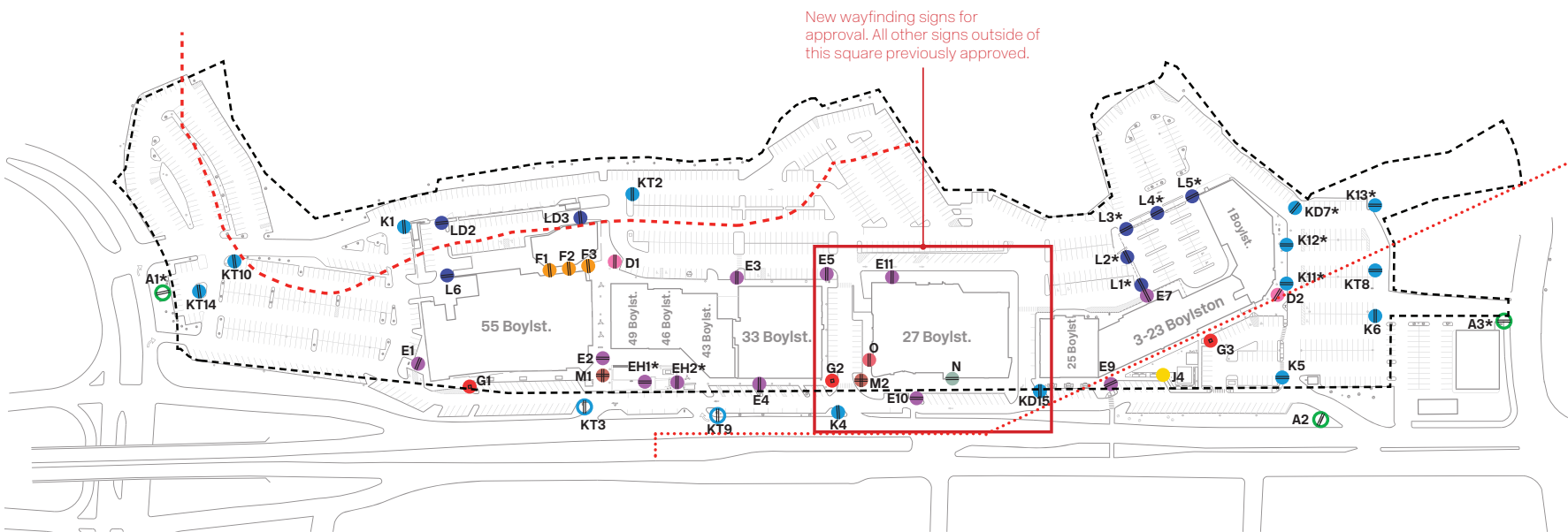
CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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 Feet

Map Date: April 03, 2020



- Type A ● Entrance Sign
 - Type D ● Community Boards/Directory
 - Type E ● Small Directory
 - Type EH ● Small Planter Sign
 - Type F ● Pedestrian Directional - Wall
 - Type G ● Pedestrian Directional - Ground
 - Type J4 ● Park Bench Tags
 - Type J8 ● Planter Signs
 - Type K ● Vehicular Directional - Ground
 - Type KD ● Double Vehicular Directional - Ground
 - Type KT ● Tall Vehicular Directional - Ground
 - Type L ● Vehicular Directional - Suspended
 - Type LD ● Double Vehicular Directional - Suspended
 - Type M ● Pedestrian Directional Arrows
 - Type N ● Placemaking Sign
 - Type O ● Pedestrian Directional - Wall
 - Property Line
 - - - Wetlands Buffer
 - == Sign Orientation Indicator (see within each dot)
 - Town Line (Brookline vs. Newton)
- Note: "H" designates horizontal orientation.
- * Asterisk indicates current sign replacements



New wayfinding signs for approval. All other signs outside of this square previously approved.



Scale = N.T.S.

PROPOSED SIGNAGE INSTALLATION



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 15, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Amanda Chisholm, WS Asset Management, Inc
Chestnut Hill Shopping Center LLC, Petitioner
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to amend an approved Comprehensive Sign Package and Special Permit #417-12(2)

Applicant: Chestnut Hill Shopping Center LLC	
Site: 1-55 Boylston Street	SBL: 63037 0025, 63037 0026
Zoning: BU4	Lot Area: 859,444 square feet
Current use: Mixed-Use Shopping	Proposed use: No change

Background:

The property at 1-55 Boylston Street is located in the Business 4 district and is improved with a commercial center known as "The Street". The property contains a mix of retail, service, restaurant, office, medical office and a movie theater. The site has received several special permits relevant to buildings, parking and signage. A comprehensive sign package was approved in 2013 and amended in 2020. The applicant now seeks amend the sign package to include the signs at 25 Boylston Street, to add tenant and wayfinding signs for 27 Boylston Street and to update elevations for all of the buildings in the development with new sign bands.

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

- Zoning Review Application, prepared by Amanda Chisholm, WS Asset Management, dated 2/4/2022, updated 2/23/2022
- Special Permit #417-12(2)
- Conceptual Signage, prepared by WS Development, dated 1/13/2022

ADMINISTRATIVE DETERMINATIONS:

1. A special permit was granted in 2013 approving a comprehensive sign package for the entire development known as The Street: Chestnut Hill and amended in 2020. The petitioner now seeks to update the sign program with the amendments to the existing sign waivers and additional signage. To implement the changes to the Comprehensive Sign Package as proposed, the petitioner must obtain an amendment to the existing Special Permit #417-12(2) and relief from the design of several other proposed signs.
2. The petitioner is seeking to add the signage at 25 Boylston Street (The Chestnut Hill Medical Center) to the program which was never previously included in the sign package because it is under a master lease. There are nine tenant signs on the south elevation and five tenant signs on the north elevation, all of which conform to the special permit conditions. The sign band proposed for the entire site is also proposed for this building.
3. The petitioner is proposing two 15 square foot internally illuminated free-standing directory signs at 27 Boylston Street; one each to the west, south and north. Per section 5.2.13.A, free-standing signs require a special permit.
4. The petitioner is proposing two 6 square foot non-illuminated free-standing directional signs at 27 Boylston Street to the southwest and east of the building. Per section 5.2.8 directional signs may be a maximum of 3 square feet. A special permit per section 5.2.13.A is required to allow an oversized directional sign.
5. The petitioner is proposing a 259 square foot illuminated wall-mounted placemaking principal sign on the southern façade of 27 Boylston Street. The sign will measure 34.6 feet by 7.5 feet. Per section 5.2.8 a principal wall sign may not exceed 100 square feet. A special permit per section 5.2.13.A is required.
6. The petitioner is proposing one 2 square foot non-illuminated free-standing pedestrian directional sign, one 1 square foot non-illuminated free-standing pedestrian directional sign, one 15 square foot wall-mounted directory sign and one 2 square foot non-illuminated wall mounted pedestrian directional sign. The four proposed signs are allowed and require only an amendment to the site plan showing their locations.
7. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Amend Special Permit #417-12(2)	S.P. per §7.3.3
§5.2.13.A §5.2.13.B	To allow free-standing directory signs	S.P. per §7.3.3
§5.2.13.A §5.2.13.B	To allow a wall sign exceeding 100 square feet	S.P. per §7.3.3
§5.2.3 §5.2.8 §5.2.13.A §5.2.13.B	To waive the definition and maximum size of directional signs	S.P. per §7.3.3



Setti D. Warren
Mayor

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Barney Heath
Director

DATE: March 17, 2022

TO: Jennifer Caira, Deputy Director
Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Senior Planner
Michael Gleba, Senior Planner

FROM: Urban Design Commission

RE: 1-55 Boylston Street - The Street, Comprehensive Sign Package

CC: Land Use Committee of the City Council
Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission has reviewed and provides the following comments to the Department of Planning and Development and the Land Use Committee of the City Council regarding the Comprehensive Sign Package at 1-55 Boylston Street – “The Street”.

1-55 BOYLSTON STREET - THE STREET COMPREHENSIVE SIGN PACKAGE

At its regularly scheduled meeting on February 9th and March 9th, the Urban Design Commission (UDC) reviewed the proposed Comprehensive Sign Package. The property located at 1-55 Boylston Street is within Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 417-12(2).

The UDC review is based on plans and materials submitted to date as noted below:

- Comprehensive Sign Package, prepared by WS Development, dated 1/13/2022

The Street Comprehensive Sign Package was first developed and approved through special permit in February of 2013. The package was amended in April of 2020 with a refreshed set of free-standing signs and re-organized set of wall sign elevations. The applicant is seeking for a second amendment to include the signs at 25 Boylston Street, to add tenant and wayfinding signage for 27 Boylston Street and to include updated elevations for each of the buildings at The Street with new sign bands that correspond to the architectural elements of each current storefront façade.

The applicant is proposing to amend the special permit via Board Order # 417-12(2) for the following signs:

1. One free-standing directory sign, internally illuminated, with approximately 15 sq. ft. of sign area west of 27 Boylston Street (sign E5).
2. One free-standing directory sign, internally illuminated, with approximately 15 sq. ft. of sign area south of 27 Boylston Street (sign E10).
3. One free-standing directory sign, internally illuminated, with approximately 15 sq. ft. of sign area north of 27 Boylston Street (sign E11).
4. One free-standing vehicular directional sign, non-illuminated, with approximately 6 sq. ft. of sign area southwest of 27 Boylston Street (signs K4).
5. One free-standing vehicular directional sign, non-illuminated, with approximately 6 sq. ft. of sign area east of 27 Boylston Street (sign KD15).
6. One wall mounted placemaking principal sign, illuminated, with approximately 259 sq. ft. of sign area on the southern façade of 27 Boylston Street (sign N).

The applicant is proposing the following signs that do not require an amendment to the special permit:

7. One free-standing pedestrian directional sign, non-illuminated, with approximately 2 sq. ft. of sign area west of 27 Boylston Street (signs G2).
8. One free-standing pedestrian directional sign, non-illuminated, with approximately 1 sq. ft. of sign area west of 27 Boylston Street (sign M2).
9. One wall mounted pedestrian directional sign, non-illuminated, with approximately 2 sq. ft. of sign area on the western façade of 27 Boylston Street (sign O).

In addition to the above, the applicant has also submitted sign bands and tenant sign locations for 25 Boylston Street which were not included in the previous packages and revised sign bands and tenant sign locations for all other buildings.

At the February 9th UDC meeting, the applicant presented the comprehensive sign package. The UDC recommended to create a separate sign band that allows Blade Signs only. The UDC also recommended the applicant rethink the placemaking sign “Welcome to The Street” at 27 Boylston Street. At the March 9th UDC meeting, applicant presented two options for the placemaking sign “Welcome to The Street” and “The Street”. The UDC reviewed the updates and recommended the sign package for approval and “The Street” placemaking sign.

Mr. Doolin made a motion to approve the proposed comprehensive sign package, that includes the directional signs, principal placemaking sign with a condition. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, James Doolin, Carol Todreas, Robert Linsky, and William Winkler in favor and none opposed. The principal placemaking sign was recommended for approval with the condition that it stays in the proposed location, but it only says, “The Street” and is slightly larger than the sign shown at the meeting and with consideration for a bolder script.

The applicant submitted a revised “The Street” sign by email and UDC recommended the revised 259 sq. ft. principal sign for approval.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, 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, 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 #417-12 and 417-12 (2) and grant exceptions to the number, type, location and size of signs, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The exceptions to the number, size, location, and type of signs are in the public interest because:
 - a. The approved signs will enhance pedestrian wayfinding given the subject properties front three different public ways, contain pedestrian corridors, create a sense of place within the site and have multiple access points for vehicles and pedestrians; and
 - b. The approved signs are consistent with the unique identity of these commercial properties and will help brand and develop a sense of place, key components of the *2007 Comprehensive Plan*.
(§5.2.3, §5.2.8, and §5.2.13)
2. The site is an appropriate location for the proposed sign package due to the site's mixed-use nature, and its location on Route 9/Boylston Street. (§7.3.3.C.1)
3. The proposed sign package will not adversely affect the neighborhood as the signs are well placed within the site and few signs will be visible from surrounding residential properties. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians as the signs provide clear wayfinding for both modes of transport (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITIONER: Chestnut Hill Shopping Center, LLC

LOCATION: 1-55 Boylston Street, Chestnut Hill, MA 02467, on land known as Section 63, Block 37, Lots 25 and 26, containing approximately 859,444 square feet of land

OWNERS: Chestnut Hill Shopping Center, LLC

ADDRESS OF OWNER: 55 Boylston St., Chestnut Hill, MA 02467

TO BE USED FOR: Signs

CONSTRUCTION: Signs

EXPLANATORY NOTES: To amend Board Order #417-12 and 417-12(2) and grant exceptions to the number, type, location and size of signs. §5.2.13 §5.2.3, §5.2.8, §5.2.13.A, §5.2.13.B §7.3.3

ZONING: Business Use 4

This Council Order is an amendment to existing sign Special Permits #417-12 and 417-12 (2). All exceptions granted, and conditions set forth in Special Permits # 417-12 and # 417-12 (2) and not modified by this Council Order remain in full force and effect. Approved subject to the following conditions:

CONDITIONS

1. All Special Permit approved signs shall be located and constructed consistent with the following plans: "The Street: Chestnut Hill Signage Package", prepared by WSDDevelopment, dated January 13, 2022, consisting of 37 sheets.
2. All signs shall be designed and installed to comply with applicable building codes.
3. The Petitioner will control the content of all signage and may change content of the Common Center signs in the ordinary course of operating the Center so long as such changes are consistent with this order and section 5.2 of the Newton Zoning Ordinance. Common Center signs shall refer to directory and event sign types. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Commissioner of Inspectional Services

and Director of Planning and Development for review and approval. The building permit application shall include a location map.

4. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved and shall be consistent with the plans and materials listed in Condition #1. Common Center signs and individual tenants and tenant signs may change over time. Changes to the size, number, and types of signs shall follow the below procedure:
 - a. If such changes conform to the requirements of Section 5.2 of the Newton Zoning Ordinance, as modified by the exceptions granted in this Council Order or Special Permits #417-12, and #417-12(2) and are deemed consistent with the Comprehensive Sign Package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall be permitted as of right.
 - b. If such changes either do not comply with Section 5.2 of the Newton Zoning Ordinance, as modified by the exceptions granted in this Council Order or Special Permits #417-12 and #417-12(2), or are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the petitioner shall seek an amendment to this special permit.
5. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
6. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
7. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
8. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
9. This Council Order allows the modifications to the wall signage for the 55 Boylston Street building as shown on the approved plans to reflect the physical changes to that building since the 2013 original comprehensive sign package approval. This shall only apply to the placement and updating of signs consistent with Board Order 417-12 and shall not apply to any dimensional standards of the sign(s) such as sign area.
10. Tenant and common signs approved through this special permit for a specific building on the property remain in effect for any alteration or replacement of that building if the building is modified or redeveloped in some way that makes the existing sign placement

as displayed in the approved plan set no longer feasible. This shall only apply to the placement and updating of signs consistent with Board Order 417-12 and shall not apply to any dimensional standards of the sign(s) such as sign area.

11. No building/sign permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this 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 order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building/sign permit plans are consistent with plans approved in Condition #1.

12. No Final Inspection for a sign covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design professional that the signs have been installed to comply with applicable building codes.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by the sign installer.