



# Zoning & Planning Committee Budget Agenda

## City of Newton In City Council

Monday, May 9, 2022

Room 204

The Zoning & Planning Committee will hold this meeting as a hybrid meeting on Monday, May 9, 2022 at 7:00 pm that the public may access in-person or virtually via Zoom. To view this meeting using Zoom use this link: <https://us02web.zoom.us/j/84915619020> or call 1-646-558-8656 and use the following Meeting ID: 849 1561 9020.

### Items scheduled for discussion:

- #229-22**      **Appointment of Tamirrashe Gambiza to the Newton Affordable Housing Trust Fund**  
HER HONOR THE MAYOR appointing Tamirrashe Gambiza, 15 Cotter Road, Waban as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)
- #230-22**      **Appointment of Peter Sargent to the Newton Affordable Housing Trust Fund**  
HER HONOR THE MAYOR appointing Peter Sargent, 33 Avondale Road, Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)
- #231-22**      **Appointment of Ann Houston to the Newton Affordable Housing Trust Fund**  
HER HONOR THE MAYOR appointing Ann Houston, 45 Wedgewood Avenue, West Newton as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2023. (60 days: 06/03/22)
- #233-22**      **Appointment of Jason Korb to the Newton Affordable Housing Trust Fund**  
HER HONOR THE MAYOR appointing Jason Korb, 25 Columbia Avenue, Newton Upper Falls as a member of the Newton Affordable Housing Trust Fund for a term of office to expire on May 2, 2024. (60 days: 06/03/22)

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**#280-22 Appointment of Florent Mali to the Economic Development Commission**  
HER HONOR THE MAYOR appointing Florent Mali, 32 Rowe Street, Auburndale as a member of the Economic Development Commission for a term of office to expire on December 31, 2023. (60 Days: 07/01/22)

**#279-22 Request for amendment to the Zoning Code to regulate certain signage**  
HER HONOR THE MAYOR requesting amendments to Chapter 30, Section 5.2 to amend the portion of the sign ordinance that regulates all “non-commercial” signs (i.e., election or yard sale signs).

*Please Note: Budget materials can be found on the City's website at the following link:*

<https://www.newtonma.gov/government/comptroller/budget>

**DEPARTMENT BUDGET & CIP DISCUSSIONS:**

CPA Administration

Inspectional Services

Planning Department

**Referred to Finance and Appropriate Committees**

**#213-22 Submittal of the FY23 to FY27 Capital Improvement Plan**  
HER HONOR THE MAYOR submitting the Fiscal Years 2023 to 2027 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.

**Referred to Finance and Appropriate Committees**

**#213-22(2) Submittal of the FY23 Municipal/School Operating Budget**  
HER HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY23 Municipal/School Operating Budget, passage of which shall be concurrent with the FY23-FY27 Capital Improvement Program (#213-22).  
**EFFECTIVE DATE OF SUBMISSION 04/19/22; LAST DATE TO PASS THE BUDGET 06/03/22**

**Referred to Finance and Appropriate Committees**

**#213-22(3) Submittal of the FY23 – FY27 Supplemental Capital Improvement Plan**  
HER HONOR THE MAYOR submitting the FY23 – FY27 Supplemental Capital Improvement Plan.

Respectfully submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

**#229-22**  
Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

March 24, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Tamirirashe Gambiza of 15 Cotter Road, Waban 02468 as a member of the Newton Affordable Housing Trust Fund. His term of office shall expire on May 2, 2023 and his appointment is subject to your confirmation. The Newton Affordable Housing Trust Fund have two year terms staggered over the two year period. Mr. Gambiza's term will expire on May 2, 2023.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

CITY CLERK  
NEWTON, MA. 02459

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Application Form

Profile

Tamirashe K Gambiza
First Name Middle Initial Last Name

[Redacted]
Email Address

15 Cotter Rd.
Home Address Suite or Apt

Waban MA 02468
City State Postal Code

What Ward do you live in?

[X] Ward 5

[Redacted]
Primary Phone Alternate Phone

CohnReznick Senior Manager in Assurance-Real Estate- Affordable Housing
Employer Job Title

Which Boards would you like to apply for?

Newton Affordable Housing Trust: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

I am passionate about developing affordable housing in Newton and I also work as a CPA in affordable housing. Also, I am a board member on the Commonwealth Land Trust which provides affordable housing and supportive services in Boston and Lawrence. I would like to be part of such an initiative in Newton. I can provide more information if needed. Thank You. Tami

Upload a Resume



# Tamirrashe K. Gambiza,

Senior Manager, Assurance



Tamirrashe (Tami) K. Gambiza, CPA, is a senior audit manager at CohnReznick with more than 14 years of public accounting experience. Tami has extensive experience providing financial audits and accounting services for the not-for profit and real estate industries, including both the affordable housing and commercial real estate, State Colleges and Universities and State Agencies and authorities. Additionally, his focus also includes Operational and Integrated Audits as well as information technology controls.

He has strong understanding and application of Government Auditing Standards ("the Yellow Book") (GAS). He is also well versed in the accounting, auditing and compliance regulatory requirements of Department of Housing and Urban Development (HUD) and various State Agencies, Generally Accepted Auditing Standards (GAAS), Generally Accepted Accounting Principles (GAAP) and understands regulatory compliance environments as well as COSO's Internal Control Integrated Framework and information technology general control (ITGC) requirements. Tami has experience in performing risk management and services in the Not-for-profit, affordable housing, distribution, professional services and property management industries.

Tami has worked in many different areas of the Not-for-profit industry, real estate sector, including affordable housing, market rate conventional housing, multifamily lenders under FHA programs, and higher education.

## Current Employer

- CohnReznick LLP

## Education

- Bellevue University: Bachelor of Science, Accounting

## Community Involvement

- CitySprouts, Cambridge, MA: Board Member, Finance Chair
- Commonwealth Land Trust, Boston, MA: Board Member, Finance Chair

## Professional Affiliations

- American Institute of Certified Public Accountants
- Massachusetts Society of Certified Public Accountants, Accounting and Audit Committee



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

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Email  
rfuller@newtonma.gov

March 24, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Peter Sargent of 33 Avondale Road, Newton, 02459 as a member of the Newton Affordable Housing Trust Fund. His term of office shall expire on May 2, 2023 and his appointment is subject to your confirmation. The Newton Affordable Housing Trust Fund have two year terms staggered over the two year period. Mr. Sargent's term will expire on May 2, 2023.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

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NEWTON, MA. 02459

**Application Form**

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**Profile**

Peter \_\_\_\_\_ B. \_\_\_\_\_ Sargent \_\_\_\_\_  
First Name Middle Initial Last Name

\_\_\_\_\_  
Email Address

33 Avondale Rd. \_\_\_\_\_  
Home Address Suite or Apt

Newton \_\_\_\_\_ MA \_\_\_\_\_ 02459 \_\_\_\_\_  
City State Postal Code

**What Ward do you live in?**

Ward 7

\_\_\_\_\_  
Primary Phone

\_\_\_\_\_  
Alternate Phone

Retired 10/31/20 \_\_\_\_\_  
Employer Job Title

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**Which Boards would you like to apply for?**

Newton Affordable Housing Trust: Submitted

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**Interests & Experiences**

Please tell us about yourself and why you want to serve.

**Why are you interested in serving on a board or commission?**

The Newton AHT interests me as I spent the last 31 years of my working career in affordable housing/community development both nationally and regionally. I am a prior member/Chair of the Newton Community Preservation Committee. I believe my experience will be valuable to assist the Housing Trust in carrying out its mission for Newton.

PBS bio blurb 7-17.pdf  
Upload a Resume

**Peter Sargent – Director of Capital Development**  
**Massachusetts Housing Investment Corporation (MHIC)**

Mr. Sargent joined MHIC in February 2008 as Director of Capital Development. He is responsible for raising equity capital, and investor relations, for MHIC's LIHTC program, NMTC program, Healthy Neighborhoods Equity Fund (HNEF) program, and loan consortium subsidiary, MHIC LLC. MHIC offers both multi-investor and proprietary fund structures in tax credits. LIHTC operations are concentrated in MA, CT, and RI while NMTC investments are throughout New England. MHIC has received eleven NMTC allocations totaling \$870 million. The firm has raised over \$1.4 billion in capital and currently manages over \$1.1 billion in assets. Prior to joining MHIC, Mr. Sargent spent eight years as Managing Director for Investor Services for a national LIHTC syndicator. Previously, he was Director of Tax Credit and Real Estate Equity Investment at BankBoston Development Company (BBDC), a subsidiary of BankBoston. BBDC was the first bank-owned urban investment bank in the country chartered to foster community economic development. Prior to joining BankBoston, he held several positions in Capital Markets and the International Department at BayBank Boston. As a banker, Mr. Sargent served on the Board of Directors of MHIC from 1990-1999. Mr. Sargent earned a B.A. degree in Japanese Studies from Ohio Wesleyan University in 1974 and an MBA degree from the American Graduate School of International Management in Glendale, Arizona in 1975.



Ruthanne Fuller  
Mayor

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Office of the Mayor

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Email  
rfuller@newtonma.gov

March 24, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Ann Houston of 45 Wedgewood Road, West Newton 02465 as a member of the Newton Affordable Housing Trust Fund. Her term of office shall expire on May 2, 2023 and her appointment is subject to your confirmation. The Newton Affordable Housing Trust Fund have two year terms staggered over the two year period. Ms. Houston's term will expire on May 2, 2023.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

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Application Form

Profile

Ann Houston
First Name Middle Initial Last Name

[Redacted]
Email Address

45 Wedgewood Road
Home Address Suite or Apt

West Newton MA 02465
City State Postal Code

What Ward do you live in?

[X] Ward 3

[Redacted]
Primary Phone Alternate Phone

Opportunity Communities, LLC Chief Executive Officer
Employer Job Title

Which Boards would you like to apply for?

Newton Affordable Housing Trust: Submitted

Interests & Experiences

Please tell us about yourself and why you want to serve.

Why are you interested in serving on a board or commission?

Over the course of nearly 40 years, my work has focused on building strong vibrant communities, principally through affordable and mixed income housing development and ownership. I have worked as a lender, developer and CEO of community development corporations, and served on numerous boards, currently including MHIC Board of Directors, MassHousing Multi-family Advisory Committee, the First Republic Bank Community Advisory Board, and the Newton Housing Partnership. I am particularly interested in the role the Affordable Housing Trust can play in supporting the expansion of affordable housing in Newton. Increasing the supply of affordable housing will allow us to build and maintain a healthy racial and economic diversity in the midst of soaring real estate prices. As a 30-year resident of Newton, I would love to see us increase our supply of affordable housing. Thank you for considering this application.

Ann Houston Resume 2019.docx
Upload a Resume

**ANN HOUSTON**

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**PROFESSIONAL EXPERIENCE**

**Chief Executive Officer, Opportunity Communities, LLC**

2018 – Present; Boston, Massachusetts

Created Opportunity Communities, LLC with partner CDCs, and serves as its founding CEO. OppCo's model provides operational capacity – financial management, data and evaluation, and human resources, plus core program expertise in real estate development, asset management, and tenant services – to community-based joint venture partners who remain separate not-for profit entities with their own Board, strategic plan, and assets. OppCo formally launched in April 2018 with the two founding CDC partners, and is currently in conversation with prospective new partners.

**Executive Director, the Neighborhood Developers**

2003 – 2018; Chelsea, MA

Transformed a floundering non-profit serving Chelsea into a regional community development leader working in Chelsea, Revere and Everett to rebuild distress neighborhoods using three integrated investment strategies to build vibrant and sustainable communities: real estate development to strengthen mixed-income housing markets and to expand affordable housing inventory; financial opportunities to increase resident prosperity, and community engagement to foster a resilient social fabric and civic infrastructure. Over a fourteen year period, TND completed over \$95 million of real estate development, increasing the portfolio 350% from 112 to 395 units, with total assets growing from \$11.8 million to \$100 million. Projects ranged from creating a nationally award-winning new mixed-income and mixed-tenure downtown neighborhood in Chelsea, the Box District, to neighborhood revitalization initiative redeveloping foreclosed properties. TND's community engagement model fosters neighbor-to-neighbor relationships that lead to active civic engagement, with over 2500 residents participating annually. TND founded CONNECT, a partnership of 5 non-profits who co-located financial education and workforce development services to provide seamless evidence based, data driven support, serving more than 16,700 clients. TND staff grew from 9 to 30, with the annual budget increasing 220%.

**Director of Community Assistance, Massachusetts Housing Partnership Fund**

1998 – 2003; Boston, MA

Directed program to support private developers, nonprofit organizations and municipalities to create and preserve affordable housing:

- Provided predevelopment assistance to over 80 projects, combining staff support and grants for third party consultants, to guide housing from project conception through demonstrating feasibility and establishing a development plan.
- 125 grants to over 80 cities and towns reviewing Comprehensive Permit (Chapter 40B) requests, resulting in permitting of over 2,000 units of housing.
- Assisted 6 towns and housing authorities to redevelop town land, establishing goals and selecting developers in compliance with state laws and regulations; wrote manual to help other municipalities with process.
- Supervised Soft Second Loan Program administration, providing affordable first time homebuyer financing to over 800 households annually with average income below 60% of median, and foreclosure rate of .03 percent.
- In conjunction with State, created a comprehensive new construction program for public housing authorities using private financing; 16 housing authorities with 180 proposed units in demonstration round.
- Hosted conferences and workshops to increase capacity of communities to develop successful local housing strategies:
  - o Inclusionary zoning, with 250 attendees
  - o Community-initiated housing development, 250 attendees
  - o 10 regional workshops.
- Managed department with staff of 7.

**Director of Development, Codman Square Neighborhood Development Corporation**

1996 - 1998; Boston, MA

Directed real estate and economic development for a non-profit community-based development organization, supervising staff and department budget for all development, including:

*Residential and Commercial Real Estate Development:* \$16 million under development in 1997-1998, including:

- 50-unit scattered site rental housing, award-winning sustainable, energy efficient Erie-Ellington Homes
- Two service-enriched senior housing developments, 21 unit McKinney-funded project, and 14 unit HUD 202 project
- Three commercial developments
- 5 two- and three-family homes substantially rehabilitated for sale to homeowners

*Programs:* Participated in three loan pools, including

- Homeowner rehab and mortgage lending through the Boston Homeowner Service Collaborative, utilizing Neighborhood Housing Services of America (NHSA) products
- Small business lending and support through the Neighborhood Business Support Center
- Venture and loan capital investment through the CDC Tax Credit Fund

**Loan Officer, Mass. Government Land Bank/ Mass. Development Finance Agency**

1992 - 1996; Boston MA

Real estate and business lending for a quasi-public lender created to provide permanent financing for housing and economic development ventures, and loan guarantees for emerging technology facilities. Originated, underwrote, structured, and closed loans. Coordinated Land Bank loans with other public and private equity and debt sources, and provided technical assistance to borrowers as required.

**Director of Housing Programs, Valley Opportunity Council, Inc.**

1981 - 1991; Chicopee & Holyoke, MA

Created a new department of an anti-poverty agency to address the housing needs of low-income people, including developing and managing real estate and programs:

- A shelter for 10 homeless families
- Three housing developments: transitional housing, single-room-occupancy (SRO) and family housing
- Created community development corporation, securing start-up funding and first 16 unit rental development; spun-off to independent corporation
- Supervised staff of 15 and managed department operating and development budget.

**EDUCATION**

**Massachusetts Institute of Technology  
Center of Real Estate, Cambridge, MA**

*Master of Science in Real Estate Development*

**University of Massachusetts-Boston, Boston, MA  
College of Public and Community Service**

*Bachelor of Arts in Community Planning*

**PROFESSIONAL AFFILIATIONS & ACTIVITIES**

- Massachusetts Housing Investment Corporation Board of Directors, 2009 - Present
  - o New Markets Tax Credit Committee; chair
  - o Healthy Neighborhood Equity Fund Committee
- Newton Housing Authority Commission, 2019 - 2020
- MassHousing Multifamily Advisory Committee, 2017 - Present
- Mass Association of Community Development Corporations, Board Member, 2017-2018
- NeighborWorks America National Community Initiatives Advisory Group 2009- 2018
- NeighborWorks America National Real Estate Advisory Group 2009 - 2017
- Citizens Housing and Planning Association Board Member, 1990 - 2015
  - o President, 2006-2008
  - o Chair, CHAPA Transitional Cities Committee, 2004 - 2014
  - o Chair, CHAPA Smart Growth Committee, 2001 - 2004
  - o Chair, CHAPA Low Income Housing Tax Credit Committee, 1997 - 2001
  - o Co-Chair, Ch. 40B Education Sub-Committee, 2001 - 2002

- Newton Community Development Foundation, Board Member, 1995 - 2003
  - o Chair, Development Committee, 2002 - 2003
- Cooperative Living of Newton, Board Member, 1994 - 1995
- Western MA Community Loan Fund, President, 1988 - 1991
- Valley Housing Development Corporation, President, 1984 - 1991
- Mass. Shelter Providers Association, Vice President, 1988
- Holyoke Housing Partnership, Member, 1987 - 1989
- EOCD Homeless Planning Committee, Member, 1988



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

**#233-22**

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Email

[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

March 24, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Jason Korb of 25 Columbia Avenue, Newton Upper Falls, 02464 as a member of the Newton Affordable Housing Trust Fund. His term of office shall expire on May 2, 2024 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

CITY CLERK  
NEWTON, MA. 02459

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**Application Form**

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**Profile**

Jason \_\_\_\_\_ Korb \_\_\_\_\_  
First Name Middle Initial Last Name

\_\_\_\_\_  
Email Address

25 Columbia Ave \_\_\_\_\_  
Home Address Suite or Apt

Newton Upper Falls \_\_\_\_\_ MA \_\_\_\_\_ 02464  
City State Postal Code

**What Ward do you live in?**

Ward 5

\_\_\_\_\_  
Primary Phone Alternate Phone

Capstone Communities LLC \_\_\_\_\_ managing member  
Employer Job Title

**Which Boards would you like to apply for?**

Newton Affordable Housing Trust: Submitted

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**Interests & Experiences**

Please tell us about yourself and why you want to serve.

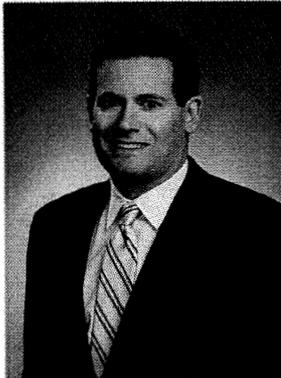
**Why are you interested in serving on a board or commission?**

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I believe my 20 year career as an affordable housing developer provides me with the expertise and knowledge to help this new Board become a powerful tool to create affordable housing in Newton. I have significant experience in low-income housing tax credit developments which include the complicated layering of numerous other public and private subsidies. I grew up in Newton and attended Newton public schools from kindergarten through high school. Now I am a Newton resident raising my children in Newton and they are attending Newton public schools. I am also a renter, which I believe brings an important perspective to the Board. I care deeply about my City and want to see it thrive. If we are to provide our children with the highest quality education and experiences, we must have a diverse community - affordable housing is one of the key elements to creating this community. I believe Newton can and must do better at creating high quality affordable housing that serves extremely low, very low, low and moderate income families, individuals, those with disabilities, and seniors through rental and homeownership opportunities. Finally, while I understand that my company is not exempt from working in the City as an affordable housing developer if I am a Board member so long as I properly recuse myself, I am committing in this application to not participate in any affordable housing developments in the City while I am a current Board member. I believe this commitment will ensure that there is no actual or perceived conflict of interest. I will also not participate in any discussions on any non-profit boards and committees that I am on that involve City of Newton affordable housing proposals or developments. If appointed to the Board, I pledge to serve with an open mind and the highest integrity. Thank you for considering my application.

[Korb Resume 02252021.pdf](#)

Upload a Resume



**JASON KORB**  
MANAGING MEMBER

831 Beacon Street #164  
Newton Centre, MA 02459



www.capstonecommunities.com

Based in Newton, MA, Capstone Communities is a developer of affordable, mixed-income, market rate and historic apartment communities.

**SKILLS & ABILITIES**

- Affordable Housing
- Mixed-Income Housing
- Historic Rehabilitation
- Public Private Partnerships
- Urban Redevelopment
- Low-Income Housing Tax Credits
- Historic Rehabilitation Tax Credits



**EXPERIENCE**

**CAPSTONE COMMUNITIES LLC, NEWTON, MA**  
MANAGING MEMBER, 2010 – PRESENT

**BEACON COMMUNITIES LLC, BOSTON, MA**  
VICE PRESIDENT OF ACQUISITIONS, 2004 – 2010

**FENWAY CDC, BOSTON, MA**  
HOUSING PROJECT MANAGER, 2002 – 2004

**EDUCATION**

**MASSACHUSETTS INSTITUTE OF TECHNOLOGY**  
MASTER OF SCIENCE IN REAL ESTATE DEVELOPMENT, 2009

**UNIVERSITY OF MICHIGAN, ANN ARBOR**  
BACHELOR OF ARTS IN HISTORY AND AFRICAN STUDIES, 2000

**RELEVANT EXPERIENCE (PARTIAL LIST)**

**In Development**

- Baldwinville Elementary School Apartments, Templeton, MA (mixed-income)
- McElwain School Apartments, Bridgewater, MA (mixed-income)
- 2072 Massachusetts Avenue, Cambridge, MA (100% affordable)

**Completed**

- Frost Terrace, Cambridge, MA (100% affordable)
- Port Landing, Cambridge, MA (100% affordable)
- Station Lofts, Brockton, MA (mixed-income)
- William W. Kimball House Apartments, Arlington, MA (market rate historic)
- Philip Munroe House, Cambridge, MA (market rate historic)

**AWARDS**

**Jason Korb**

- 2017 The Name You Should Know Award Finalist, ABL
- 2016 Community Service Award, The Pentecostal Tabernacle

**Frost Terrace**

- 2021 Cambridge Historical Commission Preservation Award
- 2021 Building Design + Construction, Reconstruction Awards, Silver Winner

**Port Landing**

- 2017 Prism Gold Award, Best Affordable Community

**William W. Kimball House**

- 2017 Preservation Massachusetts Paul E. Tsongas Award

**Station Lofts**

- 2015 Massachusetts Historical Commission Preservation Award
- 2015 Preservation Massachusetts Paul E. Tsongas Award

**Philip Munroe House**

- 2012 Preservation Massachusetts Paul E. Tsongas Award
- 2011 Massachusetts Historical Commission Preservation Award
- 2011 Cambridge Historical Commission Preservation Award

**PROFESSIONAL ASSOCIATIONS**

- Citizens Housing and Planning Association, Director
- 2Life Communities Real Estate Committee, Member



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#280-22

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(617) 796-1089  
Email  
rfuller@newtonma.gov

April 19, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

To the Honorable City Councilors:

I am pleased to appoint Florent Mali of 32 Rowe Street, Auburndale 02466 as a member of the Economic Development Commission. His term of office shall expire on December 31, 2023 and his appointment is subject to your confirmation. Mr. Florent Mali will complete Mr. Ali Erol's term which ends on December 31, 2023. Mr. Mali will be serving the term expiring December 2023.

Thank you for your attention to this matter.

Warmly,

Ruthanne Fuller  
Mayor

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CITY CLERK  
NEWTON, MA. 02459



# Florent Mali

## Professional Profile:

- Extensive background in UI design, system integration, networking, software architecture and development as a Software Engineer in related environments in USA, Canada.
- Sharp, innovative, quick learner. Solid ability to adapt quickly to a challenging environment, and act as a cooperative and supportive team member. Excellent communication and interpersonal skills, with a proven record of organizing work flow and ideas.
- Experienced team leader and project manager, with culturally diversified social and technical skill set. Focused on customer needs and time to market while remaining committed to quality and usability.

## Work Experience:

### **Development Manager , UKG Inc.** Present

Lowell, Massachusetts, February 2017-

- Manage a team of 7 development engineers. Provide mentoring, guidance and support in using processes and tools. Drive and deliver application features on -time using agile and customer focused quality practices.  
Define and utilize metrics and reports to manage performance efforts. Define and drive with architects and product stakeholders the strategic aims and roadmap for product performance as well as testing
- Provide consulting services on technologies to achieve stated performance goals through education, training, coaching and collaboration on design and implementation. Drive research and development of high performing reusable components and solution accelerators leading to productivity and efficiency improvement of performance testing
- Manage and administer the processes and tools for the security initiative for the entire company. Worked with third party vendors to make assessments about the feasibility, cost effective adaptation of BlackDuck (Hub) and Checkmarx. Participated closely with internal implementation of these tools.

### **Lead Software Engineer, Kronos Inc.** January 2017

Chelmsford, Massachusetts, March 2012-

- Manage two teams of 13 people (7 developers, 5 QA) with our overseas partners. As technical lead completed several projects by providing instructions and technical support to teams of developers in India, China, Belarus and Russia. The work includes; discovery, writing functional specifications, architecture design, code reviews, proof of concept and leading the teams to the final delivery of the products using Agile methodology.
- Design and deliver solutions for integration of company's core products with customer's proprietary applications using Web Services and JMS frameworks. Interacted directly with the customers to clarify requirements and capture usability scenarios.

### **Senior Software Engineer, Kronos Inc.** 2012

Chelmsford, Massachusetts, September 2005-March

- Implemented several web portals for supporting new features that customers requested for their scheduling needs. The work was done in Java using Jboss, Apache, MSSQL and Oracle on Windows and Unix environments. The features were built based on Model-View-Controller (MVC) design paradigm for web applications supported by J2EE struts framework.
- As a stream manager for EFR team, performed merges, promotion and resolve overlaps among different versions of codebase to ensure the continuation and compatibility of coded features within multiple releases.
- Responsible for setting up and maintaining automated tests in order to secure a bug free development environment and reduce the impact of promoted code in daily builds. This required writing tests using JUnits, "EclEmma" and "FindBugs" plugins for Eclipse, SAF and several other tools.

- Collaborate closely with Product Management to produce design documents and estimates. Mentor teammates and new hires in understanding the framework architecture, suggesting improvements and providing strategies for product design and troubleshooting.

**Senior Software Engineer, Computer Associates. Inc.** Marlborough, Massachusetts, Oct.2004-July 2005

- Designed, built, coded and technically lead a patent winning window application that provides visual and audible live notifications on the status of systems, network and applications in an enterprise IT environment through a scrolling ticker and a system tray icon that implement a set of "lights" according to severity of the status for the objects being monitored. The product consists in a thick multi-threaded windows client that communicates to a backend server via XML.
- Helped corporate customers to search for a specific element type and associated variables for the purpose of new device certification by building a web application in Java that consists in html pages delivered through JSP. Jakarta Tomcat was used as web container.
- Designed and implemented a CGI program that collects debug information from customer machines on demand.

**Software Engineer, Concord Communication. Inc.** Marlborough, Massachusetts, Oct.2000-July 2004

- Improved the web interface to show graphical detailed (work in progress) information through progress bars in the browser while report engine was launched from the web interface using Apache.
- Designed and implemented a tree style grouping of elements in the web for distributed reporting feature of the product using clustered machines in a virtual IT pool.
- Integrated a new reporting module written in Perl with our web interface. The module serves to monitor and display live reporting of system components based on their IP addresses.

**Programmer Analyst, IBM Global Services (SIS)** Toronto, Ontario, May 1997 to Oct. 2000

- Built and implemented a file transfer application that automates the transmission of files from our customer FTP sites to our HOST (MVS) environment for further processing. (C++, REXX, TCP/IP, SNA, APPC).
- Developed an Online Web based application (GUI Interface) as the front end of billing system for company's intranet. (Net.Data, HTML, REXX, Domino Go Web Server, DB2, OS/2, MVS)

**Exploration Geologist Engineer, National Oil and Gas Institute** Albania, Sept. 1992 to Dec. 1994

- Compiled and interpreted correlation among geophysical(seismic), geological and paleontological data and produced regional maps using Auto CAD, FORTRAN and window moving techniques.

### Awards:

Patent awarded - Methods and apparatus for information processing and display for network.  
(Pub. No: US 2006/0029085 A1, Pub. Date: Feb, 9, 2006)

### Tools and Technologies:

J2EE, C++, Ajax, Struts, MFC, ActionScript, Flex, XML, SOAP, HTML/Javascript Oracle, MSS, DB2, TCP/IP, SNMP, APPC, Apache, IIS, , DevTrack, Jira, Cruisecontrol, Jenkins, ClearQuest, ClearCase, Accurev, GIT, MSDEV, Eclipse, JBuilder, , JBoss, WebSphere, Tomcat, Workshop on UNIX, Code Collaborator, Bugzilla.

### Education:

**B.A.Sc. Computer Engineering**, University of Toronto, Toronto, Ontario  
**B.A.Sc. Geology Engineering**, University of Tirana, Tirana, Albania

**#279-22**



RUTHANNE FULLER  
MAYOR

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**Office of the Mayor**

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[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

April 25, 2022

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

Councilors:

The U.S. Supreme Court has made it clear that restrictions on signs expressing non-commercial speech must be quite limited as they are expressions of free speech.

Therefore, I respectfully submit a docket item to your Honorable Council requesting amendments to sections of the Newton Zoning Ordinance that regulate signs, found in Chapter 30, Section 5.2. This amendment would address only the portion of the sign ordinance that regulates all "non-commercial" signs (i.e., election or yard sale signs).

Attached to this request is a draft redline of the proposed amendment from the Planning & Development Department team who worked with our Law Department Staff. Also attached is a memo from the Law Department regarding the legal background of the proposed amendments related to signs.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ruthanne Fuller".

Ruthanne Fuller  
Mayor

RECEIVED  
2022 APR 25 PM 5:05  
CITY CLERK  
NEWTON, MA. 02459

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS  
CITY HALL  
1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
TELEPHONE (617) 796-1240  
FACSIMILE (617) 796-1254

**CITY SOLICITOR  
ALISSA O. GIULIANI**

---

**DEPUTY CITY SOLICITORS**  
JEFFREY A. HONIG  
MARIE M. LAWLOR  
JONAH M. TEMPLE

**ASSISTANT CITY SOLICITORS**  
ALAN D. MANDL  
JACLYN R. ZAWADA  
ANDREW S. LEE  
CAROLYN A. WEISMAN

FROM: Andrew S. Lee, Assistant City Solicitor  
TO: Newton Zoning and Planning Committee  
DATE: April 25, 2022  
RE: Sign Ordinance Amendments

---

The U.S. Supreme Court has held that under the First Amendment of U.S. Constitution, content-based restrictions of signs expressing non-commercial speech are subject to the most stringent scrutiny. The proposed amendments to **Section 5.2** of the City Zoning Ordinance seek to appropriately permit free speech by creating a new definition for “noncommercial signs”, subject to certain dimensional and location controls.

## Sec. 5.2. Signs

### 5.2.1. Intent and Purpose

- A. It is recognized that signs perform important functions in the City, which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
1. Prevent hazards to vehicular and pedestrian traffic;
  2. Prevent conditions which have a blighting influence and contribute to declining property values;
  3. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity; and
  4. Preserve the amenities and visual quality of the City and curb the deterioration of the village commercial areas.
- B. It is the intent of these provisions to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the City, provide a more enjoyable and pleasing environment and to encourage the most appropriate use of land.

(Ord. No. 158, 10/18/76)

### 5.2.2. Applicability

All signs shall comply with the regulations for the erection and construction of signs contained in the 780 CMR and applicable City ordinances. No sign shall be erected, displayed, or maintained within the City, except those specifically provided for in this Sec. 5.2 or in other chapters of the Revised Ordinances. ~~Signs allowed by this Sec. 5.2 shall be either accessory signs or non-accessory directory signs and shall comply with all dimensional and other applicable regulations in this Sec. 5.2.~~

(Ord. No. 196, 2/22/77)

### 5.2.3. Definitions

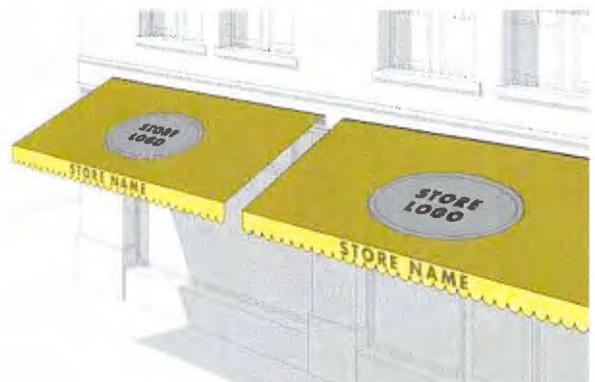
**Sign.** A permanent or temporary structure, device, letter, word, 2D or 3D model, insignia, banner, streamer, display, emblem, or representation which is an advertisement, announcement or direction, or which is designed to attract attention.

**Sign, Accessory.** A sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.

**Sign, Area.** The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which the sign is placed. Sign area of a free-standing sign or a perpendicular wall sign is the entire area of one side of such sign such that two faces which are back to back are counted only once.



**Sign, Awning.** A sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.



**Sign, Directional.** Signs indicating "Entrance," "Exit," "Parking," or the like, erected on a premises for the direction of persons or vehicles.



~~Sign, Election. A sign specifically supporting or opposing the election of a candidate for office in an election to be held in the City within a year, or supporting or opposing a ballot question which shall appear on a ballot in the City within a year.~~

**Sign, Free-Standing.** A sign erected on or affixed to the land by post, pole, pylon or any framing or supporting device or stand which is not affixed to a building, and may include kiosks or public information bulletin boards.



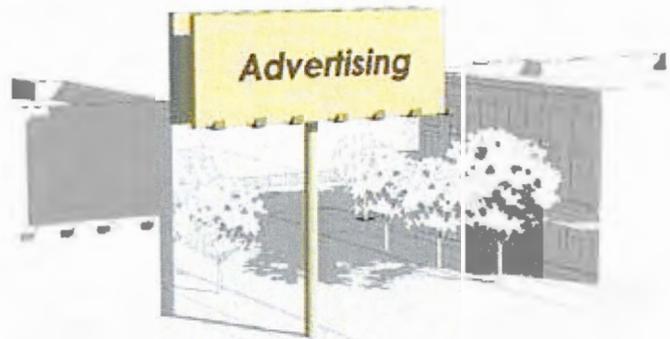
**Sign, Frontage.** The length in feet of the building wall parallel or substantially parallel to a street that is occupied by an individual business establishment.

Sign, Noncommercial. A sign which contains only noncommercial messages.

**Sign, Marquee.** A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.



**Sign, Non-Accessory.** A billboard, sign or other commercial advertising device which does not come within the foregoing definitions of an accessory sign or of a non-accessory directory sign, or of a noncommercial sign.



**Sign, Non-Accessory Directory.** A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two or more lots, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.



**Sign, Principal.** The principal sign on a lot. Where permission is granted for a free-standing sign, the free-standing sign shall be considered the principal sign.

**Sign, Secondary.** A wall sign located on a wall other than that occupied by the principal sign.

**Sign, Wall.** A sign affixed either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

- A. Wall signs shall be affixed either parallel or perpendicular to a wall of a building. Where a building or structure to which a parallel wall sign is to be affixed has an identifiable sign band, as determined by the Director of Planning and Development in consultation with the Urban Design Commission, or is part of a block of commercial establishments which, except for the petitioned property, is the subject of uniform signage, the parallel wall sign shall be located within the identifiable sign band or shall be consistent with any uniform signage.
- B. A parallel wall sign shall project no more than 12 inches from the building surface and shall not extend above the roof line or beyond the sides of the building.
- C. A perpendicular wall sign shall be attached at a right angle to the wall of a building; it shall have no more than 2 faces; and it shall not project in any linear dimension more than 6 feet, subject to the provisions of Revised Ordinances Chapter 26, Sections 26-1 to 26-6. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.



**Sign, Window.** A sign affixed to the interior or exterior surface of a window or displayed behind a window so as to attract attention from the outside. A sign shall be

deemed a window sign if it is within 6 inches of the inside surface of a window through which it is intended to be viewed and is not merchandise on display.



(Ord. No. 158, 10/18/76; Ord. No. V-7, 03/20/95)

### 5.2.4. Permit Procedure

- A. No sign shall be erected on the exterior of any building or on any land, and no such sign shall be enlarged or altered, with the exception of copy changes on changeable letter panels, clocks, or thermometers, until an application on appropriate forms supplied by the Commissioner of Inspectional Services with such information including plans, drawings, and photographs as the Commissioner of Inspectional Services may require, shall have been filed with the Commissioner of Inspectional Services, and a permit for such erection, alteration or enlargement has been issued by the Commissioner of Inspectional Services.
- B. All non-accessory directory signs shall obtain an outdoor advertising permit from the Commonwealth of Massachusetts' Office of Outdoor Advertising.
- C. Upon receipt of an application for a sign permit, the Commissioner of Inspectional Services shall notify the Urban Design Commission and the Director of Planning and Development regarding said application within 2 weeks of the date of filing, if they deem it necessary. The Director of Planning and Development shall submit an advisory report, including any recommendation of the Urban Design Commission, to the Commissioner of Inspectional Services within 3 weeks of the application filing date.
- D. The fees for sign permits shall be established from time to time by the City Council.
- E. Within 2 months after the erection, alteration or enlargement of any sign, the owner or operator

of said sign shall file two 8 inch by 10 inch photographs, taken after intallation.

(Ord. No. 158, 10/18/76)

5.2.5. Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained:

- A. Non-accessory signs;
- B. Signs constructed, erected, or maintained on the roof of a building or which extend above the roof plate line;
- C. Portable signs not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises so as to serve as a sign, but excluding signs affixed to or painted on a vehicle temporarily parked on the premises;
- D. Window signs which cover more than 25 percent of the area of the window;
- E. Any sign which advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at any particular premises; or
- F. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.

(Ord. No. 158, 10/18/76)

5.2.6. Signs Allowed By Right

A. Permanent Signs. The following signs shall be allowed by right without the necessity of sign review, but may require a building permit:

- 1. Signs erected by or on the order of a governmental agency when limited to governmental purposes, and excluding any advertising, except in the Open Space/ Recreation and Public Use districts (see Sec. 6.2.9);
- 2. Names of buildings, date of erection, monumental citations and commemorative

tablets, when made a permanent and integral part of a building, not to exceed 10 square feet;

- 3. Banners or flags emblematic of or issued by national, state, or local governments;
- 4. Signs indicating the name and address of the occupant of a dwelling, not to exceed 1 square foot. Where a permitted accessory home business exists, such sign shall not exceed 2 square feet;
- 5. Awning signs in business, mixed use, limited manufacturing and manufacturing districts;
- 6. Window signs, in nonresidential buildings, not to exceed 25 percent of the area of the window;
- 7. Customary signs on gasoline pumps indicating in usual size and form the name, type and price of gasoline;
- 8. Clocks and thermometers displaying no information other than the time and temperature;
- 9. Holiday decorations and lights when in season; and
- 10. Signs not to exceed 2 square feet which indicate warnings, hazards, or public conveniences such as "trespass," "beware of dog," or rest room signs.

B. Temporary Signs. Temporary signs shall not be illuminated and shall comply with the provisions of this Sec. 5.2, but may require a building permit:

- 1. Short-Term Event Sign. The Commissioner of Inspectional Services may permit an establishment to display on its premises 1 non-illuminated sign announcing a special event of limited duration to take place on the premises. Such sign may be displayed for a period not to exceed 72 hours, including time required for installation and removal. The Commissioner of Inspectional Services shall issue such a permit to the same establishment no more than twice per calendar year. Applications for such permits shall be submitted in accordance with Sec. 5.2.4, but shall be submitted no later than 1 week prior to the proposed date of installation. Applications for such permits shall not be subject to notice to and review by the Urban

Design Commission and the Director of Planning and Development.

2. **Temporary Identification Sign Procedure.**

One temporary identification sign to identify a property or use during the period from the submission of a sign application to the Commissioner of Inspectional Services or during the special permit procedure to 30 days after the decision, may be erected, provided that in the event of an unfavorable decision such temporary sign shall be removed immediately, and provided that the temporary sign conforms with all applicable dimensional regulations of this Sec. 5.2, that it is, in fact, a temporary sign not involving any substantial expense, and that it is displayed in a manner which will not deface the building facade or otherwise impinge upon the review of the proposed sign.

3. **Construction Signs.** One or more signs during the construction or alteration of a building identifying the building, owner, contractor, architects and engineers and whether any business is or is not to be conducted there may be erected. Such signs shall not exceed in the aggregate 32 square feet and shall be removed within 48 hours after completion of the construction or alteration.

4. **Real Estate Signs.** One unlighted sign, not exceeding 12 square feet in residential districts and 32 square feet in commercial districts, advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed may be erected. Such signs shall be removed within 48 hours after the sale, rental or lease of the premises.

5. **Event Signs.** Signs not exceeding 30 square feet, announcing a fundraising drive or event of a civic, philanthropic, educational or religious organization, displayed on the lot of the event or the property of the sponsoring agency and limited to 1 per lot, except that if a lot has frontage on more than one street, there may be a free-standing sign for each street frontage. Such signs shall not be erected before 14 days preceding the event and shall be removed within 48 hours after the event.

~~6. **Yard or Garage Sale Signs.** Signs, not exceeding 5 square feet, announcing a yard or garage sale, which are displayed on private property and limited to 1 per premises, may be erected. Such signs shall not be erected before 3 days preceding the sale and shall be removed within 24 hours after the sale.~~

~~7. **Election Signs.** Election signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:~~

- ~~a. The face of the sign shall be no higher than and no wider than 3 feet;~~
- ~~b. The total area of all signs on a single lot shall not exceed 32 square feet;~~
- ~~c. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way;~~
- ~~d. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;~~
- ~~e. Signs shall not use obscene language in violation of established community standards;~~
- ~~f. Signs shall not be artificially illuminated except as permitted by Sec. 5.2.10;~~
- ~~g. Election signs may be erected no earlier than 45 days before an election and shall be removed within 7 days after the election; and~~
- ~~h. No more than 1 election sign per candidate or per ballot issue shall be erected on a single lot.~~

(Ord. No. 158, 10/18/76; Ord. No. T-64, 12/18/89; Ord. No. V-7, 03/20/95; Ord. No. Z-27, 05/19/08; Ord. No. A-29, 10/07/13; Ord. No. A-99, 01/17/17)

6. Noncommercial Signs. Noncommercial signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:

- A. The face of the sign shall be no higher than and no wider than 3 feet;
- B. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way;
- C. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;
- D. Signs shall not be artificially illuminated except as permitted by Sec. 5.2.10.

### 5.2.7. Signs in Residence Districts

No permanent sign shall be erected or maintained in a residence district, except as provided in [Sec. 5.2.6](#) and this [Sec. 5.2.7](#):

Use	Number	Type	Area per Sign (max)	Notes
Residential: single- or two-family	1 per unit	Wall sign	1 sf	Name of occupant, address of premises
Residential: single- or two-family with permitted accessory use or occupation	1 per unit	Wall sign	2 sf	Name of occupant(s), address of premises
Residential: building with more than 2 families or group of buildings forming a single housing development	1 total	Principal wall sign OR Free-standing sign	15 sf OR 10 sf	
Residential: Each building in a group of buildings forming a single housing development	1 per building in group	Secondary wall sign	2 sf	
Churches, schools, other institution or group of buildings forming a complex or campus	2 per street frontage	Free-standing sign AND principal wall sign	1 @ 20 sf 1 @ 10 Ssf	1 Free-standing sign per frontage; for notices and announcements of services and events
Churches, schools, or other institutions: Each building in a group of buildings forming a single complex or campus	1 per building in group	Free-standing sign AND principal wall sign	10 sf	
	1 total	Principal wall sign	20 sf	
Nonresidential use, permitted or nonconforming	1 total	Free-standing sign	15 sf	The City Council may grant a special permit for a free-standing sign
Any use	--	Directional sign	3 sf	For the direction of Persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

### 5.2.8. Signs in Commercial Districts

No permanent sign shall be erected or maintained in a business, limited manufacturing, manufacturing, and mixed use district, except as provided in Sec. 5.2.6 and this Sec. 5.2.8:

Type	Number per business establishment	Area per Sign (max)	Notes
Principal sign	1 total	3 sf per linear foot of building wall frontage OR 100 sf, whichever is less	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.
Principal sign: Business on a corner lot	2 total	3 sf per linear foot of building wall OR 100 sf, whichever is less	Frontage on the second street must be at least 75 percent of frontage on first street
Secondary sign	1 per entrance or frontage on a street or parking area; 2 max	1 sf per linear foot of building wall OR 50 sf, whichever is less	May not be erected on the same wall as a principal sign.
Directory sign	1 per building entrance	1 sf per occupant or tenant	Indicating the occupants or tenants of the building to which the sign is affixed
Directory sign: building with 2nd entrance	1 per entrance	1 sf per occupant or tenant	The second entrance must have frontage on a street or parking lot. Such signs shall not be deemed nonaccessory directory signs.
Marquee sign	1 per theater		
Awning sign	--	Up to 20% of awning area	
Window sign	--	Up to 25% of window area through which they are visible	
Gas station sign	1 consolidated display	20 sf (aggregate)	Product identification signs (tires, oil...)
Directional sign		3 sf	For the direction of persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

(Ord. No. A-99, 01/17/17; Ord. No. B-2, 02-20-18)

### 5.2.9. Signs in Open Space/Recreation and Public Use Districts

In Open Space/Recreation and Public Use districts, no sign shall be erected, displayed or maintained except as provided below:

- A. ~~Those signs specifically exempt from prohibition, including the display of placards for the expression of political, religious, or public service ideas, so long as the placards remain in the physical possession of a person.~~
- B. Regulatory signs as may be erected by the City, county, state, or their agencies.
- C. Signs for the identification of public buildings or public premises, or allowed uses in open space/ recreation and public use districts, or valid nonconforming uses existing in open space/ recreation and public use districts. These identification signs shall not exceed 20 square feet in area.
- D. The City Council may permit free-standing signs, public information bulletin boards and exceptions to the maximum area requirement of 20 square feet for signs set out above, as provided for in Sec. 5.2.13. In no event shall any free-standing sign exceed 35 square feet in area in an Open Space/Recreation or Public Use district.

(Ord. No. 51, 02/03/75; Ord. No. 158, 10/18/76; Ord. No. V-90, 09/03/96)

### 5.2.10. Illuminated Signs

- A. No sign shall contain any moving parts or flashing or blinking lights so as to create an animated effect, except such portions of a sign which consist solely of indicators of time and temperature.
- B. No red or green lights or any lighting effect utilizing such colors shall be used on any sign if, in the opinion of the Chief of Police, such light or lighting effect would create a hazard to the operation of motor vehicles.
- C. Any lighting of a sign shall be continuous and shall be either interior, non-exposed or exterior illumination. All illumination shall be of reasonable intensity and shielded in such a manner that all direct light falls on the sign or the wall to which it is

affixed and does not shine onto any street or nearby property.

- D. No sign shall be lighted between the hours of 11:00 p.m. and 7:00 a.m., except those signs identifying police or fire stations, a residential building, or in the case of a commercial establishment, signs which may be lighted during a period extending from 30 minutes before opening for business and to 30 minutes after closing.
- E. The City Council may grant a special permit for the illumination of other signs if the City Council finds that such illumination is in the public interest.

(Ord. No. 89, 10/06/75; Ord. No. 158, 10/18/76)

### 5.2.11. Construction and Maintenance

- A. The construction, alteration, repair and maintenance of all signs, together with their appurtenant and auxiliary devices in respect to structural and fire safety, shall be governed by the provisions of the 780 CMR. Where provisions of this Sec. 5.2 are more restrictive with respect to location, use, size or height of signs and other applicable regulations, this Sec. 5.2.11 shall take precedence.
- B. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- C. Any sign which advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at any particular premises shall be removed by the occupant or owner of the premises within 30 days. If any such sign is not removed within 30 days, the Commissioner of Inspectional Services shall give written notification, in hand or by certified mail, return receipt requested, to the owner or occupant of the premises that the Commissioner of Inspectional Services will have such sign removed and assess any costs of the removal to the owner or occupant. If within 30 days from the date of receipt of the notification the sign has not been removed by the owner or occupant, then the Commissioner of Inspectional Services shall remove said sign and assess any costs of the removal to the owner or occupant.

(Ord. No. 158, 10/18/76; Ord. No. R-273, 11/15/82)

### 5.2.12. Nonconforming Signs

- A. Any nonconforming sign legally erected prior to the adoption of this Sec. 5.2, or any amendment of this Sec. 5.2, may be continued to be maintained but shall not be enlarged, reworded, redesigned or altered in any way unless it conforms with the provisions contained of this Sec. 5.2.
- B. The exemption granted in paragraph A. above shall not apply to any non-accessory sign or to any sign which has been illegally erected, has been abandoned, or has not been repaired or properly maintained.
- C. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or changed unless it conforms with this Sec. 5.2.

(Ord. No. 158, 10/18/76)

### 5.2.13. Exceptions

- A. In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.
- B. In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.
- C. Where a single lot is occupied by more than 1 establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each street frontage. In granting such a permit, the City Council shall specify the size, type and location of any such sign and shall impose such other forms and restrictions as it may deem to be in

the public interest, and in accordance with the 780 CMR.

(Ord. No. 158, 10/18/76)

### 5.2.14. Guidelines

The Director of Planning and Development may from time to time prepare and issue guidelines to clarify the provisions of this Sec. 5.2.

(Ord. No. 158, 10/18/76)