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CITY CLERK  
NEWTON, MA. 02459

#218-22

1-55 Boylston Street (The Street)

CITY OF NEWTON

IN CITY COUNCIL

April 19, 2022

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 Council Orders #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)

PETITION NUMBER: #218-22

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.

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

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on April 21, 2022. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:

  
(SGD) CAROL MOORE, City Clerk  
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on April 21, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'Carol Moore', with a long horizontal flourish extending to the right.

(SGD) CAROL MOORE, City Clerk  
Clerk of the City Council