



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, February 8, 2023**
DATE: February 6, 2023
TO: Urban Design Commission
FROM: Shubee Sikka, Urban Designer
SUBJECT: **Additional Review Information**

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development’s intention is to provide a balanced view of the issues with the information it has at the time of the application’s review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit, Fence Appeal applications or Design Reviews.

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff’s recommendations for these items.

I. Roll Call

II. Regular Agenda

Sign Permits

1. 55-71 Needham Street – Jersey Mike’s Subs

PROJECT DESCRIPTION: The property located at 55-71 Needham Street is within a Mixed Use 1 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 213-12(1). The applicant is proposing to install the following signs:

1. One wall mounted secondary sign, internally illuminated, with approximately 52 sq. ft. of sign area on the eastern building façade facing Needham Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 52 sq. ft. of sign area on the southern building façade facing the side parking lot.

3. One wall mounted secondary sign, internally illuminated, with approximately 20 sq. ft. of sign area on the western building façade facing the rear parking lot.

TECHNICAL REVIEW:

- Both the proposed secondary signs (facing Needham Street and the side parking lot) appear to be not consistent with the comprehensive sign package (attachment A). As per the sign package, the maximum size of both signs allowed is 50 sq. ft. each, which the applicant is exceeding, the maximum width of the sign allowed is the storefront width which the applicant is not exceeding, and the maximum letter height allowed is 3 feet which the applicant is not exceeding.
- The proposed secondary sign facing the rear parking lot appears to be not consistent with the comprehensive sign package (attachment A). As per the sign package, the maximum size of the sign allowed is 12 sq. ft., which the applicant is exceeding, the maximum width of the sign allowed is the storefront width which the applicant is also exceeding.

STAFF RECOMMENDATION: Staff encourages the applicant to reduce the size of the two secondary signs facing Needham Street and the side parking lot to less than 50 sq. ft. and reduce the size of the secondary sign facing the rear parking lot to less than 12 sq. ft. and reduce the width of this sign to the storefront width.

2. 201 Needham Street – Michael’s

PROJECT DESCRIPTION: The property located at 201 Needham Street is within a Mixed Use 1 zoning district. The applicant is proposing to replace and install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 95 sq. ft. of sign area on the eastern building façade facing Needham Street.
2. One wall mounted principal sign, internally illuminated, with approximately 95 sq. ft. of sign area on the southern building façade facing Tower Road.

TECHNICAL REVIEW:

- Both the proposed wall mounted principal signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two principal signs are allowed on a corner lot, which the applicant is not exceeding, and on this façade of 75 feet, the maximum size of each sign allowed is 100 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both proposed principal signs.

3. 1121 Washington Street – Fleet Homes

PROJECT DESCRIPTION: The property located at 1121 Washington Street is within Business 2 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 12 sq. ft. of sign area on the eastern façade on the second floor.

TECHNICAL REVIEW:

- The proposed wall mounted principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 50 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- Urban Design Commission reviewed a proposal for this business sign at October 2022 meeting (attachment C – UDC October 2022 meeting minutes). UDC requested the applicant/building owner to look at other options for the proposed sign and for other tenant sign that may be requested in the future. Applicant has submitted a letter from the building owner that none of the current tenants are looking for signage and the owner will not guarantee signage in future leases.

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

Comprehensive Sign Package

1. 1-55 Boylston Street – The Street

PROJECT DESCRIPTION: 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 #218-22.

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 and then in 2022 with a refreshed set of free-standing signs and re-organized set of wall sign elevations. The applicant is coming back for another amendment to add tenant, directory, capital, and wayfinding signage for 27 Boylston Street. The current proposal reflects the additional directory, tenant, wayfinding signs and extension of sign bands for 27 Boylston Street. At the recommendation of the planning department, the updated elevations and sign bands were developed for 27 Boylston Street.

The applicant is proposing to amend the special permit for the following signs:

1. Three new wall directory signs on the eastern façade of 27 Boylston Street (W5).
2. Three new column capital signs on the eastern façade of 27 Boylston Street (W6).
3. Three new directory signs on the southern façade of 27 Boylston Street (W5).
4. One free-standing vehicular directional sign, with 3 sq. ft. of sign area, in a landscaped island north of 27 Boylston Street (M3).

5. The applicant has also extended sign bands and tenant sign locations for 27 Boylston Street south and west elevation.

As per the Waivers in the previously approved Comprehensive Sign Package, Wall Directory Signs and Blade Panel and Column Signs are described as:

“Wall Directory Signs

Wall directory signs may include multiple tenant names of tenants within any building on the property. The selection of tenant names may change at the discretion of the owner. Each tenant sign may be up to 100 square feet.

Blade Panel and Column Capital Signs

Subject to conformity to the maximum area requirements established by special permit waiver, blade panel and column capital signs may change at the discretion of the owner following review and approval by the Owner and the Planning Department, following consultation with the Urban Design Commission.”

TECHNICAL REVIEW:

- The wall directory signs, and column capital signs do not appear to be consistent with the dimensional controls specified in §5.2.8. The applicant will need to apply for an amendment to the City Council for these signs.
- The applicant will also need to apply for an amendment for extensions of the sign bands and tenant sign locations.
- The directional sign appears to be consistent with the dimensional controls specified in §5.2.8.

STAFF RECOMMENDATION: Staff seeks recommendation regarding the signs from UDC to the Land Use Committee of the City Council.

Fence Appeal

1. 33 Staniford Street Fence Appeal

PROJECT DESCRIPTION: The property located at 33 Staniford Street is within a Single Residence 3 district. The applicant is proposing the following fence:

- a) Side Lot Line – The applicant is proposing to add a fence, set a few inches from the side property line with a new fence, 6 feet 8 ¾ inches and 7 feet 9 ½ inches tall posts, approximately 17 feet in length. The fence is solid for the top 4 feet ¼ inches and open for a height of 2 feet 8 ½ inches at the bottom. Staff has requested the applicant for distance of the fence from the side property line.

TECHNICAL REVIEW:

The proposed fence along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

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

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City’s Fence Ordinance. The proposed fence, however, must be found to comply with the *“requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise.”* The UDC must also determine whether the *“desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good.”*

The applicant is seeking an exception to allow 6 feet 8 ¾ inches and 7 feet 9 ½ inches tall posts, approximately 17 feet in length a few inches from the side property line, where the ordinance would permit such a fence to be 6 feet tall with 8 feet tall posts.

The applicant’s stated reasons for seeking this exception are *“The fence meets all applicable design criteria other than the top horizontal slat which was inadvertently manufactured exceeding the height requirements by 8.75”. There is an existing hedge behind the fence which is taller than the fence. This additional 8.75" height of fence for a minimal 17' length along the property line will not be visually intrusive or offensive to the abutting property or neighborhood in general.”*

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

III. Old/New Business

1. Approval of Minutes

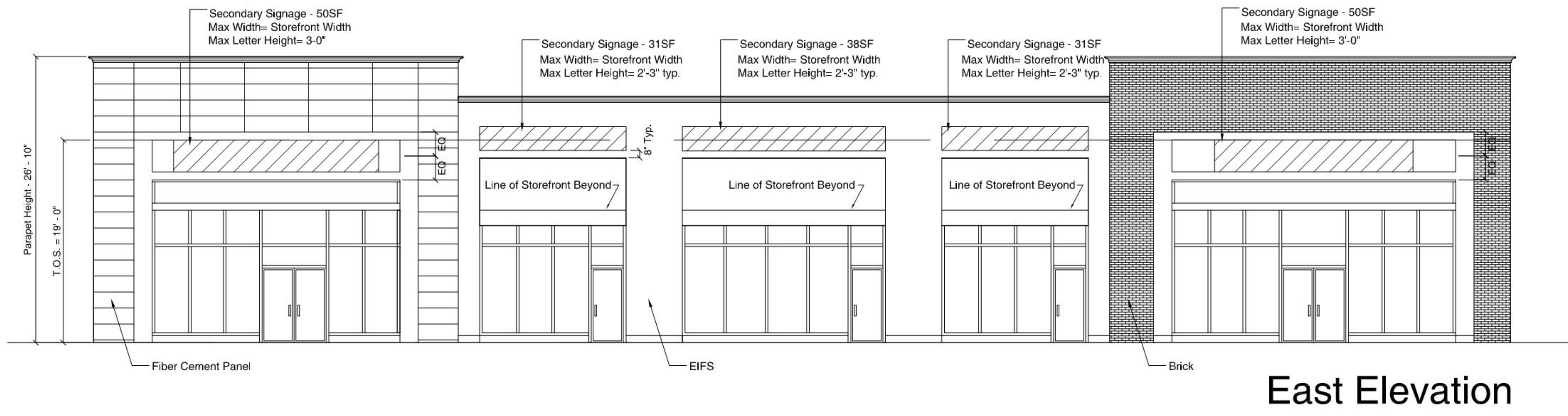
Staff has provided draft meeting minutes from the November meeting that require ratification (Attachment E). Staff will email December meeting minutes before the meeting.

Attachments

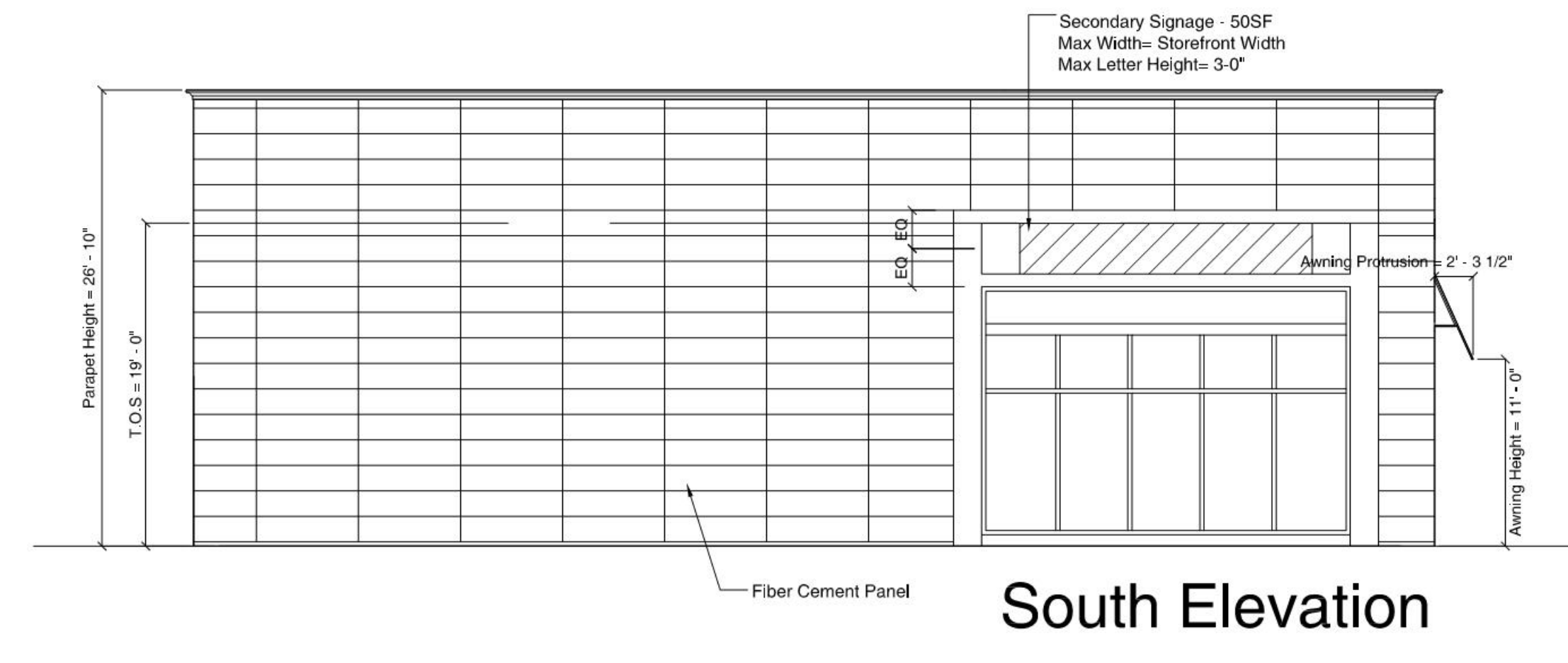
- Attachment A: 55-71 Needham Street – Comprehensive Sign Package

- Attachment B: 55-71 Needham Street – Recorded Board Order #213-21(1)
- Attachment C: October 2022 UDC meeting minutes for 1121 Washington Street notes
- Attachment D: 1-55 Boylston Street Board Order #218-22
- Attachment E – UDC November 2022 Meeting Minutes Draft

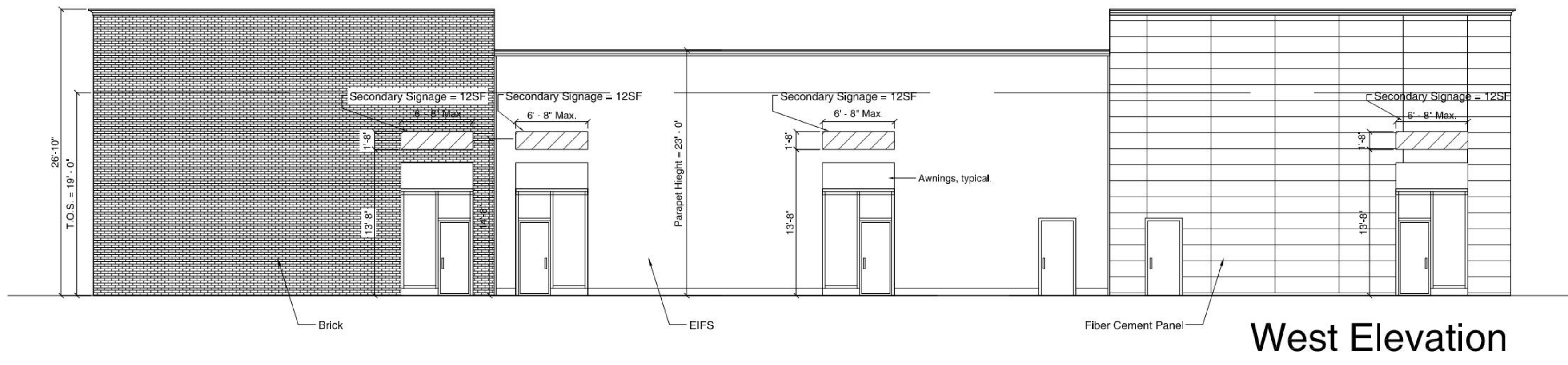
Building 1



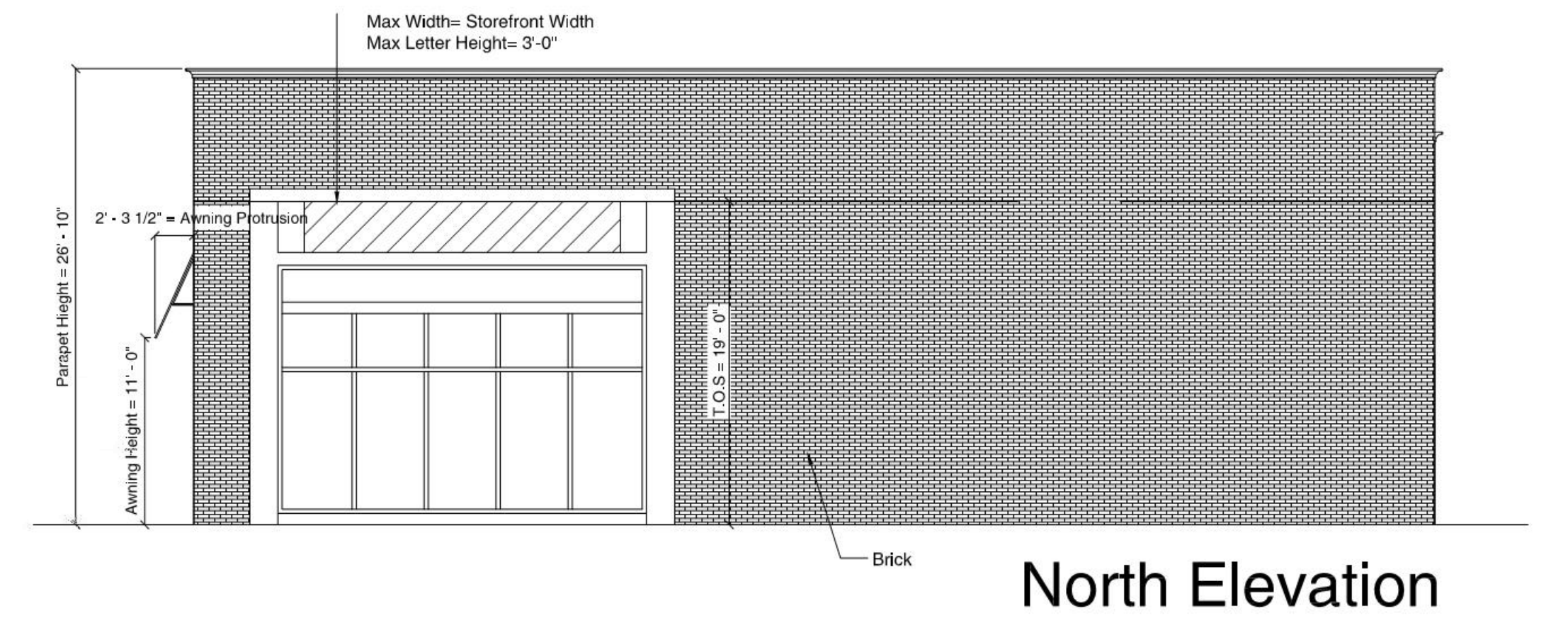
East Elevation



South Elevation

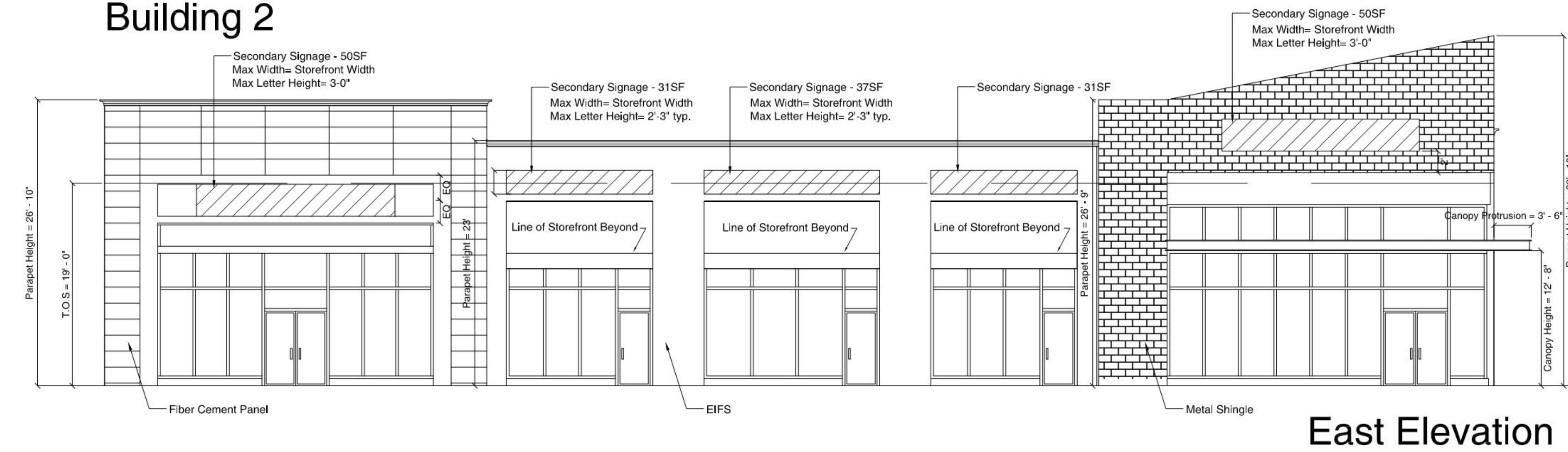


West Elevation

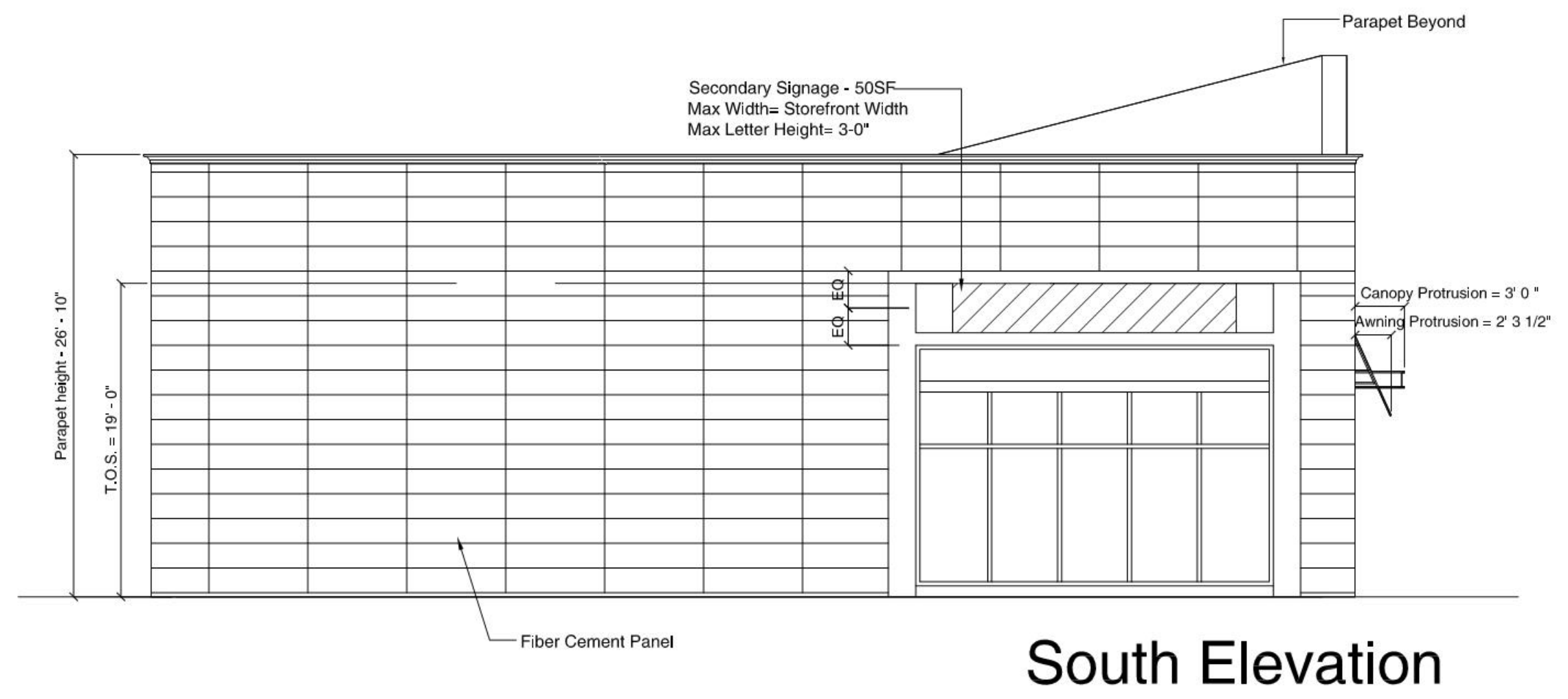


North Elevation

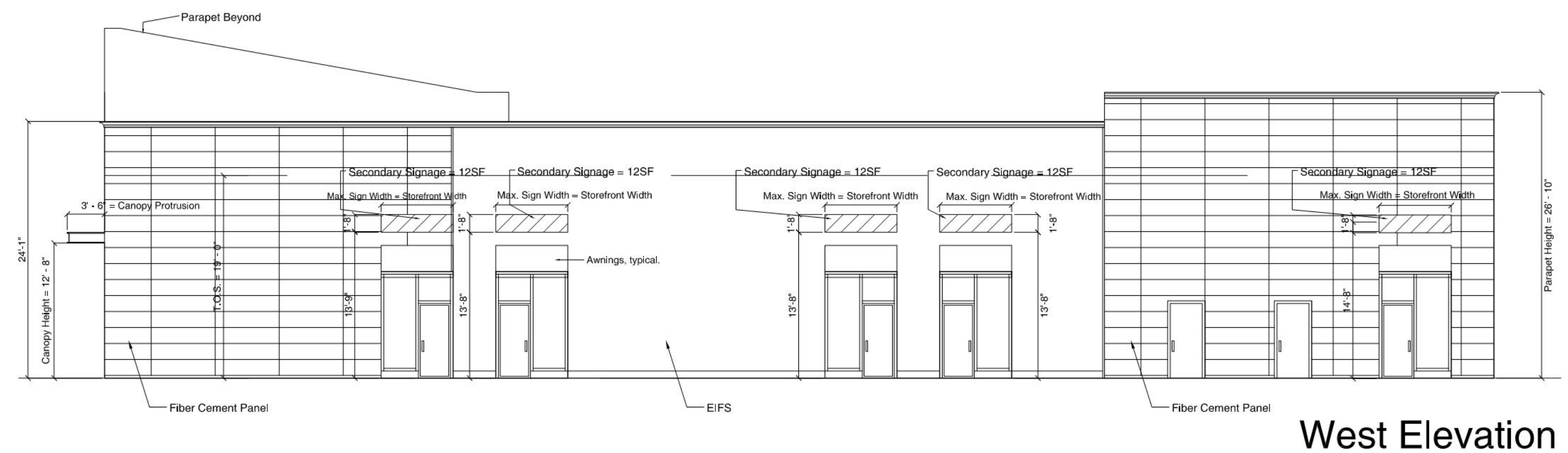
Building 2



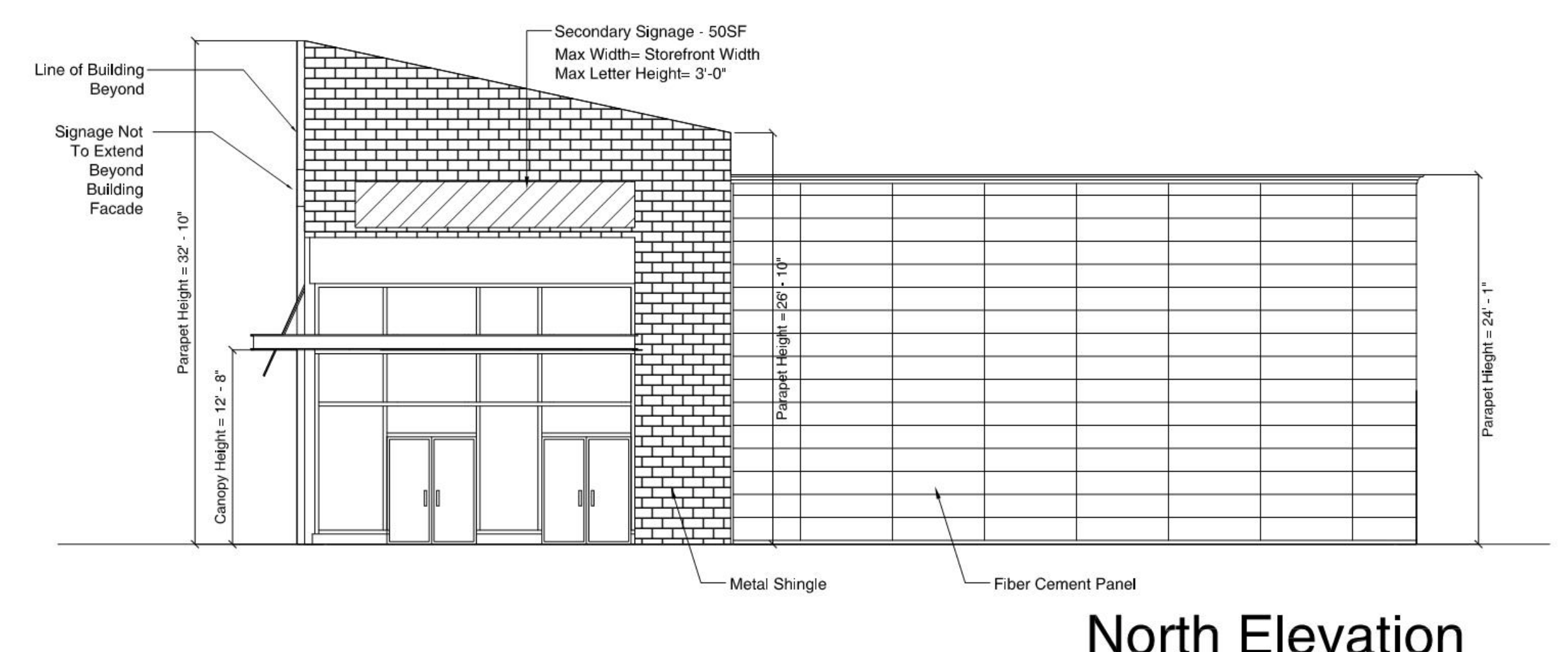
East Elevation



South Elevation



West Elevation



North Elevation

Revisions:

Date: October 19, 2012
Scale: 1/8" = 1'-0"
Drawn by: _____ Checked by: _____
Project: 11069

Title:
ELEVATIONS AND SIGNAGE AREAS

Property Address: 55 Needham St., Newton, MA Owner: Needham Street Village Shops LLC Title Ref.: Book 59437, Page 421 and Book 59437, Page 425 in So. Middlesex Registry
Property Address: 71 Needham St., Newton, MA Owner: H&J Newton LLC Title Ref.: Book 28482, Page 189 in So. Middlesex Registry

RECEIVED
Newton City Clerk
2012 NOV -7 AM 11:06
David A. Olson, City Clerk
Newton, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

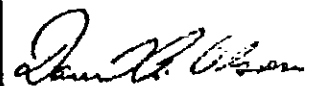
November 5, 2012

ORDERED:

That the Board, 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 construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail and/or service uses; to waive up to 6 parking stalls and certain dimensional requirements and associated landscaping, fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensional requirements for signs at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (h)(1), 30-19(d), (h)(3)a), (i)(1)a)(ii), (j), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2012, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

- 1) The continuation of a non-conforming retail use at this location is not substantially more detrimental to the neighborhood because the area is already characterized by retail uses.
- 2) A service establishment use at this location is appropriate and will not adversely affect the neighborhood nor present a nuisance or hazard to vehicles or pedestrians because the area is already a commercial corridor with these types of uses.
- 3) A waiver of 6 parking stalls (calculated without regard to the provisions of Section 30-19(c)(2)) is appropriate based on the mixed-use nature of the area, the potential for sharing parking with neighboring properties, the availability of an improved pedestrian environment, the availability of transit and bicycle facilities, including the provision of bike racks and the waiver is smaller than the existing nonconformity.

A True Copy
Attest



City Clerk of Newton, Mass.

- 4) 23-foot wide maneuvering aisles where 24-foot aisles are required will not pose an obstacle to emergency vehicle access and literal compliance with this requirement is impractical due to the limited depth of the lot.
- 5) A waiver allowing a two-foot bumper overhang into the rear landscaped area is appropriate because literal compliance with this requirement is impractical due to the size and depth of the lot. The landscaped area provided, in concert with the existing rear fence on the adjacent property serve to meet the intent of the zoning ordinance.
- 6) A waiver for the required parking facility lighting is appropriate because the provision of the one-foot candle standard would negatively affect adjacent residential uses and the small areas where lighting will be substandard will not present a safety hazard.
- 7) A waiver for the required loading dock facility is appropriate because of the small size of the businesses that will occupy the proposed buildings, which will generally not require large deliveries.
- 8) That permitting a freestanding sign as well as a third secondary sign on the north and south end of each building is appropriate because, based on the use and architecture of the project, and the location of the proposed sign, it would be in the public interest to allow the requested signs.
- 9) The proposal is consistent with the *2007 Newton Comprehensive Plan*, which encourages projects of this kind that provide new commercial space with a high degree of quality in design that reflects concepts of place-making and supports improvements to the pedestrian environment and accommodation of bicycles.
- 10) In light of the above findings and the following conditions imposed by this Order, the Board of Aldermen finds that the public convenience and welfare of the City will be served and that the criteria of §30-23 and §30-24 for granting a special permit/site plan approval will have been satisfied.

PETITION NUMBER: #213-12

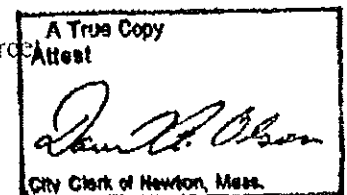
PETITIONER: Needham Street Village Shops, LLC

LOCATION: 49, 55, & 71 Needham Street

OWNERS: Needham Street Village Shops, LLC (49 & 55 Needham Street)
H&J Newton LLC (71 Needham Street)

ADDRESS OF OWNERS:
420 Bedford Street

71 Needham Street



Lexington, MA 02420

Newton, MA 02464

TO BE USED FOR: Retail and service space.

CONSTRUCTION: Two new, single-story, multi-tenant, commercial buildings.

EXPLANATORY NOTES: Special permit sought: (1) for retail store pursuant to Section 30-13(b)(1); (2) for services businesses pursuant to Section 30-13 (b) (4); (3) for site plan approval pursuant to Section 30-13 (b)(1); (4) for waivers under Section 30-19 (m) as to six (6) parking stalls pursuant to Section 30-19(d); aisle width requirements of Section 30-19(h)(3); fence location of Section 30-19(i)(1)a)(ii); the lighting requirements for parking facilities of greater than five stalls pursuant to Section 30-19 (i); one required loading dock facility pursuant to Section 30-19(1); (5) a freestanding sign pursuant to Section 30-20(1); (6) extension of nonconformities under Section 30-21 (b); (7) site plan approval under Section 30-24.

ZONING: Mixed Use 1 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan approval shall be located and constructed consistent with:


a. "Proposed Retail Development, 49, 55, and 71 Needham Street, Newton, Massachusetts, Special Permit Plans," dated August 6, 2012 with revisions through October 18, 2012, containing the following sheets:

- i. Sheet C-1 Existing Conditions and Demolition Plan
- ii. Sheet C-2 Site Plan
- iii. Sheet C-3 Grading and Drainage Plan
- iv. Sheet C-4 Utilities Plan
- v. Sheet C-4A Sewer Profile
- vi. Sheet C-5 Landscape Plan
- vii. Sheet C-6 Grade Plane Plan
- viii. Sheet C-7 Construction Management Plan
- ix. Sheet C-8 Truck Turning Plan
- x. Sheet C-9 Erosion Control Notes and Details Sheet
- xi. Sheet C-10 Details Sheet
- xii. Sheet C-11 Details Sheet
- xiii. Sheet C-12 Details Sheet
- xiv. Site Lighting Plan

b. "Site Plan, Needham Street, 71 Needham Street, Newton, MA", dated October 19, 2012, containing the following sheets:


- i. Sheet AO-1 Site Plan

A True Copy
Attest



Daniel H. Olson
City Clerk of Newton, Mass.

- ii. Sheet A1-1 Partial Site Plan, Building 1 Floor Plan
 - iii. Sheet A 1-2 Partial Site Plan, Building 2 Floor Plan
 - iv. Sheet A2-1 Elevations and Signage Areas
 - v. Sheet A2-2 Free Standing Sign Dimensions
2. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
 3. The petitioner shall reserve the right to change the location of the doorways to the commercial space within the existing glazing in response to tenant demands, with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
 4. The petitioner shall underground all utilities from the street to the building.
 5. Rooftop mechanical equipment shall be located as close to the wall of the rear parapet as is practical with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
 6. As necessary, snow shall be removed from the site to avoid a reduction in the number of parking stalls available for use.
 7. The trash enclosures shall be maintained in sanitary condition with the gate remaining closed at all times when not in use.
 8. The petitioner shall submit all proposed signage for review by Planning and Development staff and the Urban Design Commission.
 9. The petitioner shall submit a parking management plan subject to review and approval by the Director of Planning and Development in consultation with the City Traffic Director. Such plan may include obtaining revocable parking licenses or other parking rights from nearby properties to the extent they may be available from time to time.
 10. The petitioner shall submit a transportation demand management plan which shall include actions to be taken to reduce the reliance on single occupant vehicles by employees and patrons of the businesses to be located at this site. The plan shall also identify methods of enhancing the safety of those using the southern egress from the property including agreements with the neighboring property owner on that side to maintain visibility between their respective driveways and signage directing the majority of those using the parking lot to exit via one of the two other egress points. The plan shall be approved by the Director of Planning and Development with the advice of the Transportation Director.
 11. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$19,200 (\$1 per square foot of building) to be paid towards undergrounding of utilities at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the undergrounding project for at least the section of Needham Street from Winchester Street to Columbia Street. This obligation shall run with the land for a period of 12 years from the date of this special permit. The petitioner shall not be required to made the contribution called for in this Condition in

A True Copy
Attest

City Clerk of Newton, Mass.

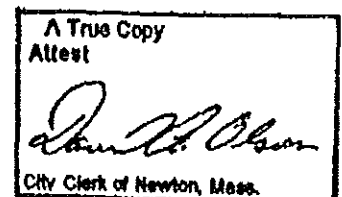
the event that an improvement district is established which undertakes the undergrounding project.

12. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. consolidated all lots through an Approval Not Required (ANR).
 - b. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - c. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

13. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. completed all landscaping in compliance with Condition #1.
 - d. the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping required in Condition #1 and #13c, provided the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site improvements to ensure their completion.

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

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 November 7, 2012. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.



ATTEST:




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

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 4/7 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

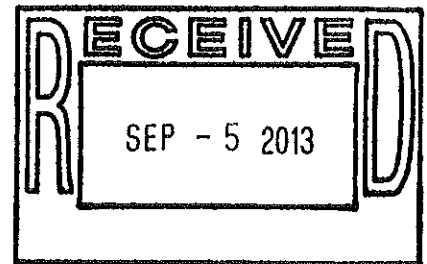
A True Copy
Attest

City Clerk of Newton, Mass.

Middlesex South Registry of Deeds Electronically Recorded Document

This is the first page of this document - Do not remove

Recording Information

Document Number	: 273464
Document Type	: DECIS
Recorded Date	: December 12, 2012
Recorded Time	: 02:30:24 PM
Recorded Book and Page	: 60716 / 421
Number of Pages(including cover sheet)	: 7
Receipt Number	: 1499103
Recording Fee	: \$75.00



**Middlesex South Registry of Deeds
Eugene C. Brune, Register
208 Cambridge Street
Cambridge, Massachusetts 02141
617/679-6310**



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, **October 19th**, 2022 at 7:00 p.m. via Zoom

<https://us02web.zoom.us/j/87322027368>

Ruthanne Fuller,
Mayor

The Chair, Michael Kaufman, called the meeting to order at 7:03 P.M.

Barney Heath,
Director
Planning & Development

I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, and Bill Winkler. Shubee Sikka, Urban Designer, was also present.

Shubee Sikka,
Urban Designer
Planning & Development

II. Regular Agenda

Sign Permits

Mr. Kaufman asked if the Commission felt there were any applications they could approve without discussion.

Members
Michael Kaufman, Chair
Jim Doolin, Vice Chair
John Downie
Robert Linsky
William Winkler
Visda Saeyan

The Commission agreed to approve the following signs without discussion:

Sign Permits

3. 2-12 Windsor Road – Advisors Living Real Estate

Proposed Signs:

- One awning mounted principal sign, non-illuminated, with approximately 14 sq. ft. of sign area on the southern building façade facing Beacon Street.

4. 325 Boylston Street – 7-Eleven

Proposed Signs:

- Reface of one free-standing principal sign, internally illuminated, with approximately 9 sq. ft. of sign area perpendicular to Boylston Street.
- Reface of one wall mounted secondary sign, internally illuminated, with approximately 9 sq. ft. of sign area on the eastern building façade facing the gas canopy.

1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

MOTION: Mr. Kaufman made a motion to approve the signs at 2-12 Windsor Road – Advisors Living Real Estate and 325 Boylston Street – 7-Eleven. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed.

www.newtonma.gov

1. 2101 Washington Street – Care One at Newton

- Applicant: Michael
- Proposed Signs:
 - *Replace* one free-standing sign, internally illuminated, with approximately 32 square feet, perpendicular to Washington St.
- Presentation and Discussion:

Mr. Kaufman asked about the sign that is being replaced. Staff commented that the applicant has mentioned that the old sign was destroyed so they are replacing it with a new, same sign. Mr. Kaufman mentioned that the old sign had an arrow directing folks to the front entrance and this sign doesn't have the arrow anymore. The applicant responded that it was probably an oversight and can be changed. Mr. Kaufman commented that he knows the site very well, it could be confusing (if that arrow is not there), people will drive down Beacon Street extension rather than going to the front. The applicant responded that they would put the arrow on the new sign as well.

MOTION: Mr. Kaufman made a motion to approve the sign at 2101 Washington Street – Care One at Newton with a recommendation. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed. The sign was approved on the **recommendation** that the arrow is added, as in the previous sign.

2. 823-833 Washington Street – Grandma's Kitchen

Proposed Signs:

- One wall mounted split principal sign, non-illuminated, with approximately 38 sq. ft. of sign area on the southern building façade facing Washington Street.
- One perpendicular split principal sign, non-illuminated, with approximately 5 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.

Presentation and Discussion:

- Mr. Downie asked about the height of the proposed sign from the sidewalk. Staff commented that the applicant has provided a drawing that shows the height as 118 inches, which is more than 89 inches as required by DPW.

MOTION: Mr. Downie made a motion to approve the signs at 823-833 Washington Street – Grandma's Kitchen. Mr. Kaufman seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed.

5. 2345 Washington Street – North Atlantic Investment Partners

Applicant/Representative: Michael

Proposed Signs:

- One free-standing principal sign, non-illuminated, with approximately 26 sq. ft. of sign area perpendicular to Washington Street.

Presentation and Discussion:

- Mr. Doolin asked why proposed sign is taller than the existing sign. The applicant responded that the customer requested the sign is taller than the bushes that surround the property. Mr. Kaufman commented that the shrubs are behind the sign, so the shrubs shouldn't be a problem. Mr. Doolin commented that the new sign should be like the existing sign. Mr. Winkler commented if the sign is lowered, it will also be easier to see it from the cars. The applicant commented that they agree but the customer requested that height. Mr. Doolin suggested that UDC recommend lowering the height of the sign to the height of the existing sign even though the location has changed slightly and that he has no objection to the changed location of the sign. The applicant responded that they could change the height of the sign.

MOTION: Mr. Kaufman made a motion to recommend the sign for approval to the City Council with a condition at 2345 Washington Street – North Atlantic Investment Partners. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed. The sign was recommended for approval on the condition that the height of the sign is lowered to the height of the existing sign.

6. 1121 Washington Street – Fleet Homes

Applicant/Representative:

Tom Taricano
Melanie Fleet
Steve Schwede

Proposed Signs:

- One wall mounted principal sign, non-illuminated, with approximately 12 sq. ft. of sign area on the eastern façade facing the driveway.

Presentation and Discussion:

- Mr. Kaufman commented that there are a few issues with the sign:
 - It's a traffic hazard to put the sign at the proposed location. The sign is on the out driveway from Trader Joes, if a person was looking for this business, they would immediately try to take a right into the driveway which is going out. The applicant commented that there is a "Do Not Enter" sign and an arrow on the driveway. Mr. Kaufman commented that you will notice that after trying to take a right turn into the driveway.
 - Mr. Kaufman also commented that this sign is not on this business' premises, it is on Trader Joes premises. The applicant responded that this is the only wall that Trader Joes doesn't occupy.
 - Why couldn't the sign be on the west side of the building? The applicant responded that there is a tree in front of the west side of the building, at the corner, so it is not visible.
 - Mr. Kaufman asked where is the office located in the building? The applicant responded that their space is on the second floor facing Washington Street and there are other tenants on the second floor too.

- The applicant commented that they originally wanted a sign on the front façade, but the landlord has an agreement with Trader Joes so no other signs are allowed on the front, so the landlord requested the sign on this side of the building
- Mr. Winkler asked why the sign couldn't be on the corner of Armory Street and the driveway into the rear parking lot since the customers/clients would be parking. The applicant responded that there are currently no signs at that location, no directory sign either and it won't be visible from Washington Street. The applicant responded that the parking lot is only for Trader Joes customers. The applicant also commented that only a handful of clients visit the office in a year, and they tell all their clients to park on the street. Mr. Kaufman commented that there are signs in the parking lot that indicate that there are some spaces available during the day for the offices.
- Mr. Downie asked about the number of tenant spaces on the second and third floor? Mr. Kaufman responded there are about 5 or 6 tenants. Mr. Downie asked then why hasn't UDC seen a comprehensive sign plan for this property? The applicant responded that there are a lot of doctors, and they didn't want signage, but the applicant commented that they negotiated a sign in their lease. Mr. Winkler asked what signage do other businesses have? The applicant responded that they just have signage in the lobby of the building, there's building directory inside the building. Mr. Downie asked where is the entrance into the business? Mr. Kaufman responded that it on the inside knuckle (northeast corner facing the parking lot).
- Mr. Doolin commented that he agrees with the chair and doesn't support the sign at the proposed location because of the following issues with the sign:
 - The sign is not on part of the building where the tenant is,
 - It's facing a one-way driveway and that driveway is already marginally safe,
 - The applicant has stated that clients rarely go to this office
- The applicant commented that they could put up a sign underneath the new sign that says parking available in the back with an arrow that points you to go around the building.
- Mr. Kaufman asked where the signs will go for other second floor tenants? Mr. Kaufman recommended that the landlord must come back with a sign package showing all possible signage location for future signs.
- The applicant commented one of the reasons for the sign was for name recognition, especially on Mass. Pike. Mr. Kaufman commented that this is not the purpose for signs in Newton. The purpose of signs in Newton is to find the retail location. Having visibility on Mass. Turnpike does not count and it becomes a billboard, the sign is probably not even visible from the Turnpike.
- Mr. Downie commented that he agrees with other Commissioners that the sign at its proposed location creates a safety hazard. It is also an inappropriate location for a business on the second and third floor. There may be other tenants in the future who may want signage and we need to have a sign plan for future sign applications/reviews. The UDC can either establish the sign band based on this submission or UDC could wait to hear from the building owner.
- The application requested for UDC's suggestion of where a good location for the sign could be. Mr. Downie commented that since these are offices, people will get to the parking lot on their own and the signage should be around the main entrance to the building. Mr. Kaufman commented that a sign to the left of the main door would be

appropriate and then if there were additional tenants, those signs could go under it but that will involve going into the parking lot.

- Mr. Doolin commented that this is a tough property for multiple tenants, but these are office_tenants that are trying to get signs that typically would either be directory or something similar. He recommended that the applicant either they pull back the current proposal to come back with a more comprehensive solution with the whole building or UDC can reject the current proposal.
- Mr. Kaufman suggested the applicant to come back with some other ideas. The idea proposed by the applicant will not be recommended for approval by UDC, not sure about office tenants on the second floor having signs on the street, but UDC is open to look at other ideas if the applicant would like to come back. A directory sign near the entry door will probably work. There is currently a sign left to the door that says, "Offices & Suites" and the proposed sign could underneath it, it appears to be an appropriate location for the sign. Mr. Kaufman commented that the location where the sign is proposed, people still don't know where to go. The applicant asked how someone will know where to go before you get there, there's nothing on the front that tells you anywhere to be able to go to this office. Mr. Kaufman asked if a client has an address to this place, then why can't they find it?
- Mr. Kaufman commented that the proposed location of the sign is not appropriate, it's a death trap. All the UDC members agreed that the sign at this location will add to accidents, its already a tough location without a sign and adding a sign will indicate to people that they can take a right turn which will make it even worse. The applicant responded that they could add a sign that will prevent people from making a turn there.
- Mr. Doolin commented that there is a fundamental issue with this sign, which is inconsistent with many other evaluations. The sign is not proposed where the tenant is, in fact it is where another tenant is.
- The UDC suggested of where the sign can be, the new sign can be underneath the existing black sign "Offices and Suites", left to the door. It will be most helpful for this business because people will find a way to get to the parking lot and then they will have no idea of where to go.
- The applicant asked what if the sign was above the one floor addition, on the second floor. Mr. Kaufman asked the applicant to show pictures with the sign and where will the second tenant put their sign?
- Mr. Kaufman requested the landlord come back with some suggestions of where the sign could go for second and third floor tenants.
- Mr. Kaufman recommended the applicant or the landlord to come back next month with some suggestions.
- The applicant confirmed UDC would like the landlord to list out where any future sign would go. Mr. Kaufman commented that if there were three tenants, where would those signs go? The proposed location is dangerous.
- The applicant also commented that Trader Joes is adding another parking lot so that will probably impact the traffic, entrances and will probably reconfigure everything. One of the houses on Cross Street is getting torn down and Trader Joes is expanding the parking lot.

- Mr. Kaufman suggested to come back with some other options and UDC will vote then (because the current proposal will be denied).

7. 118 Needham Street – Heine Goodale Law

Applicant/Representative: Jon Farnsworth

Proposed Signs:

- Reface of one free-standing principal sign, non-illuminated, with approximately 12 sq. ft. of sign area perpendicular to Needham Street. The applicant is also proposing to raise the free-standing sign up by 18 inches.
- One perpendicular secondary sign, non-illuminated, with approximately 9 sq. ft. of sign area on the southern façade facing the parking lot.

Presentation and Discussion:

- Staff summarized that the applicant has made the following changes based on UDC's recommendations from September meeting:
 - Removed second floor sign
 - Increased the size of the perpendicular sign
 - Raised the free-standing sign by 18 inches and removed some of the plants around it so the sign is visible
- Mr. Downie asked about the small existing sign on the column. The applicant commented that it is a temporary sign and will be removed and the blade sign will replace it. Mr. Downie commented that this is a much better solution. Mr. Kaufman commented that it is a good solution to the free-standing too and Mr. Doolin and Mr. Downie also agreed.
- The applicant commented that when the free-standing sign is raised up, it will not exceed the top of the existing pole, so it won't be taller than the existing sign, only the actual sign will be moved up.
- Staff informed the Commission that they will need to check with a colleague to determine if it is considered a reface of the free-standing sign. The Commission commented that in their opinion, it is a reface of the sign since the poles are not changing. Staff checked after the meeting with the Chief Zoning Official, and she agrees with the Commission that it is a reface of the free-standing sign since the structural posts are not moving up.
- Staff commented that the blade sign will also need a special permit since it is only 14 inches away from the corner. To be consistent, secondary sign will need to be moved away from the building corner, so it is more than ½ the horizontal distance of the sign projection to the building corner.

MOTION: Mr. Kaufman made a motion to recommend the resubmitted signs for approval at 118 Needham Street – Heine Goodale Law with a condition. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed. The Commission approved the perpendicular secondary sign on the condition that the secondary sign is moved away from the building corner, so it is more than ½ the horizontal distance of the sign projection to the building corner.

At 7:49 pm, Mr. Kaufman suspended the Urban Design Commission, and enter the Commission in its role as Fence Appeal Board.

Fence Appeal

1. 19 Crescent Avenue – Fence Appeal

Homeowner: David Healy

Fence Appeal:

The property located at 19 Crescent Avenue is within a Single Residence 2 district. The applicant has added the following fence:

- a) Front Lot Line along Beacon Street – The applicant has added a fence and is proposing to change some of the existing fence, set at the front property line along Beacon Street with the following fence:
 - 6 feet solid wood and 1 foot lattice for a total height of 7 feet, 85 feet in length (existing),
 - Solid, wood transition fence of varying height from 7 feet to 4 feet, 4 feet in length (proposed), and
 - 4 feet high solid wood fence, 25 feet in length (proposed).
- b) Front Lot Line along Lake Avenue – The applicant has added a fence and is proposing to change some of the fence, set at the front property line along Lake Avenue with a new fence:
 - 6 feet solid wood, 51 feet in length (existing),
 - Solid, wood transition fence of varying height from 6 feet to 4 feet, 4 feet in length (proposed), and
 - 4 feet high solid wood fence, 25 feet in length (proposed).

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

Presentation and Discussion:

At the meeting, the applicant explained the reason for the appeal. The applicant explained the existing fence doesn't meet the current standards and gave a backstory of what has happened. The applicant mentioned that he bought the house in 2018 and restored it over 2.5 years and applied for each required permit. During the renovation, there were no changes made to the fence. Unfortunately, right after the renovation was finished, a City sidewalk plow truck plowed through the fence (this sidewalk is not even on the sidewalk plow route). The applicant commented that they worked with the City to get it repaired but ultimately the City compensated for the damage, and nobody pointed out that the fence was violating the current standards. The applicant had it replaced at that time with the exact same specification as what was there prior, so the fence company replaced a few panels. Subsequently, last winter found the applicant found out that the damage was more extensive so replaced rest of the panels. The applicant mentioned that the fence has probably been there since 2007 or earlier (as per Google Map Streetview). The applicant mentioned that the new fence is same in color and other specifications but found out that it is in violation of current code. The applicant explained that he is proposing to drop the height of the fence to 4 feet for a distance of 25 feet on the corner of Beacon Street and Lake Avenue to meet the

current height requirements and leave the rest of the fence as it exists. The applicant commented that he is proposing to decrease the height of the fence at the corner to avoid a traffic hazard.

Mr. Kaufman asked for clarification about what exists today and what will be replaced. The applicant responded that the fence is all new and it all exists today, the applicant clarified that he is proposing to redo and drop it down by 2 feet on Beacon Street side and Lake Avenue side as well for 25 feet in length at the corner in both directions. Mr. Kaufman commented that he understands and appreciates that proposal. Mr. Kaufman asked if the fence on Lake Avenue has also been replaced. The applicant responded that the fence on Lake Ave was older so when he was replacing the fence on Beacon Street, he also decided to replace the fence on Lake Ave, so it was consistent and in good condition, but it is the exact same height and specification as the previous fence. Mr. Downie commented that the drawing seems to indicate that the fence is going over the sidewalk. The applicant responded that it is not on the sidewalk, as seen in the photographs. The drawing submitted is not accurate. Staff commented that the fence cannot be taller than 4 feet within a triangular area determined by each of the property line abutting each corner and an imaginary line drawn between two points each of which is 25 feet along that property line and that is what the applicant is proposing to change.

Mr. Kaufman commented that since this fence came down because of what the City did which is demonstrated by the fact that the City compensated the applicant, so they admitted that they did it. It was not the applicant who took down the fence but had to replace it. It was knocked down by the City and appreciates that the applicant is proposing to lower the fence along the corner which will be a big help for traffic safety. Mr. Kaufman commented that he thinks the Commission should grant an exception because of the circumstances of the fence being knocked down by the City and the applicant is willing to lower it at the corner according to the ordinance due to traffic safety. Mr. Doolin commented that is a reasonable proposal and Mr. Downie agreed too.

MOTION: Mr. Kaufman moved the motion to grant the appeal for the proposed fence to lower the fence at the corner according to the ordinance and the Commission grants an exception for the taller fence along Beacon Street and Lake Avenue because it came down for no fault of the homeowner, so it is a good reason to allow it as long as it is the same fence as it was before. Mr. Winkler seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed.

2. 274-276 Adams Street – Fence Appeal

Homeowner: Dino Rossi

Fence Appeal:

The property located at 274-276 Adams Street is within a multi-Residence 1 district. The applicant is proposing to add the following fence:

- a) Front Lot Line along Adams Street – The applicant is proposing to add a fence, set at the front property line with a new fence, 5 feet solid vinyl and 1 foot lattice, 87 feet in length and at both corners, the height is 2 feet solid vinyl and 1 foot lattice, total 12 feet in length.

- b) Side Lot Line, parallel to Adams Street – The applicant is proposing to replace and add a fence, set at the side property line with a new fence, 7 feet solid vinyl and 1 foot lattice for a total height of 8 feet, approximately 82 feet in length.
- c) Side Lot Line, parallel to Potter Street – The applicant is proposing to add a fence, set at the side property line with a new fence, a 2 feet solid vinyl and 1 foot lattice, 12 feet in length at the front corner and 5 feet solid vinyl and 1 foot lattice, 87 feet in length.

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

Part of the proposed fence along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(2) of the Newton Code of Ordinances.

Presentation and Discussion:

At the meeting, the UDC reviewed materials submitted by the petitioner and heard the petitioner's argument. The applicant commented that he has five letters from immediate abutters that all approved and ask that this be approved as submitted. The applicant requested the Commission to grant the appeal as submitted. The fence has existed for over 20 years and is in disrepair, so the applicant is just looking to replace it. The applicant requested the Commission to see the pictures that were submitted showing the stuff at the neighbor's property. Mr. Kaufman asked if the neighboring property has a legal operation and maybe ISD should look at it. Mr. Kaufman asked the applicant if they would be willing to keep the 8-foot fence but tapers down right at the street. The applicant responded that they prefer to keep it 8 foot tall, so they don't have to look at the neighbor's stuff.

Mr. Doolin asked about the exact relief applicant is looking for. Staff commented that as per the fence ordinance, the fence can be 4 feet tall on the front lot line and 6 feet tall on the side lot lines with the front 2 feet tapered down to 4 feet height. Mr. Doolin commented that the only unusual aspect about this property is the notion of front and side in this particular lot. Mr. Doolin also commented that it appears that Potter Street is not even a throughfare and if it goes anywhere? The applicant responded that they don't know who owns it and it doesn't go anywhere. Mr. Doolin commented that he considers this side lot line as a rear lot line because Potter Street is a street in name only and is used as a driveway. The nature of the lot is kind of unique with the challenges it has with respect to front, back and side. Mr. Doolin also commented that he is suggesting that the Commission considers the side lot line to be the rear lot line and it's not a typical corner condition so its unique.

Mr. Kaufman asked if the applicant had more pictures of the abutting property because that is the only other property on Potter Street and to see the extent of materials stored on that property. From the pictures, it looks like it is just a small portion of the property that has stuff. The applicant responded that it has stuff on the entire property, there are fire engines, retired heavy equipment, and all kinds of other stuff. Mr. Kaufman commented that the abutting property does not seem to be a residential use. This is a unique situation.

Mr. Kaufman asked about the reason for a 6-foot fence along Adams Street. The applicant responded that Adams Street is a busy street, and they would like to screen things that are going on Adams Street. Mr. Doolin asked if the fence is on the lot line or is it setback from the property line? The applicant responded that it is on the property line. Mr. Doolin commented that a 6-foot fence is allowed if it is 2 feet back from the property line. Staff clarified that a 6-foot fence is allowed if it is setback 2 feet but only 4 feet can be solid, the top 2 feet will need to be lattice. Mr. Doolin commented that he does not support a 6-foot fence at the property line, even if it tapers to 3 feet at the corner. Mr. Kaufman agreed. The applicant asked what is allowed at the front lot line. Mr. Downie responded that the fence can be 4 feet tall at the front lot line and it doesn't need to taper. The applicant responded they will do a 4-foot fence at the front lot line along Adams Street.

Mr. Kaufman commented that since the applicant has agreed to do a 4-foot fence at the front, it complies with the ordinance now, so UDC doesn't need to take an action on that one. The Commission allowed the 8-foot fence at the side lot line, perpendicular to Potter Street because the property next door is not a residential property, the applicant has every reason to get an exception. Mr. Kaufman asked the applicant if they would like an 8-foot solid fence or 7-foot solid with an open 1-foot topper. The applicant responded it will be good if it is left open so they can choose to do a solid 8-foot fence.

Mr. Kaufman commented that in terms of the applicant looking for an exception to the fence ordinance, UDC should accept the fence that is perpendicular to Potter Street as an 8-foot fence and the applicant can decide if he would like to do the topper or not and it doesn't need to taper down because of the abutting property's non-residential use. The Commission does not accept the exception of 6-foot fence on the front property line, the owner agreed to do a 4-foot fence on the front property line along Adams Street.

Mr. Kaufman moved the motion to grant exception for the 8-foot-tall fence perpendicular to Potter Street and with a note that the fence along Adams Street will be 4-foot tall and can be solid. Mr. Winkler seconded the motion. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor and none opposed. The motion was granted.

At 8:17 the Commission adjourned the Fence Appeal Board portion of the meeting and reconvened as the Urban Design Commission.

Design Review

1. 528 Boylston Street Design Review

Applicant/Representative:

Stephen Buchbinder

Lou Tanposi, Toll Brothers

Evan Staples, Toll Brothers

Tom Schultz, Architect

Tim Hayes, Bohler Engineering

Documents Presented: Existing conditions, context view, proposed site plan, perspective views, and floor plans.

Project Summary:

Toll 528 Boylston LLC proposes to develop a residential apartment building at 528 Boylston Street. The 5.82-acre site is comprised of 7 parcels: 528 Boylston Street, 516 Boylston Street, 502-504 Boylston Street, 0 Boylston Street, 0 Hagen Road, 32-34 Hurley Place, and 24-26 Hurley Place. The parcels are in the SR-1 and SR-2 zoning districts. The developer is seeking a Comprehensive Permit pursuant to Mass. Gen. Laws Chapter 40B and filed a Site Approval application with Mass Housing on September 1st.

The proposed design would contain 244 residential units and structured parking for 383 cars in a fully enclosed, partially below grade garage. There would be an additional 14 outdoor surface parking stalls, for a total of 397 stalls. 61 units would be designated as affordable to households with income at or below 80% AMI.

The following zoning table lists the zoning requirements for the SR1 and SR2 districts along with the proposed dimensions. Note that all listed requirements are for single-family detached dwellings. Multifamily housing is not allowed in the SR1 and SR2 districts. The required parking refers to the standard for multi-family housing in any district.

	Required	Proposed
Minimum Lot Area	25,000 SF (SR1)/15,000 SF (SR2)	253,422 SF
Maximum Lot Coverage	15% (SR1)/20% (SR2)	30%
Lot Frontage	140 feet (SR1)/100 feet (SR2)	734.9 feet
Minimum Front Setback	40 feet (SR1)/30 feet (SR2)	+/- 20 feet
Minimum Side Setback	20 feet (SR1)/15 feet (SR2)	+/- 32 feet
Minimum Rear Setback	25 feet (SR1)/15 feet (SR2)	+/- 24 feet
Height	Sloped Roof – 36 feet Flat Roof - 30 feet	70 feet (flat)
Stories	2.5	6
Floor Area Ratio	.26 (SR1)/.33 (SR2)	1.84
Lot Area Per Unit	25,000 SF (SR1)/15,000 SF (SR2)	1,039 SF
Open Space	70% (SR-1)/65% (SR-2)	59.5%
Parking Stalls	488 stalls by right (2 stalls per unit) 305 stalls by SP (1.25 stalls per unit)	397 stalls

Presentation & Discussion: The applicant commented that they have filed for site plan approval with mass housing in early September and they are hoping to get a response from them sometime in December and then they plan to file with the ZBA in January or February. The applicant also mentioned that they have already had a community meeting, which initially had about 55 people at the beginning to taper down to about 21 at the end. They've met with planning and other city agencies and had a mass housing site visit and in response to comments so far, they have already started tweaking things. In response to comments from mass housing, planning and the neighbors, they shared some of those changes. And hoping to get some direction from UDC and anticipate coming back to UDC in November or December as the plans evolve. The applicant's representative provided a summary of the project.

Architect Tom Schultz presented revised concept plans showing changes the team is considering in order to mitigate the impact of the building on the Hagen Road neighborhood. The revised plans moved the major courtyard from the east side of the building to the south side of the building, breaking up the massing facing the Hagen Road neighborhood.

The Urban Design Commission had the following comments and recommendations:

- Mr. Downie commented that he appreciates that the applicant has pushed the westerly bar back, but it's not pushed back far enough. The whole building is very close to route nine as it is, it seems too tight. Mr. Downie also checked about the front yard setback, isn't it supposed to be 40 feet, and it appears to be only 20 feet as shown in the plans. The applicant responded that the setback is generally about 20-25 feet. Mr. Downie commented that 20 feet setback may be too close for a six to seven story building. Mr. Winkler agreed.
- Mr. Winkler commented that he likes some of the tweaks that get the building more into the configuration of an H. He is concerned that all the units that are facing route nine are facing north which would mean that they would not see any sunlight from September until March 31. So those units would not be very desirable units without any sunlight, especially facing the street. The applicant responded that they have done shadow studies, but they need to be updated based on the latest massing change.
- Mr. Kaufman commented that this is route 9 and there are malls and tall buildings all along Route 9, so he is not concerned about the height and the setback. Mr. Winkler commented that this is a residential building, and he recommends setting it back due to the traffic noise otherwise the windows will need triple glazing to decrease the noise. The applicant responded that they are going to do an acoustic study to find what needs to be done.
- Mr. Doolin commented that the proposal is improved from the initial submission, the rotation of the building is positive. He also appreciates that residential units will conceal the garage. Mr. Kaufman agreed. Mr. Winkler commented that there's a tradeoff that the garage will need to be fully mechanically ventilated.
- Mr. Kaufman appreciates the building being close to the street, it helps to set a street line. It looks like there is plenty of space in the south and the north to buffer it from the rest of the neighborhood. He recommended pushing the middle bar a little closer to the street so there is perception of three masses, even though one is setback.
- Mr. Kaufman recommended that use of fewer materials will be better, a palette of three is better than a palette of seven. This project is in the right direction, this is going to be nice, and the site plan works fine.
- Mr. Doolin commented that the applicant has done a nice job with the massing and site plan and deployment of materials would be of interest.
- Mr. Doolin commented that this doesn't look residential, it looks like an office. Mr. Kaufman asked if there's a canopy at the entrance? The applicant responded that there's a canopy at the ground level, a move that helps to suggest there's something different happening behind that. The applicant also commented that they tend to make amenity spaces, like the fitness center, more of a storefront so it inherently looks more commercial, but they appreciate UDC's points and will continue to work on it.

- Mr. Kaufman commented that there are several places where there is emphasis on the vertical piece. This verticality makes the building seem taller and it does not help to leave out the horizontal pieces.
- Mr. Doolin commented that the project is evolving nicely and appreciates the sustainability elements, particularly going to electric and hope it can get to passive house. There are some good things about this project.
- The applicant commented that they will continue to work on the design and expect to come back to the UDC either in November or December.

2. 160 Charlemont Street/ 56 Christina Street Design Review

Applicant/Representative:

Stephen Buchbinder, Attorney
Peter Standish, Northland
B.K. Boley, Stantec
Christopher Bridle

Documents Presented: Context plan, site context plan, accessible open space plan, site plan, proposed renderings, proposed aerial views, perspectives, and elevations.

Project Summary: The project entails a mixed-use development on 6.99 acres at 160 Charlemont Street/56 Christina Street. A comprehensive permit application has been filed for the project, which contemplates 410 residential units (27 Studio, 134 1 BR, 208 2 BR, and 41 3 BR) plus 10,689 sf of commercial space. There will be 471 structured garage parking spaces and 15 surface stalls. 103 of the units will be affordable at up to 80% of AMI.

Presentation & Discussion: The applicant's representative provided a summary of the project (see above). The Urban Design Commission had the following comments and recommendations:

- Mr. Downie asked if the bridge is going to get rebuilt. The applicant responded that the city started an initiative to get it rebuilt, did a feasibility study, have a plan that they prefer. City has been working to get public funding for that bridge, there were some grant opportunities that they have been trying to take advantage of, it's a work in progress, there's a lot of local neighborhood support. Mr. Downie confirmed that it is a pedestrian connection.
- Mr. Kaufman commented it is terrific that there is a lot of focus on landscape. Appreciate the toned-down façade, would like to see more details on the façade as design progresses. Pedestrian connectivity is great. What is the relationship of all of this to the river? How is all this connected to the river? Can you get to the riverbanks or are you far away from it? The applicant responded on the other side of the river is Blue Herring Trail, and it connects to Kendrick Street and runs across under Needham Street bridge, then there is a continued rough pathway and then you can make it up to the bottom of the Greenway. There have been discussions of creating stair connection to the Greenway. The City is exploring ways to improve the connectivity from the Greenway to Newton Highlands by using the mitigation funds provided by NND project. The applicant mentioned that the entire concept was based upon the bridge in operation at some point. When the applicant walked the site with the neighbors, there was belief that Christina Street is very rugged, not a pedestrian street, just creating a loop where people from the south neighborhood can go down to the park and then

walk up to Needham Street. The idea was to be a stopping point on this bike path. Mr. Doolin commented that the proponent does not own the land. Mr. Kaufman commented what the applicant has done up to Christina Street is great and is wondering what happens when you cross the street. The applicant clarified that the land is owned and controlled by The Price Center.

- Mr. Downie asked why is retail there on Charlemont Street? The applicant responded that it is there to draw daytime activity, it will most likely be destination kind of retail, idea is to create activation. ZBA generally likes to see some commercial or retail space on the first floor of these newer projects. The applicant also commented that the retail on Christina Street is conceived as a Bike Café for people passing through on a cycle.
- Mr. Doolin commented that he appreciates the plan is forward looking for the Land Use transitions that are likely to happen in the future, appreciates motivations and the connections that are being enabled that demand other connections happening, so we are creating a consortium of interests to make these things happen. Earliest diagram is very compelling with respect to Charlemont, the river and so forth in the open space connections. How much of the landscape is over structure? Appreciate the blurring of public and private, the retail would benefit will benefit from access to open space. The applicant responded that a good portion of the northern courtyard has garage below, it will be great if we can get 3 to 4 feet of soil above that, otherwise we will put things on planters.
- Mr. Downie asked if the team had any concerns that there is a connection through the site that goes from Christina to Charlemont, Entrance Drive might be used as a cut through. The applicant responded that they are not concerned about that, there are cut throughs that are available on Charlemont before you get to this location. You can cut behind 260 Needham and 300 Needham to get from Christina to Charlemont. This will be controlled configuration, there will be speed barriers to control speed, don't envision this to be an issue. Its also the reason why its under the building, so there are ques that you are in a neighborhood and shouldn't be speeding, also pedestrianization of some sections as you get to the end of Charlemont.
- Mr. Winkler asked about the garage entrances? The applicant showed multiple garage entrances on the plan and pointed out that they had to figure out how to prevent other people to go in there but allow residents to get into the parking garages. The front is slower speed, a little more pastoral, its for visitors.
- Mr. Kaufman asked where the bicycle storage will be? The applicant responded there are number of rooms inside the building on two floors, and there will be bike storage outside. Mr. Kaufman recommended the bike storage locations should be in spaces that are easy to get to, so you don't need to take an elevator or stairs to encourage people to use their bikes. The applicant agreed and mentioned that they will diagram it for next discussion.
- Mr. Doolin – appreciate that this project will help with future connections. Asked about parking ratio, 1.2 per unit, its significantly lower than Toll Brothers project. AMI. The applicant responded that this project is different from 528 Boylston Street. There is access to shuttle systems that is being put in place for NND, that will provide access to Newton Highlands and directly to this location, much more immediate access to bus service running down Needham Street so overall better public transit capability in this location. With respect to affordability, the affordability is at or below 80% AMI, we know that there is precedent that is been set for having some deeper affordability as

part of the affordable program and they are ready to discuss and address that in the ZBA process.

- Mr. Kaufman commented that this is great and really looking forward as the applicant develops the architecture. Stepping down is important, having the height a little away from Needham Street shouldn't be an issue, assuming that the applicant will develop those elevations so we can see what is going on. The applicant responded that they will be back, either before or after December ZBA meeting. Looks very good.

III. Old/New Business

1. Meeting minutes

Staff had sent September meeting minutes just before the meeting, so the Commission decided to vote on it at the next meeting.

IV. ADJOURNMENT

Mr. Kaufman made a motion to adjourn the meeting and there was general agreement among the members.

The meeting was adjourned at 9:57 p.m.

Respectfully submitted by Shubee Sikka

Approved on December 14, 2022.

A5

RECEIVED

2022 APR 21 PM 12: 59

#218-22

1-55 Boylston Street (The Street)

CITY OF NEWTONCITY CLERK
NEWTON, MA. 02459IN CITY COUNCIL

April 19, 2022



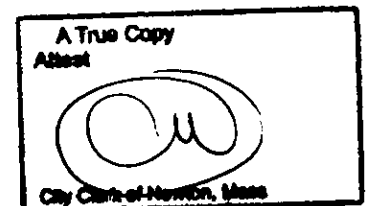
2022 00078333

Bk: 80176 Pg: 322 Doc: DECIS
Page: 1 of 5 05/25/2022 11:35 AM

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
63205-127

CONSTRUCTION: Signs

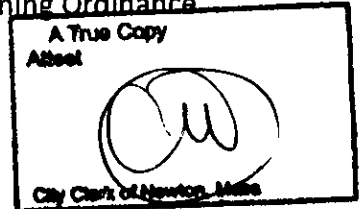
EXPLANATORY NOTES: To amend Board Order #417-12 and 417-12(2) and grant exceptions to the number, type, location and size of signs. §5.2.13 §5.2.3, §5.2.8, §5.2.13.A, §5.2.13.B §7.3.3

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:

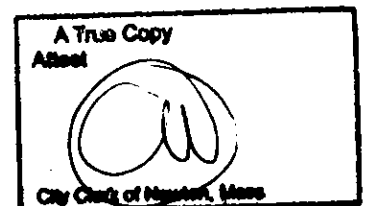
CONDITIONS

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.




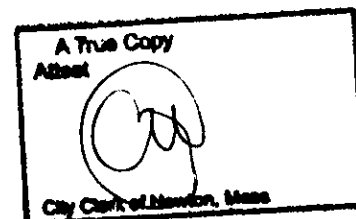
10. Tenant and common signs approved through this special permit for a specific building on the property remain in effect for any alteration or replacement of that building if the building is modified or redeveloped in some way that makes the existing sign placement as displayed in the approved plan 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:
- 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.
 - Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - 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:
- 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.
 - 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

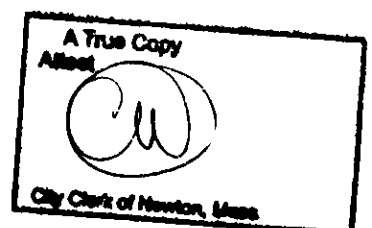


I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk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

ATTEST:



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





CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, **November 9, 2022** at 7:00 p.m. via Zoom

<https://us02web.zoom.us/j/85410897963>

Ruthanne Fuller,
Mayor

The Chair, Michael Kaufman, called the meeting to order at 7:02 P.M.

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman, Chair
Jim Doolin, Vice Chair
John Downie
William Winkler
Visda Saeyan

1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, Visda Saeyan, and Bill Winkler. Shubee Sikka, Urban Designer, was also present.

II. Regular Agenda

Sign Permits

Mr. Kaufman asked if the Commission felt there were any applications they could approve without discussion. The Commission agreed to approve the following signs without discussion:

Sign Permits

5. 1134-1136 Beacon Street – Avenue Deli

Proposed Signs:

- Reface of one free-standing principal sign, non-illuminated, with approximately 14 sq. ft. of sign area perpendicular to Beacon Street.
- Reface of one awning mounted secondary sign, non-illuminated, with approximately 20 sq. ft. of sign area on the eastern façade facing Beacon Street.

MOTION: Mr. Kaufman made a motion to approve the signs at 1134-1136 Beacon Street – Avenue Deli. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

1. 242-244 Commonwealth Avenue – Elizabeth Home

Proposed Sign:

- Reface of one wall mounted perpendicular principal sign, non-illuminated, with approximately 47 sq. ft. of sign area on the northern building façade facing Commonwealth Avenue.

MOTION: Mr. Winkler made a motion to approve the sign at 242-244 Commonwealth Avenue – Elizabeth Home. Ms. Saeyan seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed.

2. 400 Centre Street – Sonesta Global Headquarters

Applicant/Representative: John Peterson

Proposed Signs:

- One wall mounted principal sign, internally illuminated, with approximately 100 sq. ft. of sign area on the northern building façade facing Centre Street.

Presentation and Discussion:

- Staff gave an update to the Commission about the proposed sign by email. Staff miscalculated the sign area in the staff memo. Proposed principal sign is 100 sq. ft. (257.2”x 55.5”) and staff recommends it for approval. Regarding an existing special permit, there was a special permit application for a sign package for this property, but it was later withdrawn.
- Mr. Kaufman asked if Sonesta is taking the entire building and the applicant confirmed that Sonesta is taking the entire building.
- Mr. Doolin asked the Chair if the Commission wants to discuss whether this sign is appropriate. There are a few issues with this sign:
 - The sign is at the top of the building.
 - It’s an office use, it’s not a retail establishment.
 - The sign is primarily for branding. The Commission has had many discussions about this approach in the past with several denials.
- Mr. Kaufman commented that Newton Corner has some history regarding signs on top of the building. “Connors” had a sign on top of the building. 2 Centre Street had a sign on top of the building. Do we want to treat this differently from other buildings? Sonesta occupies the entire building. Also, where is an appropriate place to put up a sign that is 100 sq. ft.? The applicant could choose to put it at retail level.
- Mr. Doolin commented that there are two points:
 - Nobody is going to use this sign for direction, this is an office use.
 - The projects that Mr. Kaufman referred to are address signs at the top of the building. Mr. Kaufman responded that they have address signs now but when the building was first occupied, it was occupied by a single tenant, and they were reviewed differently.
- Mr. Downie commented that he prefers signs are not at the top of buildings but Four Points Hotel across the street has a sign at the top of the building.
- Ms. Saeyan asked where else can the applicant put the sign? The signs on top of the building usually catches the people in the car driving by but what about pedestrians, is there any space for a sign that is lower? Where is the entrance to the building?
- Mr. Kaufman commented that there’s a plaza that you can get to from the front and the back and then there are doors off the plaza to enter the building. There’s a sloped porch entrance from Center Street to enter the plaza. A sign band could be next to the canopy, but the trees would block the sign in that location. Considering that Sonesta has the entire building, a sign on top won’t be a big problem. UDC has recommended

signs for approval at Riverside and other places so if a tenant takes over an entire building, they are somehow entitling into putting their name on it.

- Mr. Doolin commented that if he was supporting this proposal, then he would stipulate that there are no other signs.
- Mr. Downie asked if Sonesta occupies the entire building now but five years later, another tenant occupies a part of the building, will we allow another sign at the top? Mr. Kaufman commented that we should stipulate that this will be the only sign that would be allowed on this building regardless of whether there are other tenants or not. Ms. Saeyan asked if the other (future) tenants will be allowed to have a directory sign? Mr. Kaufman responded that they could have a directory sign at the door under the canopy.
- Mr. Kaufman commented that this sign will not be a distraction or an eyesore for the area and it's nice to have a global headquarter in Newton.

MOTION: Mr. Kaufman made a motion to approve the sign as submitted at 400 Centre Street – Sonesta Global Headquarters with a condition. Ms. Saeyan seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed. The Commission recommended the sign for approval on the **condition** that this would be the only signage allowed on the building regardless of any further tenancy.

3. 416 Watertown Street – Dion's

Applicant/Representative: Jeff Sarra

Proposed Signs:

- One wall mounted principal sign, externally illuminated, with approximately 26 sq. ft. of sign area on the northern building façade facing Watertown Street.

Presentation and Discussion:

- Mr. Winkler asked if you pull in directly into the parking spaces from the street, are they lined up just in front of the liquor store? Mr. Doolin that he can confirm that's the case. Mr. Winkler suggested that the parking space in the middle is striped, so nobody drives in the front door.
- Mr. Kaufman commented that we should note that they have had their temporary sign up for about 3 years which is allowed for about a month. There was no enforcement but it's good that the sign is finally applying for a sign permit.

MOTION: Mr. Kaufman made a motion to approve the sign as submitted at 416 Watertown Street – Dion's with a recommendation. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan, and William Winkler in favor and none opposed. The Commission recommended that there is some area left in the parking to allow for pedestrian access.

4. 1296-1298 Centre Street – Learning Express

Applicant/Representative: Brandon

Proposed Signs:

- Reface of one wall mounted principal sign, externally illuminated, with approximately 43 sq. ft. of sign area on the western façade facing Cypress Street.

- *Reface* of one wall mounted secondary sign, non-illuminated, with approximately 16 sq. ft. of sign area on the eastern façade facing the rear parking lot.
- *Reface* of one awning sign, non-illuminated, with approximately 2 sq. ft. of sign area on the eastern façade facing the rear parking lot.

Presentation and Discussion:

- Staff informed the Commission by email that the applicant sent the correct dimensions for the secondary sign and the sign area is approximately 16 sq. ft. and staff recommend the secondary sign also for approval.
- Mr. Kaufman commented that it looks like the applicant is looking to change the single-color sign to multicolor new sign which looks cool. Mr. Kaufman asked if the secondary sign is new? The applicant responded that it is an existing sign that they are proposing to reface with the logo. Mr. Kaufman asked if the white portion of the secondary sign will shine through at night? The applicant responded that the sign is illuminated externally, there is no internal illumination.
- The applicant commented that they are proposing to reface all three existing signs.
- Mr. Winkler commented that from an aesthetic point of view, the white is a little strong on this building and it may help if it was toned down a little, it would make it more elegant or appropriate. The proposed secondary sign appears to be loud for a secondary sign.

MOTION: Mr. Kaufman made a motion to recommend the signs as submitted for approval at 1296-1298 Centre Street – Learning Express with a condition. Ms. Saeyan seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan and William Winkler in favor and none opposed. The Commission approved the secondary sign on the condition that the secondary sign remains non-illuminated.

Design Review

1. 1 Jackson Street Design Review

Applicant/Representative:

Anthony Rossi, Owner
Paul Lessard, Architect
Franklin Schwarzer, Attorney

Documents Presented: Site view, existing conditions, site plan, floor plans, and elevations.

Project Summary: The subject property consists of a 12,512 square foot lot in the Business 1 (BU-1) zone in Thompsonville. The property is improved with a two-level parking garage built in 1973 which provides parking for the abutting office building at 345 Boylston Street. The applicant proposes to keep the existing parking structure and construct a six-unit, multifamily dwelling over it. To construct the proposed multi-family dwelling, the petitioner requires the following special permits: allowing a three-story structure with 36 feet in height, allowing a floor area ratio of 1.48, a waiver of up to eight parking stalls, a dimensional waiver to extend the nonconforming front setback, and allowing assigned parking stalls.

Presentation & Discussion: The applicant's representative provided a summary of the project (see above). The applicant had initially submitted drawings with 4 units and presented revised

drawings with 6 units. The Urban Design Commission had the following comments and recommendations:

- Mr. Winkler commented that on the former elevation, it looked like the windows were tripartite, had three pieces to them so they could be vent windows, whereas the revised elevation shows that windows would all have to be sliders. The applicant responded that they could be either sliders or casements, it will be determined by the owner.
- Ms. Saeyan asked why is the window spacing different in the revised elevation? The applicant responded that the spacing is different because there are more units now, it increased from 4 to 6 units. The applicant commented that the window design has changed because in the original design, the configuration of apartments was the same on the second and third floor but with the request of more apartments, there are two units on the third floor and four units on the second floor, so they tried to organize it, so the windows were aligned however there are more windows on the second floor.
- Mr. Kaufman asked how wide is the window opening on each of these windows? The applicant responded that it is about 7 feet. Mr. Kaufman commented that each of those panels would then be 3 ½ foot each, which is a very big window. Mr. Kaufman asked if the applicant has looked at doing a three-part window, maybe have encasement on two ends and a fixed panel in the middle? It will help to break up the scale of the windows. The proposed proportions are a little clunky and it will help if they are divided into three. It will also have a more residential scale to it. It will also give some vertical lines. Also, recommended to make the windows taller. Ms. Saeyan recommended the same.
- Ms. Saeyan commented that if there are additional units on the second floor then there's a way to make the spacing work better. The applicant responded that it's tough because you are trying to make it work so its logical from the inside. There's quite a difference between have two large units on the third floor and four small units on the second floor. The applicant commented that they meticulously worked on this and tried to make it coordinate as much as possible and to get a symmetrical rhythm.
- Mr. Doolin commented that the early elevations are significantly preferable to the new elevations. The applicant responded that it's driven by the desire of the committee to have a variety of apartments and if you have equal apartments on second and third floor, you will have equal windows, and everything will feel more classically organized.
- Mr. Doolin commented that the windows on the left are not equally spaced compared to the windows on the right. The applicant responded that there are two different apartment configurations on the left and the right and if you see the floor plan, it will be clear what generates it. Mr. Kaufman commented that looking at the floor plan, it appears that the windows on the left could move more to the left, it looks like there is some flexibility to move the windows.
- The owner commented that he is happy to make the changes that the Commission recommends, and he would prefer taller and narrower windows. These windows are supposed to be casement windows and not sliders and they can make them taller if it warms up the building.
- Mr. Kaufman recommended the windows should be taller and the openings should be divided into three instead of 2.

- Mr. Downie commented that you will enter this building from the back and the elevator is inside that very large opening that allows the cars to go through. Is that legal? The applicant commented that at first, a chairlift was proposed which would only go to the second floor but then Councilor Bowman requested for an elevator so third floor was also accessible. So, the applicant is proposing an elevator shaft to get to the top floor instead of the chairlift. Mr. Kaufman commented that this is a small elevator with limited use and access.
- Mr. Winkler asked if the lower level of parking used by the building next door? The applicant responded there is some history to these projects. Both the projects were permitted in 1973 and there was a requirement for 30 parking stalls for the office next door, the garage itself contains 24 parking stalls and there are additional 10 parking stalls on surface behind the office building, so it meets the requirement of 30 parking stalls which leaves 4 parking spaces. So, the lower level would be used entirely by the office and in the level above, 4 stalls will be used for residential uses and the applicant is seeking a waiver for the additional eight stalls. Mr. Downie asked if there are four parking spaces for six units. The applicant responded that initially they had four spaces for 4 units but on the request of the Committee, the number of units have increased from 4 to 6 so they will be seeking a parking waiver based on the location, close to Route 9 and access to transit and because these will be micro units, there is a feeling the higher parking waiver would be justified.
- Mr. Kaufman asked how will a visitor coming by a bus find an entrance into this building? It looks like you can find the entrance if you are in a car, where is the front door? The applicant responded that is not true, there's access along the side of the building (along the driveway) towards the back and go thorough the main entrance in the back. Mr. Kaufman commented that its still not clear where the front door is. The applicant responded that it is inside the parking garage. The applicant also commented that a resident will need to let the visitor know that the entrance is at the back.
- Mr. Doolin asked what happens on the front of the building? The applicant responded that the only access is to the lower level of the parking garage and that is based on the site and the topography.
- Mr. Kaufman asked where's the mail delivered? The applicant responded that it will be delivered in the vestibule area in the garage area. Mr. Kaufman commented that the vestibule needs to be designed. Mr. Kaufman asked if the furniture fit into the elevator and recommended that there is enough landing space to be able to move furniture.
- Mr. Kaufman asked if there will be an intercom with a buzzer? The applicant responded that there will be an intercom with a buzzer. Mr. Kaufman asked if there is a place that is clear of cars because someone might be waiting in the pedestrian area, trying to press the intercom button. The applicant responded that there is a going to be a white and yellow striped area in front of the door where the cars can't go and it will be recessed in four feet, so someone would come in and press the intercom to get buzzed in from that recessed area. Mr. Kaufman recommended to have a second door so a visitor can walk into the vestibule and then press the intercom button so there is no car exhaust slipping into the stairwell and the mail room could also be there. The applicant responded that they could do that so one door is unlocked, and the other door is locked.

- Staff asked if the vestibule can be moved to another corner of the building. The applicant responded that they have looked at that and it wasn't possible because of the way the existing garage is built and constructed due to structural issues. The applicant also commented that they are looking at possibly putting a walkway on the left of the building. There are currently some steps and some old trees there, the applicant will redo those steps and landscape up in the future so there is a walkway from Jackson Street to the back on the left side as well. There is very little space in the back corner so it won't be ADA accessible, but it will be another to get to the back which is not along the driveway.
- Staff asked if it was possible to move the entrance to the front right side of the building. The applicant responded that it's not possible because of structural reasons and because of the unique zoning situation they must maintain the existing garage with all the spaces. It will be a much bigger zoning request and process.
- Mr. Doolin appreciates the addition of housing but commented that this whole thing seems backward, to walk up a driveway to go to a residential building. There is no site plan that shows dimensions of the safe path for pedestrians on the driveway side. How will the pedestrians be protected? He doesn't find it acceptable that additional process is the reason for this to be not what it could be.
- Mr. Kaufman commented that the applicant will need a special permit for this project which will require detailed drawings. Currently, there are a lot of details missing from the drawings before they can be approved. UDC would like to take another look at this project. There's a lot of work to be done here for example: window details, access to the building, pedestrian access, letting people know how you get to that door that can only be put in the back in that corner. How will people find that door? How do they know who's supposed to go there? How do they get there safely? How do they feel like they can get into the apartment building without getting hit by a car that's coming to the office, garage, etc? There are a lot of questions that need to be answered. The applicant responded that they would work on addressing these issues.
- Mr. Winkler asked how much space is available on the left of the building? The applicant responded it is probably 5-6 feet. Mr. Winkler asked if the pedestrian entrance could be moved to the left back corner of the building. The applicant responded that they have looked at it but due to the steps, it won't be ADA accessible. There is not enough space to do a ramp and stairs in that area.
- The applicant commented everybody that comes into that building, 95% of the people come from the back of the building, then they all walk through that driveway, they walk the same way they drove, and they enter the adjacent building from the back. So, there's no real difference for this residential entrance.
- Mr. Winkler commented that looking at the site plan, it appears there is about 15-16 feet between the edge of the building and the property line. He commented that's enough space to do something to get into the building and have a lobby and a stairwell and maybe a Lulu, so the residents are entering from the side rather than the back. The applicant responded that the code requires the main entrance to be ADA accessible and due to grade issues, there's not enough space to put a ramp on the left of the building.

III. Old/New Business

1. Zoning Redesign – Village Center

The City of Newton's Zoning Redesign project is a multi-year effort to update and rewrite Newton's Zoning Ordinance. Zoning Redesign is currently focused on Village Center Zoning Updates. [Click here](#) to learn about the current phase.

Planning staff and consultant Utile presented version 1.0 of the village center zoning districts to Zoning and Planning Committee at their October 24 meeting. This initial mapping process ran in parallel to the recent engagement, mentioned above, and builds upon nearly two years of research, analysis, and City Council deliberation.

In short, the version 1.0 village center district maps propose three new village center zones that could be applied in twelve of our village center commercial areas. Unlike the current zoning, with its one-size-fits-all format, Utile and Planning staff customized these new zoning districts to each village center. This first draft is intentionally meant to be reviewed and updated. Working closely with the City Council, Planning staff have recommended an iterative process that will set up public hearings and a possible City Council vote in spring 2023.

Click on the links below to access the online exhibit and village center zoning map:

[Zoning Framework – Online Exhibit](#)

[Village Center District Zoning Map – Version 1.0](#)

Barney Heath and Zachery LaMel presented Village Center Zoning Redesign. UDC had the following comments and recommendations:

- Mr. Doolin commented that he had two observations, he's anticipating this to be political will more than anything so people will glom on to that outside of these zones, there's a rationale about transitions and so forth. These buildings are taller so someone may think that they will be able to transition more and get a special permit, so it may help to say that's not the intent. Secondly, there are requirements and guidelines, so who will be arbiters of those things going forward? Mr. Heath commented that the planning team will handle the review of standards. Mr. LaMel commented that right now, any project over 20,000 sq. ft. triggers a special permit. The recommendation is that that is not a good bellwether for whether a project has a serious impact or not. The recommendation is that a site plan review process be triggered for some parcels that are between a half-acre and three quarters of an acre and that would be under Planning Board's purview. The projects over three quarters on an acre would trigger the special permit and projects will get recommended to come to UDC in the same manner as it happens now.
- Mr. Kaufman asked in terms of land use, in VC 1, can someone do any combination of mixed use and residential, are there any restrictions? Mr. LaMel responded that the current thinking is that the VC1 is an edge condition where you're connecting to either already established, multifamily kind of fabric or there is recommendation to allow for that multifamily. The VC1 allows for two and a half stories and multi residents or residents districts allow for two and a half stories right now. The use would be predominantly residential. In the Use table in the proposed zoning, either commercial uses will not be allowed, or they would be allowed through special permit with certain conditions. Mr. Heath added that there will only be a set of commercial uses that would be allowed. Mr. LaMel also commented that VC2 and VC3 would be predominantly mixed-use commercial development given their locations.

- Mr. Doolin asked to explain more about incentives. Mr. LaMel responded that the city has been working with Utile on this. The maximum footprint is the regulating piece here, so you could have a larger lot that could support more development, but we want to see that broken up into two buildings. There's a maximum footprint and through architectural features, you could go beyond that maximum, or you could encroach into the setback potentially but still working on those details.
- Mr. Downie asked if anybody has investigated incentivizing more slope to a roof? For instance, a lot of cases you try to fit a two and a half story building or even a three-story building and then the height limitations drive you into a flat roof even though it's a lower height limit. but getting to a sloped roof. Those are so those are low enough to where it drives you to a very low slope, sloped roof. Four and 12 five and 12 six and 12 whereas if you wanted to incentivize some architecture of say a 12 and 12 or even a 14 and 12 sloped roof, you would have to give on the height limitations. So, it could be even something where it's some proportion of the footprint to the mid part of the roof, that sort of thing so that you could get some the architecture of a steeply sloped roof but the city would have to give up some idea of height limitations. Is there anything that anybody is talking about doing with that? Mr. LaMel responded that we hope we've accounted for that. So, we are setting maximum height so let's just take VC two for example, which allows for three and a half stories by right. The maximum height allowance takes into consideration one, the commercial ground floor heights and what they need. So we're writing in that a minimum of 15 foot floor to floors for that first floor are baked in. And then the overall maximum height for those three and a half stories is different if you are providing a pitched roof versus if you're providing a flat roof. A flat roof just in this scenario, based on the industry requirements for floor to floor. A mixed-use building would have a maximum height for three and a half stories of 56 feet and it would be 62 feet for a pitched roof. Mr. Downie responded that there just must be some reality check on that because what you're going to end up with is there's a lot of flat roofs if you don't allow somebody to go higher by having a steeper sloped roof.
- Mr. Doolin commented that this effort is tremendous, it's complicated and it's appreciated the skill, level of work and engagement that has been done. This is a great effort and couldn't be more Newton.
- Mr. Downie commented that there used to be a provision in the zoning that allowed you to ignore FAR, if you're demolishing less than half of the building in a residential zone. That provision has gone away now but that was that was an incentive for people to keep, to renovate and modify existing buildings, rather than tear it down and build new. The point is that it used to exist in zoning and it doesn't exist anymore and not sure what prompted that change so the effect is that things get scraped rather than modified. This would apply to residential zoning. Mr. Doolin made an observation about sloped roofs and solar arrays. We need to be careful about how that can be deployed or frustrated. The hope is there's some marriage of those two things.
- Mr. Kaufman asked about what is the major pushback? Mr. Heath responded it is the height allowance, but we will be getting more feedback in the coming weeks. Mr. LaMel commented that we've had a very difficult time to say what we're allowing by right in VC three is not Trio or Austin Street but that's what people imagine. Those are both huge sites with footprints that are well over the maximums that are provided.

1314 Washington, in West Newton is close to essentially the maximum that we would allow by right it's a little more.

- Mr. Downie commented that it may help to compare Trio to what would be allowed on that site by right, as an example. Like, for instance, if you were able to say, by right, they wouldn't have been able to build as big as they did but with this, it'd be a little shorter, it would be a little less footprint or a little bit greener, to be able to show that by right. This site would have looked much different than what it does now. Also do the same for Austin Street. It will help to compare and contrast visually.
- Mr. Kaufman asked if we get bonuses for additional residential development over commercial development, above the first floor in the village centers? Is there any kind of weight on any of that stuff? So, if we're providing more residential in the village centers, and maybe there would be an incentive for that. So, if you really want to do a commercial building, then maybe go out to 128, but if we want to do the village centers then we probably don't want to have a four-story office building. We probably want to have residential above that will vitalize the village center, much more than everybody going home at night. Mr. LaMel responded that we probably need both given the commercial tax base situation in the city and how low it is. In certain instances, all commercial buildings may not be a terrible thing. Mr. Kaufman responded that if the purpose is to revitalize the village centers then we should incentivize residential above commercial. Mr. Heath responded that we're looking at a disincentive for all residential in a village center. In VC3 zone, you can only do two and a half stories if it is only residential and if you have a mixed-use building with ground floor commercial then you get to go to four and a half.
- Mr. LaMel commented that Zoning and Planning Committee (ZAP) might be opening for public comment in the meetings from Boards and Commissions so they are speakers at those sessions, in January. It will be a logical next step to hear from UDC at that meeting.

2. Meeting minutes

The Commission reviewed the minutes of September meeting.

MOTION: Mr. Kaufman made a motion recommending approval of the regular meeting minutes for September as submitted. Mr. Downie seconded the motion. All the members present voted, with a 5-0 vote, Michael Kaufman, Jim Doolin, John Downie, Visda Saeyan and William Winkler in favor and none opposed. The decision is hereby incorporated as part of these minutes.

IV. ADJOURNMENT

Mr. Kaufman made a motion to adjourn the meeting and there was general agreement among the members.

The meeting was adjourned at 9:18 p.m.

Respectfully submitted by Shubee Sikka

Approved on