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Barney Heath
Director

MEMORANDUM

Public Hearing Date:	February 4, 2020
Land Use Action Date:	April 28, 2020
City Council Action Date:	May 4, 2020
90-Day Expiration Date:	May 4, 2020

DATE: January 31, 2020

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition 69-20** for a SPECIAL PERMIT/SITE PLAN APPROVAL Petition to amend Special Permit Board Order #284-95 to allow a new free-standing sign measuring 7'8.5' (h) by 4'0.5" (w) on the property located at 84 Needham Street, Ward 8, containing approximately 63,416 sq. ft. of land in a district zoned MIXED USE 2. Ref: Sec. 7.3.3, 7.4, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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



84 Needham Street

EXECUTIVE SUMMARY

The property at 84 Needham Street consists of 63,416 square feet in the Mixed Use 2 (MU-2) zone. The site is improved with a recently renovated single-story commercial building and surface parking facility. The site was formerly the New England Mobile Book Fair. The petitioner is seeking to amend an existing special permit (**Attachment A**) to allow for a free-standing sign that measures seven feet eight and a half inches high by four feet, half an inch wide and 14 feet tall. The proposed sign is meant to reflect all tenants on site, as the building has been altered to accommodate five tenants.

The Planning Department believes the site is an appropriate location for the free-standing sign. There are other examples of free-standing signs on Needham Street, but not to the point of being visually cluttered. There has also historically been a free-standing sign at this site. The Planning Department would like the petitioner to incorporate the Urban Design Commission's recommendation of backlighting the sign with HALO lights. On a recent site visit, the Planning Department noticed that the landscaped area at the front of site is out of compliance with Special Permit #284-95; the Planning Department recommends that a condition be incorporated into the final Council Order requiring the landscaping be brought into compliance prior to the issuance of a building permit.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the City Council shall consider whether:

- The specific site is an appropriate location for the free standing sign (§7.3.3.C.1);
- The free standing sign will adversely affect the neighborhood (§7.3.3.C.2);
- The free standing sign will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
- The nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest (§5.2.13).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Needham Street in the MU-2 zone. The properties on the western side of Needham Street are zoned Mixed Use 1 and on the eastern side of the street the properties are zoned MU-2 **(Attachment B)**. These zones contain a vast array of uses that comprise the Needham Street Corridor. The surrounding land use of the area is mostly commercial with residential and open space to the northwest and east of the site. **(Attachment C)**. As you travel down Needham Street, there are other free-standing signs, however, at the northeastern end of Needham Street there are not many free-standing signs with street addresses, which the sign at 84 Needham Street provides. Most of the signs on Needham Street are mounted to the buildings.

B. Site

The subject property at 84 Needham Street consists of a 63,416 square foot lot with frontage on both Needham Street and Columbia Avenue (behind 88 Needham Street). The site is improved with a single-story commercial building. The site was formerly home to the New England Mobile Book Fair and has been renovated to house five tenants. The businesses now located at 84 Needham Street are Everpresent, The Weight Room, and goPuff, and the sign accounts for two future tenants. The site is relatively flat and features a recently repaved and restriped surface parking facility.

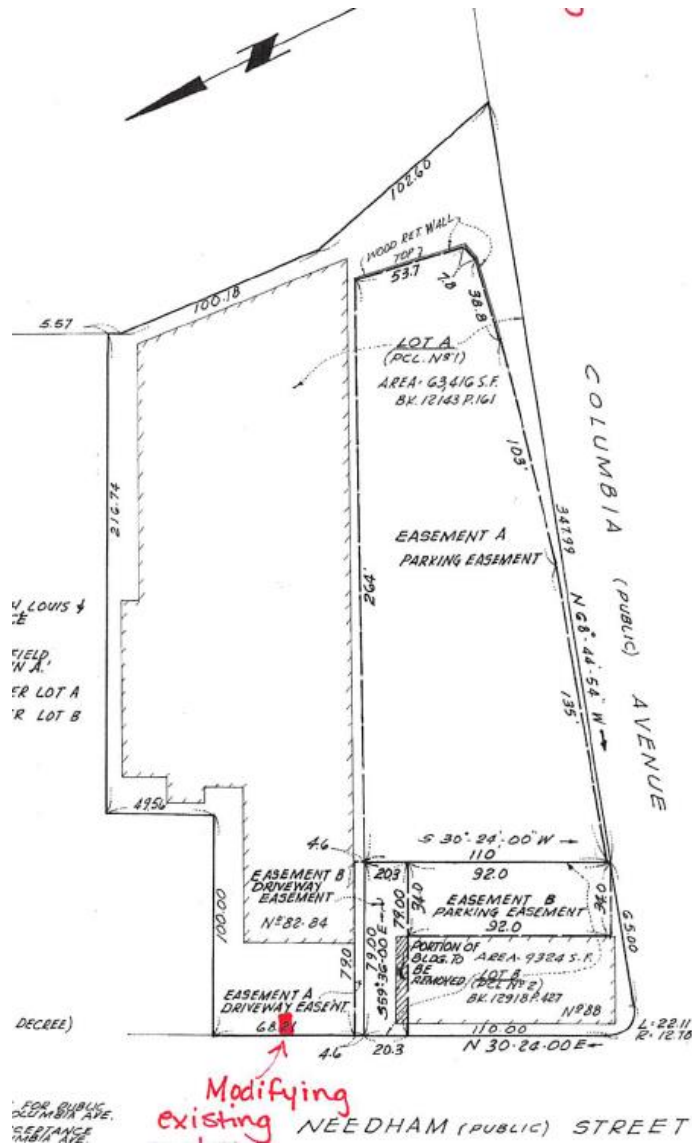
III. PROJECT DESCRIPTION AND ANALYSIS

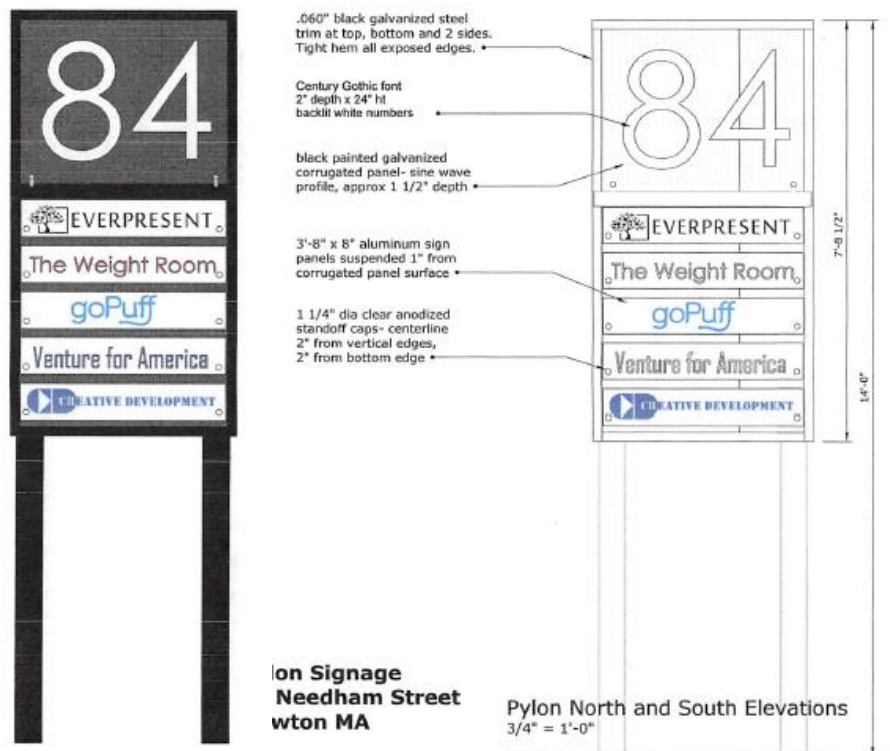
A. Land Use

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

B. Building and Site Design

The petitioner is seeking to construct a free-standing sign installed at the front portion of the site, in front of the existing building. The sign will be visible from Needham St. when traveling both directions. The sign is 14 feet high and features the number 84 with each tenant below. No alterations to the structure are proposed at this time, only the freestanding sign at the front of the site.





C. Parking and Circulation

The petitioner is not proposing any changes to the parking and circulation on site.

D. Landscape Screening

Per the prior special permit, #284-95, the site is governed by a landscape plan. Condition #2 of Special Permit #284-95 requires that the petitioner install a planting area no less than three feet deep including 4" granite curbing at the Needham Street sidewalk edge of the property and the planting area shall be planted with evergreen plantings at least three feet high. On a recent site visit, the landscape strip is out of compliance with Special Permit 284-95, there are no plantings in the planting strip, which is shown in the below image. The Planning Department recommends that a condition be incorporated into Council Order #69-20 that requires the petitioner demonstrate full compliance with the landscape strip prior to the issuance of a building permit.



IV. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Section §7.3.3 and §5.2.13 of Section 30, to allow a free-standing sign.

B. Newton Historical Commission

This petition does not meet the minimum threshold for review from the Chief Preservation Planner.

C. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

D. Urban Design Commission

The UDC reviewed the proposed sign and in a memo dated November 19, 2019 (**Attachment E**), recommended approval of the existing sign on the condition that the "84" portion of the site is backlit with HALO lights. The petitioner decreased the height of the sign from 16 feet to 14 feet based on the UDC's recommendation.

The Planning Department would like more information regarding the lighting of the sign and may incorporate as a final condition that the sign be backlit with Halo lights per the UDC's recommendation.

V. PETITIONERS' RESPONSIBILITIES

The petition is currently complete.

ATTACHMENTS:

Attachment A:	Special Permit #284-95
Attachment B:	Zoning Map
Attachment C:	Land Use Map
Attachment D:	Zoning Review Memorandum
Attachment E:	Urban Design Commission Memo
Attachment F:	Draft Council Order

#284-95

CITY OF NEWTON
IN BOARD OF ALDERMEN

November 6, 1995

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the proposed illuminated sign is needed for the convenience and safety of letting motorists know where to turn into the site.
2. The Board finds that the illumination is needed because of the extended evening hours of operation.
3. The Board finds that the landscape strip will enhance the visual quality of the site and will provide a barrier between pedestrians on the adjacent sidewalk and the parking area

PETITION NUMBER: 284-95

PETITIONER: New England Mobile Book Fair/Beatrice Strymish

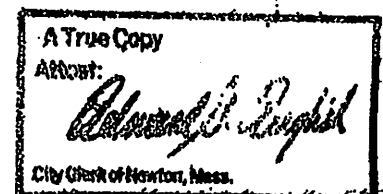
LOCATION: 82-84 Needham Street, Newton Highlands, Ward 8, on land known as Section 83, Block 11, Lot 22, containing approximately 63,416 sq. ft. of land

OWNER: Beatrice Strymish

ADDRESS OF OWNER: c/o New England Mobile Book Fair
82-84 Needham Street
Newton Highlands, Mass.

TO BE USED FOR: internally illuminated free-standing sign

CONSTRUCTION: Metal and plexiglass



12143-161

MSD 12/08/95 11:53:32 325 12.25

EXPLANATORY NOTE:

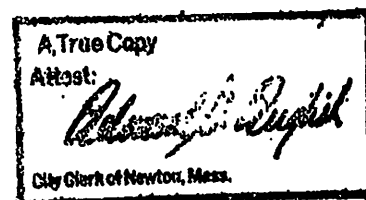
Section 30-20(1) allows the Board of Aldermen to grant a special permit for exceptions to the sign ordinance including free-standing signs.

Land referred to is in a Mixed Use 2 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with plans entitled "Plan showing easements for parking and access at 82-88 Needham Street" dated May 27, 1993, by Harry R. Feldman, Inc. and "New Sign Location Detail" and a sign detail indicating a 4'x8' sign with the company lighthouse logo, submitted by the petitioner and filed herewith.
2. That the petitioner shall install a planting area no less than 3 ft. deep including 4" granite curbing at the Needham Street sidewalk edge of the property. The planting area shall be planted with evergreen plantings at least 3 ft. high. The parking area immediately adjacent to this landscaping shall be restriped with 9 ft. parking stalls.
3. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. A final landscape plan, indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and statement of certifying such approval for consistency with the plans cited in Condition #1 shall have been filed with the City Clerk and the Department of Inspectional Services.
 - b. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - c. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Ald. Antonellis, Lupo)



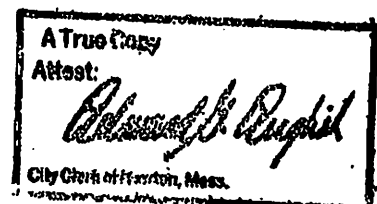
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL and is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on November 6, 1995. The undersigned further certifies 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 Planning and Development Board and the City Clerk.

ATTEST:

Binda Finucane, acting
(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

I, Edward G. English, 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 November 6, 1995 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST *Binda Finucane*
EDWARD G. ENGLISH, City Clerk
acting

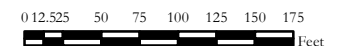


*City of Newton,
Massachusetts*

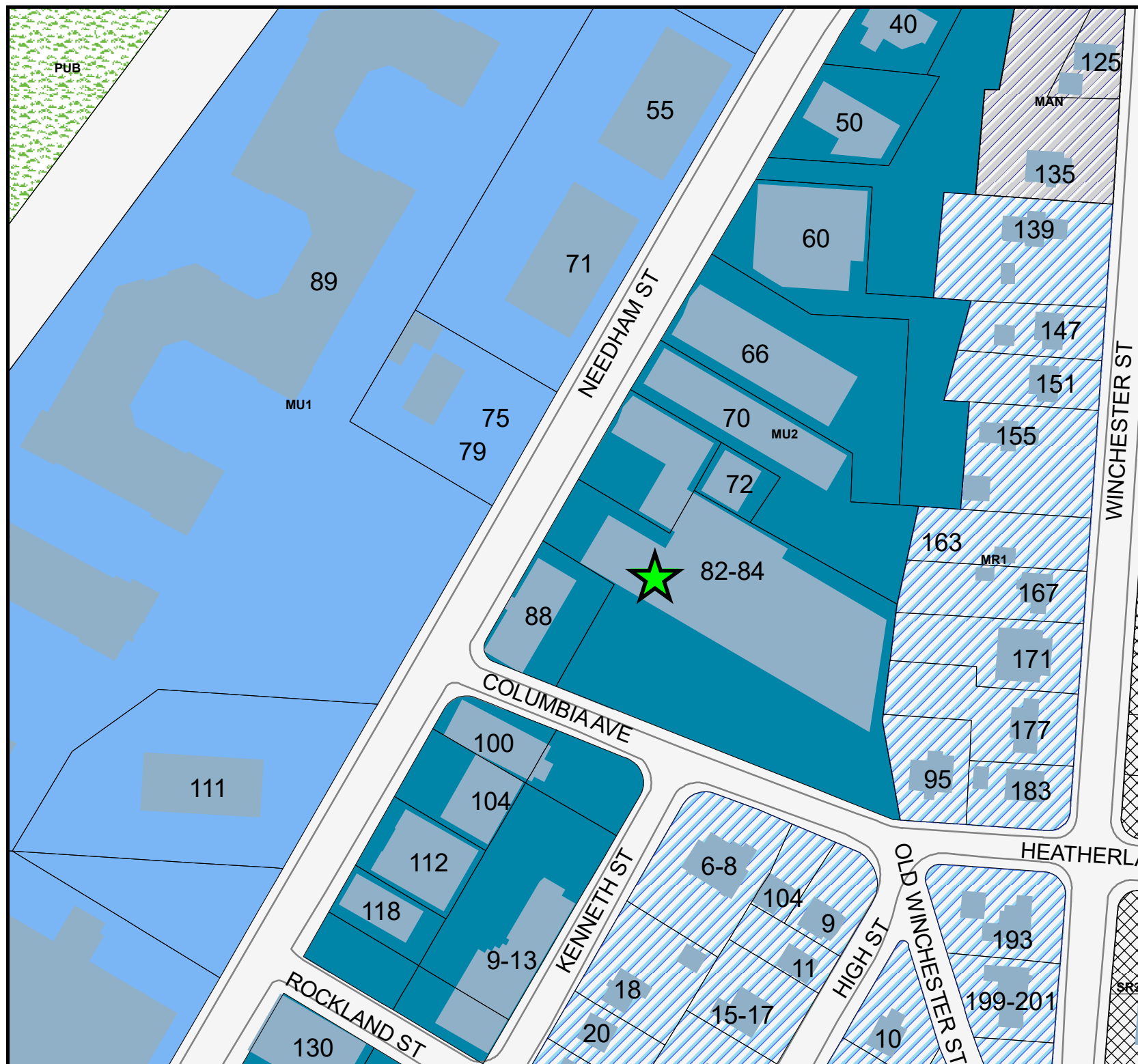


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: January 31, 2020



ATTACHMENT C

Land Use

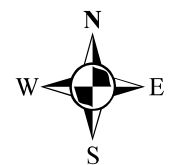
84 Needham St.

*City of Newton,
Massachusetts*

Legend

Land Use

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



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

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: January 31, 2020





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Mayor

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Department of Planning and Development

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 7, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Jennifer Caira, Chief Planner for Current Planning

Cc: Charlotte Maynard, Applicant

Barney S. Heath, Director of Planning and Development

Jonah Temple, Assistant City Solicitor

RE: Request to allow a free-standing sign and to amend Special Permit #284-95

Applicant: Charlotte Maynard	
Site: 84 Needham Street	SBL: 83011 0022
Zoning: MU2	Lot Area: 63,416 square feet
Current use: Mixed commercial	Proposed use: No change

BACKGROUND:

The property at 84 Needham Street consists 63,416 square feet improved with a renovated single-story commercial building and parking formerly the site of the New England Mobile Book Fair. The site is now home to a mix of several retail and personal service uses. A special permit was granted in 1995 allowing for an internally illuminated free-standing sign for the single tenant. The petitioner requests an amendment to the existing special permit to allow for the erection of a new sign reflecting the multiple new tenants.

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

- Zoning Review Application, prepared by Charlotte Maynard, applicant, dated 11/26/2019
- Special Permit #284-95, dated 11/6/1995
- Pylon Signage, prepared by Creative Development Inc and Ever DesignWorks, dated 11/24/2019

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #284-95 was granted in 1995 to allow for construction of a 4' high X 8' wide free-standing sign with a total height of 12 feet at the front of the property along Needham Street. The petitioner requests an amendment to this special permit to allow for a new free-standing sign reflecting the change of the property from a single tenant to five tenants. The proposed sign flips the orientation of the sign so that it will measure 7'8.5" high by 4'0.5" wide. The total overall height remains 12 feet. The proposed sign does not exceed the maximum square footage (35) or height (16 feet) permitted by section 5.2.13.B.
2. Per section 5.2.13, a special permit is required for a free-standing sign, which is to be considered the principal sign. Individual tenants are permitted to have secondary signs within the applicable standards per section 5.2.8. No exceptions for secondary signs are proposed as part of this application.

Zoning Relief Required		
Ordinance	Required Relief	Action Required
	Amend Special Permit #284-95	
§5.2.13	To allow a free-standing sign	S.P. per §7.3.3



Setti D. Warren
Mayor

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Barney Heath
Director

DATE: November 19, 2019

TO: Jennifer Caira, Chief Planner
Jane Santosuosso, Chief Zoning Code Official

FROM: Urban Design Commission

RE: 84 Needham Street

CC: Land Use Committee of the City Council
Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission has reviewed and provides the following comments to the Department of Planning and Development and the Land Use Committee of the City Council regarding the free-standing sign at 84 Needham Street. The following members were present at the UDC meeting: Michael Kaufman, Jim Doolin, John Downie, Robert Linsky, Carol Todreas, and William Winkler. The following information is intended to give advice on specific matters affecting the free-standing sign.

84 NEEDHAM STREET – FREE-STANDING SIGN

At its regularly scheduled meetings on September 11th and November 13th, the Urban Design Commission (UDC) reviewed the proposed Signage at 84 Needham Street for:

- One free-standing principal sign for the address “84”, externally illuminated, with approximately 16 sq. ft. of sign area perpendicular to Needham Street. Five additional principal signs under the sign “84” for the five businesses (Everpresent, The Weight Room, goPuff, future tenant 1, and future tenant 2), non-illuminated, with approximately 3 sq. ft. each of sign area perpendicular to Needham Street. The total area of all these signs is 35 sq. ft.

Based on the signage submitted and the presentations by the applicant, the Urban Design Commission offers the following commentary regarding the proposed free-standing sign:

- There was discussion about illumination of the signs. The applicant mentioned that the signs will be externally illuminated but didn’t provide any more information. The UDC commented that it will be difficult to externally illuminate a free-standing sign that is 16 feet tall. The UDC recommended to internally illuminate the sign “84”. The UDC recommended to backlit the

sign with HALO lights. The UDC recommended to use channel letters for sign "84" and illuminate the sign from the back.

- There was discussion about the height of the sign. The UDC commented that the sign is very tall. The applicant mentioned that the 16 feet height of this sign is required because when cars are parked, the sign won't be visible if it is lower than the proposed height. The UDC looked at photos of the cars parked in front of the sign and recommended to decrease the height of the sign by 2 feet.

The UDC made the following recommendations:

- **The sign should be 2 feet shorter.**
- **Since there is no information about illumination, UDC recommended that sign "84" be HALO lit from the back of the sign "84". The UDC also recommended that the applicant can put a small strip under the corrugation to illuminate the other business signs.**

All the members voted in favor of the above recommendations.

84 Needham Street
#69-20

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #284-95 to allow a free standing sign, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the free standing sign because there are other free standing signs along the Needham Street Corridor (§7.3.3.C.1);
2. The free standing sign will not adversely affect the neighborhood due to the presence of signs on Needham Street and the sign provides wayfinding for travelers on Needham Street (§7.3.3.C.2);
3. The free standing sign will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4); and
5. The nature of the use of the premises, the architecture of the building, or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest (§5.2.13).

PETITION NUMBER: #69-20

PETITIONER: Charlotte Maynard

LOCATION: 84 Needham Street, Section 83, Block 11, Lot 22, containing approximately 63,416 square feet

OWNERS: Charlotte Maynard

ADDRESS OF OWNERS: PO Box 95
Newton, MA 02464

TO BE USED FOR:	Commercial
CONSTRUCTION:	No site work
EXPLANATORY NOTES:	To amend Council Order #284-95 to allow for a free-standing sign
ZONING:	Mixed Use 2 District

The prior special permit for this property is as follows: Council Order #284-95, which authorized a free-standing sign. The conditions set forth in Council Order #284-95 remain in full force and effect.

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. Plot Plan "Plan Showing Easements for Parking and Access" dated May 27, 1993; signed and stamped by Joseph Calabro, Jr., Professional Land Surveyor
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Council Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
 - d. Demonstrated compliance with the landscape condition set forth in Special Permit #284-95 that requires the planting area to be no less than three feet deep and the planting area shall be planted with evergreen plantings at least three feet high.
3. No Certificate of Occupancy/Final Inspection for the buildings and uses 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 surveyor certifying substantial compliance with Condition #1.