

Ruthanne Fuller Mayor

City of Newton, Massachusetts

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

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Barney S. Heath Director

MEMORANDUM

Public Hearing Date: April 14, 2020 Land Use Action Date: June 29, 2020 City Council Action Date: July 6, 2020 90-Day Expiration Date: July 13, 2020

DATE: April 10, 2020

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development

Neil Cronin, Chief Planner for Current Planning

Katie Whewell, Senior Planner

SUBJECT: #417-12 (2), for SPECIAL PERMIT /SITE PLAN APPROVAL to amend Board Order #417-12

> to amend the Comprehensive Sign package to include relief waivers to the number, size, location and types of signs at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as Section 63 Block 37 Lots 18A, 26, 27, 22 and 25 in a district zoned BUSINESS 4

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



EXECUTIVE SUMMARY

The subject property consists of two parcels totaling 859,444 square feet in the Business Use 4 (BU-4) zone in Ward 7, in Chestnut Hill. Most of the property is located within in the City of Newton, however the southeastern corner of the site is located within the Town of Brookline. The site contains retail shops, restaurants, and similar uses which help comprise the shopping center known as "The Street". The petitioner is seeking to amend their sign package, which was approved in 2013. In total, 31 signs are proposed for the Newton section of the site that require special permits for the either the size, number and/or type of sign.

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

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

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council consider whether:

- ➤ The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)
- ➤ The specific site is an appropriate location for the proposed amendments to previously approved comprehensive sign package. (§7.3.3.C.1)
- > The proposed sign package will adversely affect the neighborhood. (§7.3.3.C.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians; (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located in the BU-4 zone improved with a mixed-use shopping center, known as The Street in Chestnut Hill. The property has a small portion at the southeast corner of the site that is located in Brookline and many of the properties

on the southern side of Boylston Street are also located in Brookline. The surrounding properties are located in a Single Residence 1 district to the northeast, a Business 1 district west of the site, and Multi-Residence 3 district south of the site. This section of Boylston Street has a mix of uses including residential, commercial, and open space. (Attachments A & B)

B. Site

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

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. <u>Comprehensive Sign Package</u>

The petitioner's proposed signage seeks to amend the previously approved sign package which authorized exceptions to the sign provisions of the Newton Zoning Ordinance (Ordinance). This petition consists of replacements to signs approved in the 2013 special permit, and new signs that require relief. The sign package features the following sign types: freestanding, pedestrian-directory, vehicular- directory, and directory. The Petitioner has labeled each sign type with letters on the plans submitted and is the same labels are reflected in the below graphic. The table below summarizes the type, size, and location of signs that require relief from the Ordinance. The sign images below are shown for illustrative purposes and the content of the sign shown below may not reflect the final illustration. A map of the site with the proposed sign locations are attached to this memorandum (Attachment C).

Figure 1. Signs that require Special Permit Relief

Sign Name and Location	Sign Type and Size	Sign Design
A1 – western entrance, Hammond Pond Parkway frontage	One (1) freestanding entrance sign, internally illuminated, with approximately 41 sq. ft. of sign area	THE STREET CHESTHUT HILL Type A1.1, A2 Entrance Monument
D1 - 49 Boylston St., Hammond Pond side D2 - 1 Boylston St., Boylston Street frontage	Two (2) freestanding directory signs, internally illuminated, approximately 42 sq. ft. of sign area	Type D Large Community Board/Directory
E1 - 55 Boylston St., Boylston Street frontage E2 - Plaza between 49 and 55 Boylston St., Boylston Street frontage E3 - 33 Boylston St., Hammond Pond side E4 - 33 Boylston St., Boylston Street frontage E7 - behind 3-23 Boylston St., Boylston Street frontage	Six (6) freestanding directory signs, internally illuminated, with approximately 15 sq. ft. of sign area	Type E Small Directory

EH1, EH2 - 46 Boylston St., on the mini green space	Two (2) planter event signs, non- illuminated, with approximately 8 sq. ft. of sign area	Type EH Small Planter Sign
F1, F2, F3 –55 Boylston St., Hammond Pond side	Three (3) pedestrian directional signs with approximately 2 sq. ft. of sign area	Type F Pedestrian Directional - Wall
K1- 55 Boylston St., Hammond Pond side K11, K12, K13- 1 Boylston St., Hammond Street frontage	Four (4) vehicular directional signs, non-illuminated, with approximately 5.5 sq. ft. of sign area	Type K • Vehicular Directional - Ground
KT2 –49 Boylston St., Hammond Pond side KT9 – 43 Boylston St., Boylston Street frontage KT10 – 55 Boylston St., Hammond Pond Parkway frontage	Four (4) vehicular directional sign, non-illuminated, with approximately 8 sq. ft. of sign area	Type KT • Tall Vehicular Directional - Ground

KD7 – 1 Boylston St., Hammond Street frontage	One (1) vehicular directional sign, non-illuminated, with approximately 5.5 sq. ft. of sign area for each sign	Type KD Double Vehicular Directional - Ground
L1, L2, L3, L4, L5–1-23 Boylston St., Hammond Pond side L6 –55 Boylston St., Hammond Pond side	Six (6) vehicular directional signs, non-illuminated, with approximately 7 sq. ft. of sign area	Type L Vehicular Directional - Suspended
LD2 , LD3 - 55 Boylston St, Hammond Pond side	Two (2) vehicular directional signs, non-illuminated, with approximately 7 sq. ft. of sign area for each sign	* PARKING ENTRANCE * BARRY'S, CONTAINER STORE, FORNE BARRE * Type L

Entrance Sign

Special Permit #417-12 approved two entrance signs in the Newton portion of the site: one adjacent to 27 Boylston Street, along the frontage; and the other along the Hammond Pond Parkway frontage. The petitioner is proposing to remove the entrance sign adjacent to 27 Boylston Street and is proposing to replace the existing sign along the Hammond Pond Parkway frontage with a new entrance sign that is 41 square feet, six square feet larger than the existing sign. The proposed sign requires a special permit because it is a freestanding sign and because the sign area is greater than 35 square feet, the maximum allowed by the Ordinance.

The Planning Department believes the proposed freestanding entrance sign is appropriate in this location because of its prominence on the public ways and signaling entry to the site from Hammond Pond Parkway. The additional six square

feet of sign area from what is allowed by right (35 square feet) and what is existing is negligible considering the size of the sign and the frontage on Hammond Pond Parkway.

<u>Pedestrian Directory Signs</u>

The petitioner is proposing two freestanding directory signs (D) that measure 42 square feet in sign area. The pedestrian directory signs (D) are considered freestanding signs, which require a special permit. Additional relief is required for these because they exceed the 35 square feet allowed by the Ordinance for freestanding signs.

The petitioner is proposing five "small directory signs" (E) which measure approximately 15 square feet of sign area. These signs are freestanding signs and require a special permit. Both sign types D and E will be internally illuminated.

Two small planter, event signs (EH) are proposed for a small recreational space adjacent to 43-49 Boylston Street, along the frontage. They measure approximately eight square feet. A special permit is required as all the pedestrian directional signs are free standing signs.

Additional relief is required for sign types D, E, EH because the signs will relay information about events, serving as both directory signs and events signs. The Ordinance only allows event information to be displayed for 14 days or less. As these signs will continually display information regarding events, relief is required to exceed the 14 days. The 2013 sign package consisted of 10 pedestrian directional signs, where nine are proposed in the current petition.

As the site is bordered by three streets, there are several entrances to the site. The petitioner is proposing freestanding signs by the Boylston Street entrances. Relief is needed to allow multiple free-standing signs (E, EH) along the Boylston Street frontage.

The Planning Department believes all the proposed pedestrian directory signs are in appropriate locations due to the nature of the signs. The larger pedestrian directory signs (D) are placed at each end of the site and will provide key information regarding events and locations of tenants. The smaller pedestrian signs (E) are located close to key pedestrian areas including a recreational mini green and pedestrian corridor between 55 Boylston Street and 49 Boylston Street. The two planter signs (EH) are also proposed for the recreational green area. The small planter signs will activate the space and help create a stronger recreational third place. All the pedestrian directory signs will serve as key wayfinding signs and informational directory for shoppers and users of the site.

Vehicular Directional Signs

The petitioner is proposing 18 new vehicular directional signs. Four vehicular directional signs (K), measure approximately 5.5 square feet of sign area and are concentrated in larger parking areas at 1 Boylston Street, and at 55 Boylston Street, opposite ends of the site. The petitioner is proposing one double vehicular ground sign (KD) which has two signs on one pole. This sign measures 5.44 square feet in sign area. This sign is located at the northeastern end of the site, near 1 Boylston Street and adds to the site's sense of arrival. A special permit is required for vehicular directional signs greater than three square feet in sign area.

Five tall vehicular directional ground signs (KT) are proposed for the site. They are dispersed throughout the site, along the Boylston Street frontage and the rear surface parking facility. KT signs have a sign area of approximately eight feet. A special permit is required for vehicular directional signs greater than three square feet in sign area.

Six vehicular directional suspended signs (L) are proposed for covered parking facilities on site and measure approximately 7 square feet. There are five signs that are located at 1 Boylston Street, a supermarket, and one at 55 Boylston Street, which houses a movie theatre. There are also two double vehicular directional signs (LD) to the rear of 55 Boylston Street which signify the parking entrance to covered parking. The double vehicular signs have a total sign area of approximately 15 square feet. A special permit is required for vehicular directional signs greater than three square feet in sign area.

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

Miscellaneous Signs

There are three pedestrian directional wall signs (F) proposed which do not meet the definition of a directional sign. They are proposed to the rear of 55 Boylston, near a pedestrian corridor. They measure approximately two square feet and require a special permit as they do not fall under the definition of a directional sign.

Planning Analysis

The mixed-use center presents a unique challenge concerning the sign ordinance given the number of multi-tenant buildings, which front three different public ways, and the number of access points from those public ways, especially Boylston Street.

The Planning Department believes the petitioner's sign package is well developed and will aid in pedestrian and vehicular wayfinding and safety. Additionally, the package will enhance the shopping center and help develop a sense of place, by relaying important information regarding events and communications relating to the site. The signs do not appear to affect nearby communities which is in keeping with the objectives of Newton's economic development element of the Comprehensive Plan. The Planning Department is supportive of the amendment to the existing sign package and are unconcerned with the signs that require special permits.

IV. TECHNICAL REVIEW

A. <u>Technical Considerations (Chapter 30, Newton Zoning Ordinance):</u>

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

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

B. <u>Urban Design Commission Review:</u>

The petitioner appeared before the Urban Design Commission (UDC) on February 12, 2020 and on March 11, 2020. The UDC reviewed the sign package and the mock-up photos and are supportive of the Comprehensive Sign Package amendment as stated in the UDC memorandum dated March 16, 2020 (ATTACHMENT E).

V. PETITIONER'S RESPONSIBILITIES

The petition is complete at this time.

ATTACHMENTS:

ATTACHMENT A: Zoning Map

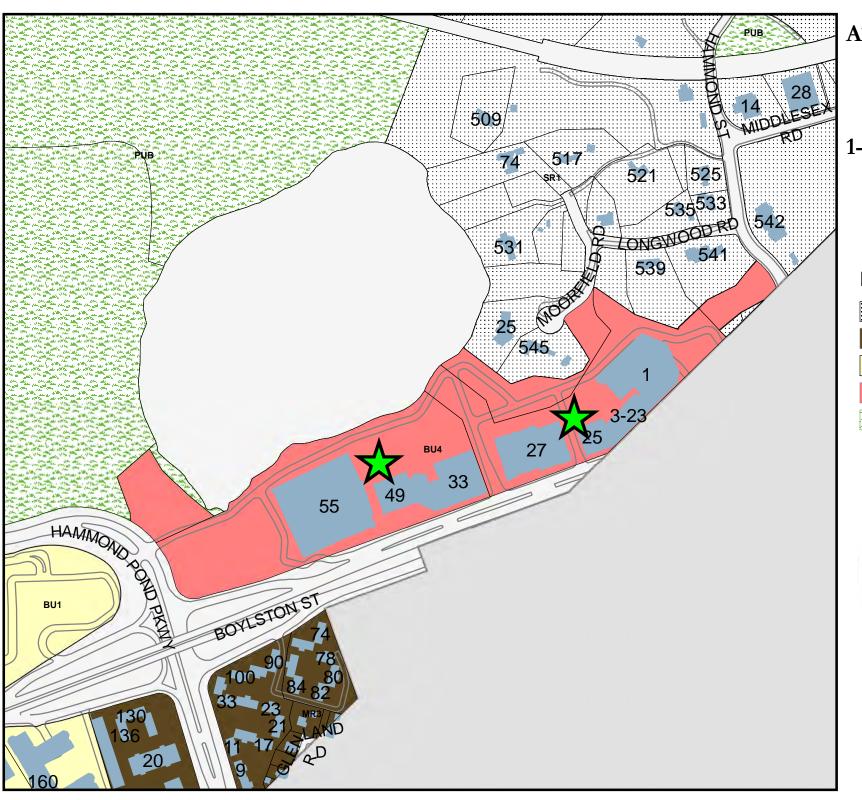
ATTACHMENT B: Land Use Map

ATTACHMENT C: Proposed Sign Installation

ATTACHMENT D: Zoning Review Memorandum

ATTACHMENT E: UDC Memorandum, dated March 16, 2020

ATTACHMENT F: DRAFT Council Order



ATTACHMENT A

Zoning

1-55 Boylston Street

City of Newton, Massachusetts

Legend

Single Residence 1

Multi-Residence 3

Business 1

Business 4

Public Use







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

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

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ATTACHMENT B

Land Use

1-55 Boylston Street

City of Newton, Massachusetts

Legend

Land Use

Single Family Residential

Multi-Family Residential

Commercial

Open Space

Nonprofit Organizations







The information on this map is from the Newton Geographic Information System (G1S). 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 G1S data.

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

12255(75(1)21517/3122527/3182537/41426547/31825537/5



Type A

Entrance Sign

Type D • Community Boards/Directory

Type E Small Directory

Type EH Small Planter Sign

Type F Pedestrian Directional - Wall

Type G Pedestrian Directional - Ground

Type J4 Park Bench Tags

Type J8 Planter Signs

Type K Vehicular Directional - Ground

Type KD

Double Vehicular Directional - Ground

Type KT

Tall Vehicular Directional - Ground

Type L • Vehicular Directional - Suspended

Type LD

Double Vehicular Directional - Suspended

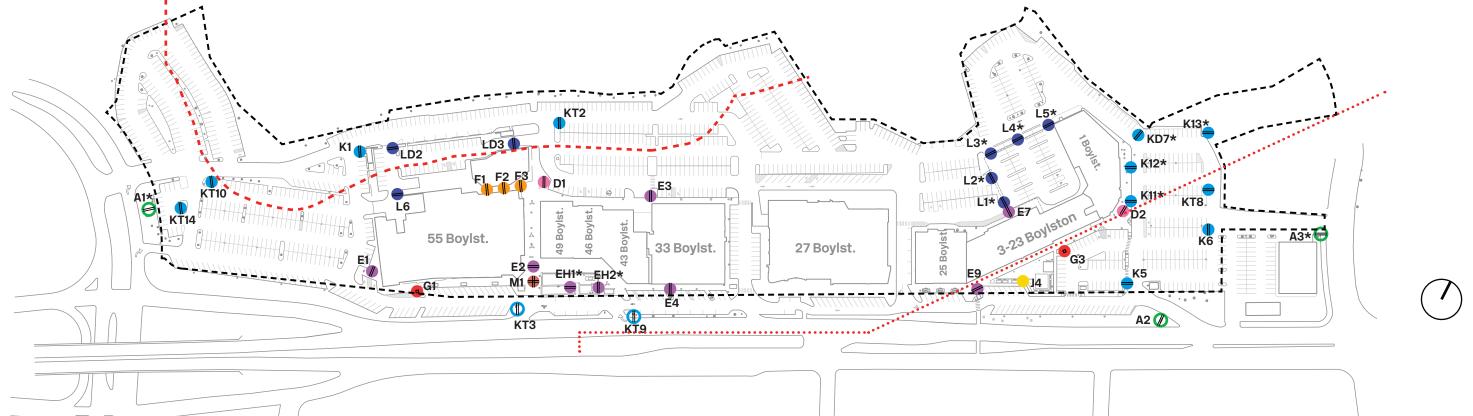
Type M Pedestrian Directional Arrows

* Asterisk indicates current sign replacements

- - - Property Line - - Wetlands Buffer Sign Orientation Indicator (see within each dot) Town Line (Brookline vs. Newton)

orientation.

Note: "H" designates horizontal



Scale = N.T.S.

PROPOSED SIGNAGE INSTALLATION



City of Newton, Massachusetts

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Barney S. Heath Director

ZONING REVIEW MEMORANDUM

Date: March 9, 2020

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Amanda Chisholm, WS Asset Management, Inc Chestnut Hill Shopping Center LLC, Petitioner

Barney S. Heath, Director of Planning and Development

Jonah Temple, Assistant City Solicitor

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

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

Background:

The property at 1-55 Boylston Street is located in the Business 4 district and is improved with a commercial center known as "The Street". The property contains a mix of retail, service, restaurant, office, medical office and a movie theater. The site has received several special permits relevant to buildings, parking and signage. A comprehensive sign package was approved in 2013. The applicant now seeks to refresh the existing standing signs, visually clarify and reorganize the set of wall sign elevations included in the 2013 sign package, and provides an update to the 55 Boylston Street wall sign elevations to reflect the redevelopment that has occurred.

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

- Zoning Review Application, prepared by Amanda Chisholm, WS Asset Management, dated 1/29/2020
- Special Permit #417-12
- 2013 Approved Plan Set
- Conceptual Signage, prepared by WS Development, dated 1/29/2020

ADMINISTRATIVE DETERMINATIONS:

- 1. A special permit was granted in 2013 approving a comprehensive sign package for the entire development known as The Street: Chestnut Hill. The petitioner now seeks to update the sign program with the addition of multiple signs of various sizes, while eliminating certain other signs. To implement the Comprehensive Sign Package as proposed, the petitioner must obtain an amendment to the existing Special Permit #417-12 and relief from the number, size, design and location of several other proposed signs.
- 2. The petitioner's package includes elevations and plans illustrating the locations of the proposed signs. Each proposed sign is labeled, for example "Directional Sign M". This review refers to each sign by its name for ease of identification. See attachment for complete inventory of all proposed signs. Final sign designs require approval from the Urban Design Commission.
- 3. The petitioner proposes to re-organize the wall signs approved in 2013 to reflect the redevelopment that has occurred on the site.

Entrance Signs

4. The 2013 approved site plan included four free-standing Entrance Signs. It was determined at that time that the free-standing Entrance Signs did not take the place of principal signs for the tenants, all with 35 square feet. One sign was located at the entrances at Hammond Pond Parkway, two on Boylston Street and one at the Hammond Street entrance. The petitioner proposes to reduce the number of Entrance Signs to three by eliminating one of the two on Boylston Street.

There are two sizes of Entrance Signs (A) proposed. The first is 10 feet wide by 4.2 feet high with a signage area of 41.67 square feet, an increase of five square feet from the original approval. The second proposed Entrance Sign size is 8 feet wide by 3.2 feet high with a total signage area of 25.33 feet. Per section 5.2.13.A, a special permit is required for free-standing signs. Section 5.2.13.B limits a free-standing sign to 35 square feet, unless otherwise waived by the relief found in section 5.2.13.A.

Changes to the existing approved signs and their locations require an amendment to the special permit.

Directional Signs

5. Three Directional Signs were approved as part of the 2013 special permit. The approved signs are free-standing signs intended to relay information about the various tenants as well as general branding. The petitioner seeks to amend the special permit to allow for 16 Directional Signs in four configurations:

Pedestrian Directional Wall Signs F1, F2 and F3 are proposed at 55 Boylston Street. The signs are 11 inches wide by 2.2 feet high, with a total signage area of 1.99 square feet. The three proposed signs convey welcome information but not necessarily direction. As such, they do not fall under the ordinance's definition of a "Directional Sign" per section 5.2.3. A special permit to allow this type of sign is required per section 5.2.13.A and B.

Two Pedestrian Directional Ground Signs are proposed. The stone bollards measure 8 inches wide by 3 feet high, with a total signage area of 2 square feet. Sign G1 is located on the Boylston

Street side of 55 Boylston Street, and sign G3 is located at the midpoint of the building at 3-23 Boylston Street facing Boylston Street. The two proposed signs meet the definition of a "Directional Sign" by providing direction to pedestrian and vehicular traffic and are less than 3 square feet as required by section 5.2.8, requiring no relief.

Ten Park Bench Tags and Planter Signs are proposed. The signs are 1.2 feet wide by 1.2 feet high with a total signage area of 1.36 square feet. These signs are intended to direct pedestrians to individual businesses and amenities. Only one location for the Park Bench Tags, J4, in a plaza area on the Boylston Street side of 3-23 Boylston Street, is shown on the plans. No location for the Planter Signs, J8, is indicated. Per section 5.2.8, Directional signs under 3 square feet are allowed by right and no relief is required.

One pole with several Pedestrian Directional Arrows (M) is proposed in the plaza facing Boylston Street between 55 and 49 Boylston Street. Each blade on the pole will measure 2.5 feet wide by four inches high for a total of 0.83 square feet of signage area and will indicate the direction to individual businesses. The height of the pole to which the signs will be affixed was not indicated. Per section 5.2.8, Directional signs under 3 square feet are allowed by right and no relief is required.

Changes to the existing approved signs and their locations require an amendment to the special permit.

Pedestrian Directional Signs

The 2013 special permit sited ten Pedestrian Directional signs throughout the site. The petitioner proposes to reduce the number to eight. The eight proposed signs are intended to relay information about events as well as store and amenity locations. The proposed signs are both directory and event signs. Per section 3.2.6.B.5, signs relaying information about events may not be displayed for more than 14 days. The petitioner requires a special permit per sections 5.2.13.A and B to allow for events to be advertised for longer than 14 days.

Two locations for the Community Board/Directory Signs are proposed. As defined by section 5.2.3, these signs are considered "free-standing signs." The signs measure 9.2 feet wide by 4.5 feet high with a total signage area of 41.53 square feet. Sign D1 is proposed in a pedestrian plaza behind 49 Boylston Street. Sign D2 is located in the pedestrian plaza in front of Star Market. The signs measure 9.23 feet wide by 4.5 feet high with a total signage area of 41.53 square feet. Per section 5.2.13.A, a special permit is required for free-standing signs. Section 5.2.13.B limits a free-standing sign to 35 square feet, unless otherwise waived by special permit by the relief found in section 5.2.13.A.

Six locations for the Small Directory Signs (E) are proposed These signs measure 3.1 feet wide by 4.5 feet high with a total signage area of 14.16 square feet. Signs E1, E2, E3, and E4 are proposed to be located in pedestrian areas surrounding 33-55 Boylston Street. Signs EH1 and EH2, located in the plaza area on the Boylston Street side of 43-49 Boylston Street are replacing existing signs. Signs E7 and E9 are proposed in pedestrian areas at the front and rear of 3-23 Boylston Street. Per section 5.2.13.A, a special permit is required for the six free-standing signs.

Changes to the existing approved signs and their locations require an amendment to the special permit.

Vehicular Directional Signs

6. The petitioner proposes to introduce 21 various vehicular directional signs to the property intended to direct travel flow, indicate parking areas and heights for parking facilities. All of the proposed vehicular directional signs are new with this special permit.

Five Vehicular Directional Ground Signs (K5, K6, K11, K12, K13) are proposed on the edges of the various parking areas throughout the site. The proposed signs measure 2.3 feet wide by 2.3 feet high with a total signage area of 5.44 square feet. The signs are intended to direct traffic flow throughout the site. Per section 3.2.8, directional signs may not exceed 3 square feet. A special permit per section 3.2.13.A and B is required.

One Double Vehicular Directional Ground Sign (KD7) is proposed on the Hammond Street side of 1 Boylston Street in the parking area. The proposed sign is 2.3 feet wide by 2.3 feet high with a total signage area of 5.44 square feet per each sign (10.88 total). The sign is intended to direct traffic flow throughout the site. Per section 3.2.8, directional signs may not exceed 3 square feet. A special permit per section 3.2.13.A and B is required.

Three Tall Vehicular Directional Ground Signs (K1, KT3 and KT14) are proposed. K1 is located at the parking area for the theater nearest the pond. KT3 is located at the westernmost entrance from Boylston Street. KT14 is located in the parking area after the Hammond Pond Parkway entrance. Sign K1 is 2.3 feet wide by 2.3 feet high with a total signage area of 5.44 square feet. Signs KT3 and KT14 are 2.3 feet wide by 3.5 feet high with a total signage area of 8.17 feet. Per section 3.2.8, directional signs may not exceed 3 square feet. A special permit per sections 3.2.8, 3.2.13.A and B is required.

Six Vehicular Directional Suspended signs are proposed at the entrances to covered parking areas. Five of these signs, L1, L2, L3, L4 and L5 are located at the entrances to the covered parking for the supermarket. A sixth sign, L6, is proposed at the covered parking for the theater. The six signs measure 11 feet wide by 8 inches high with a total signage area of 7.33 square feet. Per section 5.2.8, a special permit is required for a directional sign exceeding 3 square feet.

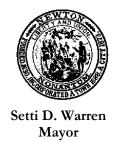
Two Double Vehicular Directional Suspended Signs are proposed for the covered driveway and parking area at 55 Boylston Street. The signs each measure 11 feet wide by 8 inches high for a total signage area of 7.33 square feet, or 14.66 as doubled. Per section 5.2.8, a special permit is required for a directional sign exceeding 3 square feet.

Miscellaneous

7. The property is bordered by Hammond Pond Parkway, Hammond Street and Boylston Street. As such, there are several entrances to the site. A number of signs are proposed at the various entrances advertising the property and welcoming visitors in general. Per section 5.2.13, where a single lot is occupied by more than one establishment, there may not be more than one free-standing sign for each street frontage. The petitioner requires a special permit to allow for multiple free-standing signs at the entrances from Boylston Street per section 5.2.13.C.

- 8. There are multiple signs on the property that do meet the requirements for particular signs definition, size, design or location. The proposed sign package seeks relief from the number, size, design and location of the proposed signs per section 5.2.13.
- 9. See "Zoning Relief Summary" below:

Zoning Relief Required				
Ordinance		Action Required		
	Amend Special Permit #417-12	S.P. per §7.3.3		
§5.2.13.A	To allow free-standing signs	S.P. per §7.3.3		
§5.2.13.B				
§5.2.13.A	To allow a free-standing sign exceeding 35 square feet	S.P. per §7.3.3		
§5.2.13.B				
§5.2.3	To waive the definition of directional sign	S.P. per §7.3.3		
§5.2.8				
§5.2.13.A				
§5.2.13.B				
§5.2.3	To waive the duration event signs may display event	S.P. per §7.3.3		
§5.2.8	information			
§5.2.13.A				
§5.2.13.B				
§5.2.8	To waive the maximum size for a Directional Sign	S.P. per §7.3.3		
§5.2.13.A				
§5.2.13.B				
§5.2.13.C	To allow more than one free standing sign on each	S.P. per §7.3.3		
	street frontage			
§5.2.3	To allow signs which do not conform to the standards	S.P. per §7.3.3		
§5.2.8	for number, size, location, or design of signs			
§5.2.13				



City of Newton, Massachusetts

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

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Barney Heath Director

DATE: March 16, 2020

TO: Neil Cronin, Chief Planner

Katie Whewell, Senior Planner

FROM: Urban Design Commission

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

CC: Land Use Committee of the City Council

Petitioner

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

1-55 BOYLSTON STREET - THE STREET COMPREHENSIVE SIGN PACKAGE

At its regularly scheduled meeting on February 12th and March 11th, the Urban Design Commission (UDC) reviewed the proposed Comprehensive Sign Package for The Street. The applicant is proposing to amend the special permit via Board Order # 417-12 for the following signs:

- 1. One free-standing entrance sign, internally illuminated, with approximately 42 sq. ft. of sign area on the southern entrance along Boylston Street (sign A2).
- 2. One free-standing directory sign, internally illuminated, with approximately 42 sq. ft. of sign area behind 49 Boylston Street facing the rear parking lot (sign D1).
- 3. One free-standing directory sign, internally illuminated, with approximately 42 sq. ft. of sign area in front of 1 Boylston Street facing the front parking lot (sign D2).
- 4. One free-standing directory sign, internally illuminated, with approximately 14 sq. ft. of sign area in front of 55 Boylston Street facing Boylston Street (sign E1).
- 5. One free-standing directory sign, internally illuminated, with approximately 14 sq. ft. of sign area in the plaza between 49 and 55 Boylston Street facing Boylston Street (sign E2).
- 6. One free-standing directory sign, internally illuminated, with approximately 14 sq. ft. of sign area behind 33 Boylston Street facing the rear parking lot (sign E3).
- 7. One free-standing directory sign, internally illuminated, with approximately 14 sq. ft. of sign area in front of 33 Boylston Street facing the front parking lot (sign E4).

- 8. One free-standing directory sign, internally illuminated, with approximately 14 sq. ft. of sign area behind 3-23 Boylston Street facing the rear parking lot (sign E7).
- 9. One free-standing directory sign, internally illuminated, with approximately 14 sq. ft. of sign area in front of 3-23 Boylston Street facing the front parking lot (sign E9).
- 10. Two planter event signs, non-illuminated, with approximately 8 sq. ft. of sign area in front of 46 Boylston Street on the mini green space (sign EH1 and EH2).
- 11. Six vehicular directional signs, non-illuminated, with approximately 5 sq. ft. of sign area throughout the property (signs K1, K5, K6, K11, K12, and K13).
- 12. Four vehicular directional sign, non-illuminated, with approximately 8 sq. ft. of sign area throughout the property (signs KT2, KT8, KT9, and KT10).
- 13. One vehicular directional sign, non-illuminated, with approximately 11 sq. ft. of sign area on eastern side of 1 Boylston Street (sign KD7).
- 14. One vehicular directional sign, non-illuminated, with approximately 7 sq. ft. of sign area in the covered parking area behind 55 Boylston Street (sign L6).
- 15. Two vehicular directional signs, non-illuminated, with approximately 15 sq. ft. of sign area in the covered parking area behind 55 Boylston Street (signs LD2 and LD3).

The applicant is proposing to change the following signs that do not require an amendment to the special permit but will require a sign permit:

- 16. One free-standing entrance sign, internally illuminated, with approximately 42 sq. ft. of sign area on the western entrance along Hammond Pond Parkway (sign A1).
- 17. One free-standing entrance sign, internally illuminated, with approximately 25 sq. ft. of sign area on the eastern entrance along Hammond Street (sign A3).
- 18. Five vehicular directional signs, non-illuminated, with approximately 7 sq. ft. of signa area in the covered parking area behind 1-23 Boylston Street (signs L1, L2, L3, L4, and L5).

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

- 19. Three wall mounted perpendicular pedestrian directional sign, internally illuminated, with approximately 2 sq. ft. of sign area behind of 55 Boylston Street (signs F1, F2, and F3).
- 20. One free-standing pedestrian directional sign, non-illuminated, with approximately 2 sq. ft. of sign area in front of 55 Boylston Street facing front parking lot (signs G1).
- 21. One free-standing pedestrian directional sign, non-illuminated, with approximately 2 sq. ft. of sign area in front of 3-23 Boylston Street facing front parking lot (signs G3).
- 22. Ten park bench tags directional signs, non-illuminated, with approximately 1 sq. ft. of sign area on Mini Green benches near Star Market (signs J4).
- 23. Ten planter directional signs, non-illuminated, with approximately 1 sq. ft. of sign area located in planters throughout the property (signs J8).
- 24. One pedestrian directional sign, non-illuminated, with approximately 1 sq. ft. of sign area in the plaza between 49 and 55 Boylston Street (sign M1).

Technical Review:

- The signs numbered from 1 to 15 in the above list do not appear to be consistent with the dimensional controls specified in §5.2.8. The applicant will need to apply for a Special Permit to the City Council for these signs.
- The signs numbered from 16 to 18 in the above list appear to be consistent with the comprehensive sign package authorized by a special permit via Board Order # 417-12.
- The signs numbered 19 to 24 in the above list appear to be consistent with the dimensional controls specified in §5.2.8 and are allowed by right and do not require a sign permit or a special permit.
- The applicant has also submitted revised sign bands and tenant sign locations for buildings 49 Boylston Street and 55 Boylston Street. All the signs appear to be consistent with the waivers specified in the comprehensive sign package from 2013.

At the February 12th UDC meeting, the applicant presented the comprehensive sign package. The applicant mentioned that they had taken mock-up photos of some of the proposed signs. The UDC requested the applicant to share the mock-up photos at the site.

The UDC reviewed the sign package and the mock-up photos at the March 11th meeting. Mr. Kaufman made a motion that there are no objections to the proposed comprehensive sign package at 1-55 Boylston Street – The Street. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 3-0 vote, Michael Kaufman, John Downie, and William Winkler in favor and none opposed.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #417-12 and 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, 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: #417-12(2)

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: 1330 Boylston St., Chestnut Hill, MA 02467

TO BE USED FOR: Signs

CONSTRUCTION: Signs

EXPLANATORY NOTES: To amend Board Order #417-12 and grant exceptions to the

number, type, location and size of signs. §5.2.13 §5.2.3,

§5.2.8, §5.2.13, §7.3.3

ZONING: Business Use 4

This Council Order is an amendment to existing sign Special Permit #417-12.

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 WSDevelopment, dated March 9, 2020, consisting of 29 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. 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. 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 the future signs comply with Section 5.2 of the Newton Zoning Ordinance 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 the future signs comply with Section 5.2 of the Newton Zoning Ordinance and are deemed inconsistent with the Comprehensive Sign package by the Commissioner of Inspectional Services and Director of Planning and Development, the changes(s) shall submitted to the Urban Design Commission for review and approval.
- c. If the future signs do not comply with Section 5.2 of the Newton Zoning Ordinance, 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. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
- 10. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design

- professional that the signs have been installed to comply with applicable building codes.
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed design professional.