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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 10, 2015
Land Use Action Date: October 13, 2015
Board of Aldermen Action Date: December 7, 2015
90-Day Expiration Date: December 10, 2015

DATE: September 4, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #179-15**, MYRTHA CHANG, for a SPECIAL PERMIT/SITE PLAN APPROVAL to install a new freestanding sign at **1349 CENTRE STREET**, Ward 6, Newton Centre, on land known as SBL 62, 10, 1, containing approximately 10,579 sf of land in a district zoned BUSINESS 2. Ref.: Sec. 30-24, 30-23, 30-20(f)(1), 30-20(l) of the City of Newton Rev. Zoning Ord., 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



1349 Centre Street

EXECUTIVE SUMMARY

The property at 1349 Centre Street consists of a 10,579 square foot lot in a Business 2 zoning district, and is improved with a 2½-story structure. The structure was originally built as a residence, but was converted to commercial use sometime during the 1950's. The petitioner is proposing to erect a 22 square foot, 6½-foot tall, free-standing sign adjacent to the driveway entrance on Centre Street. In order to erect the free-standing sign as proposed, the petitioner is seeking a special permit.

Per the Zoning Review Memorandum (**Attachment A**), the property was granted a special permit (Board Order #238-93) in 1993 to erect a free-standing sign. The special permit was never exercised as the board order was not recorded, though a free-standing sign was erected at some point by a previous owner without a building permit. The Urban Design Commission (UDC) reviewed and recommended approval of the proposed sign with the suggestion that the petitioner reverse the color arrangement of the lower sign panels to a black background with white letters (**Attachment B**). The petitioner has accommodate the UDC's suggestion by modifying the color palette for the lower sign panels.

The Planning Department is not concerned with this petition, as the free-standing sign does not exceed the dimensional controls for free-standing signs as stipulated in §30-20(l) of the Newton Zoning Ordinance (NZO). The Planning Department believes the proposed sign will not adversely affect the surrounding neighborhood as a free-standing sign has existed on the property for a number of years without any issues or complaints. Further, the City's Transportation Division of Public Works has reviewed the proposed placement of the sign and determined that it should not adversely impact sightlines from the driveway entrance. For these reasons, the Planning Department believes that the proposed sign will improve way-finding for customers of the establishments on the property from Centre Street, and should be permitted in the public interest.

To further improve the sightlines from the driveway entrance for right-turning vehicle movements, the Planning Department encourages the petitioner to consider lowering the height of the proposed sign.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site has low visibility from Centre Street, which is a major commercial corridor, and therefore is an appropriate location for the proposed free-standing sign. The erection of the proposed free-standing sign is in the public interest, as it will improve way-finding for customers of the establishments on the property from Centre Street. (30-24(d)(1) and (30-20(l))
- The location of the proposed free-standing sign adjacent to the driveway entrance on Centre Street will not create a nuisance or serious hazard to pedestrians or

vehicles, as the sign is set back approximately 30 feet from the intersection of Trowbridge Road and Centre Street, which has minimal traffic, and the sign will not significantly impede visibility for pedestrians for vehicles at the driveway entrance. (30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located at the corner of Trowbridge Road and Centre Street. The property is currently used for a commercial use, and is abutted by commercial, nonprofit organizations, private educational, and residential land uses (**Attachment C**). The subject property is zoned Business 2. Properties in the immediate area are zoned Single Residence 1, Multi-Residence 1 through 3, Business 1, and Public Use (**ATTACHMENT D**).

B. Site

The site consists a 10,579 square foot lot, and is improved with a 2½-story structure. The building was originally constructed as a single-family dwelling, and was converted to a two-family dwelling in 1920. In the 1950's, the building was used as a funeral parlor and a music school, and was converted to commercial uses sometime thereafter. The property is partially screened by a hedge that is located along portions of the Trowbridge Road and Centre Street frontages.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

There are no proposed changes to the use of the site.

B. Building and Site Design

The petitioner is not proposing any changes to the building. The proposal does include the removal of the existing noncompliant free-standing sign, and replacing it with a new free-standing sign. While the existing sign was constructed without permits, the Planning Department recognizes that the sign has existed on the property for a number of years without any issues or complaints. In addition, the petitioner believes the proposed free-standing sign will improve visibility of the establishments on-site, as the structure is setback from Centre Street reducing visibility.

The Planning Department believes the proposed free-standing sign will improve way-finding for customers of the establishments on the property from Centre Street, and should be permitted in the public interest.

C. Signage

The petitioner is proposing to erect a 22 square foot, 6½-foot tall, double-sided free-

standing sign. The sign cabinet will be constructed of metal, with three separate lexan sign panels, and is mounted to a stone base. According to the proposed site plan, the sign will be located adjacent to the driveway entrance on Centre Street. The sign as proposed complies with the dimensional requirements under §30-20(l) of the NZO.

The UDC reviewed and found the proposed sign to be acceptable, though a suggestion was made to reverse the color arrangement of the lower sign panels to a black background with white letters. Since the UDC's review of this proposal, the petitioner has revised the sign design to incorporate the UDC's suggestion.

The Planning Department generally prefers to have free-standing signs located away from driveway entrances to ensure adequate sightlines. To better understand any impacts of the proposed sign, the City's Transportation Division of Public Works reviewed the proposal and determined that it should not adversely impact sightlines from the driveway entrance or the intersection of Trowbridge Road and Centre Street. The Planning Department does, however, encourage the petitioner to consider lowering the height of the sign to improve sightlines from the driveway entrance for right-turning vehicle movements. For these reasons, the Planning Department believes that the proposed sign will not create a nuisance or serious hazard to pedestrians or vehicles.

D. Parking and Circulation

There are no changes to the parking facilities on the site.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- §30-20(f)(1) and §30-20(l) to allow the erection of a free-standing sign.

B. Engineering Review

As the petition is not increasing the level of impervious surfaces on the lot by 4%, or 400 square feet, or altering the landscape of the site in a way that results in the alteration of the surface water runoff to abutting properties or erosion of soil, no review by the Engineering Division of Public Works is required.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum, dated June 17, 2015
Attachment B: Urban Design Commission Recommendation, dated January 30, 2015
Attachment C: Land Use Map
Attachment D: Zoning Map



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Mayor

ATTACHMENT A

City of Newton, Massachusetts

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: June 17, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Myrtha Chang, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request for a free-standing sign

Applicant: Myrtha Chang	
Site: 1349 Centre Street	SBL: 62010 0001
Zoning: BU2	Lot Area: 10,579 square feet
Current use: Math tutoring and video editing	Proposed use: Same

BACKGROUND:

The property at 1349 Centre Street consists of a 10,579 square foot lot located within the Business 2 zoning district. The existing structure was originally built as a single family dwelling, and was converted into a two-family in 1920. During the 1950's it was used as a funeral parlor and music school, and was converted over to business uses sometime thereafter. The site currently houses Mathnasium and Play It Again Video, both service uses.

The property was granted a special permit, Board Order #238-93, in 1993 which allowed for a free-standing sign for the property. While the board order was never recorded, a free-standing sign was built at some point by a previous owner, though no building permit exists. The applicant now seeks a special permit to install a new free-standing sign in the same location on a stone base.

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

- Zoning Review Application, prepared by Myrtha Chang, dated 4/29/2015
- Sign specs, undated
- Existing conditions plan, signed and stamped by Dennis O'Brien, surveyor, dated 4/20/2015
- Proposed conditions plan, signed and stamped by Dennis O'Brien, surveyor, dated 4/20/2015
- Sign permit application, dated 1/2/2015

ADMINISTRATIVE DETERMINATIONS:

1. The existing unpermitted sign is 18 square feet, 4.5 feet wide, 4 feet tall , with a top edge 7 feet off the ground. The proposed 22 square foot free-standing sign is 4 feet high, 5.5 feet wide and 6.5 feet in total height. The proposed sign meets the dimensional requirements of Section 30-20(l). Section 30-20(f)(1) and (l) require a special permit from the Board of Aldermen for a free-standing sign.

2. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-20(f)(1), §30-20(l)	To allow a 22 square foot free-standing sign	S.P. per §30-24

DEPARTMENT OF PLANNING AND DEVELOPMENT

**CITY OF NEWTON
Massachusetts**

INTER-OFFICE CORRESPONDENCE – SIGN APPLICATION REVIEW

DATE: January 30, 2015

TO: John Lojek, Commissioner of Inspectional Services

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning

LOCATION: 1349 Centre Street **BUSINESS:** Bella Boutique, Mathnasium, Video

CONTRACTOR: TBD

§30-20(c)(1), as amended, allows the Director of Planning and Development, in consultation with the Urban Design Commission (UDC), to review sign permit applications. The UDC reviewed the proposed sign for compliance with §30-20(l) on January 21, 2015 and has recommended approval of the following signs as proposed:

- One principal free-standing sign, internally illuminated (w/LEDs), with approximately 22 square feet of sign area along Centre Street. The Committee recommended that the applicant consider reversing the colors to a black background with white lettering and that the top panel should have a dark red background for visibility purposes.

A condition of this recommendation is that revised sign drawings be submitted for staff to review and that a special permit is received before the building permit is issued.

The Department of Planning and Development concurs with the UDC, and recommends approval of the proposed signage described in the application and plans of reference. The petitioner must seek a special permit to authorize the install of the proposed free-standing sign. The proposed sign contains advertising content for three establishments within the building and does not exceed the maximum allowable 35 square feet of sign area for free-standing signs.

This memo does not constitute a permit. The applicant must apply for and receive a special permit from Board of Alderman prior to obtaining a building permit for the installation of the signs. All decisions of the Urban Design Commission are appealable to the Commissioner of Inspectional Services

Cc:
Myrtha Chang, 226 Winchester Street, Newton, MA 02461
Urban Design Commission file

Land Use Map 1349 Centre Street

City of Newton,
Massachusetts

ATTACHMENT C

Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Open Space
- Private Educational
- Nonprofit Organizations
- Property Boundaries
- Building Outlines

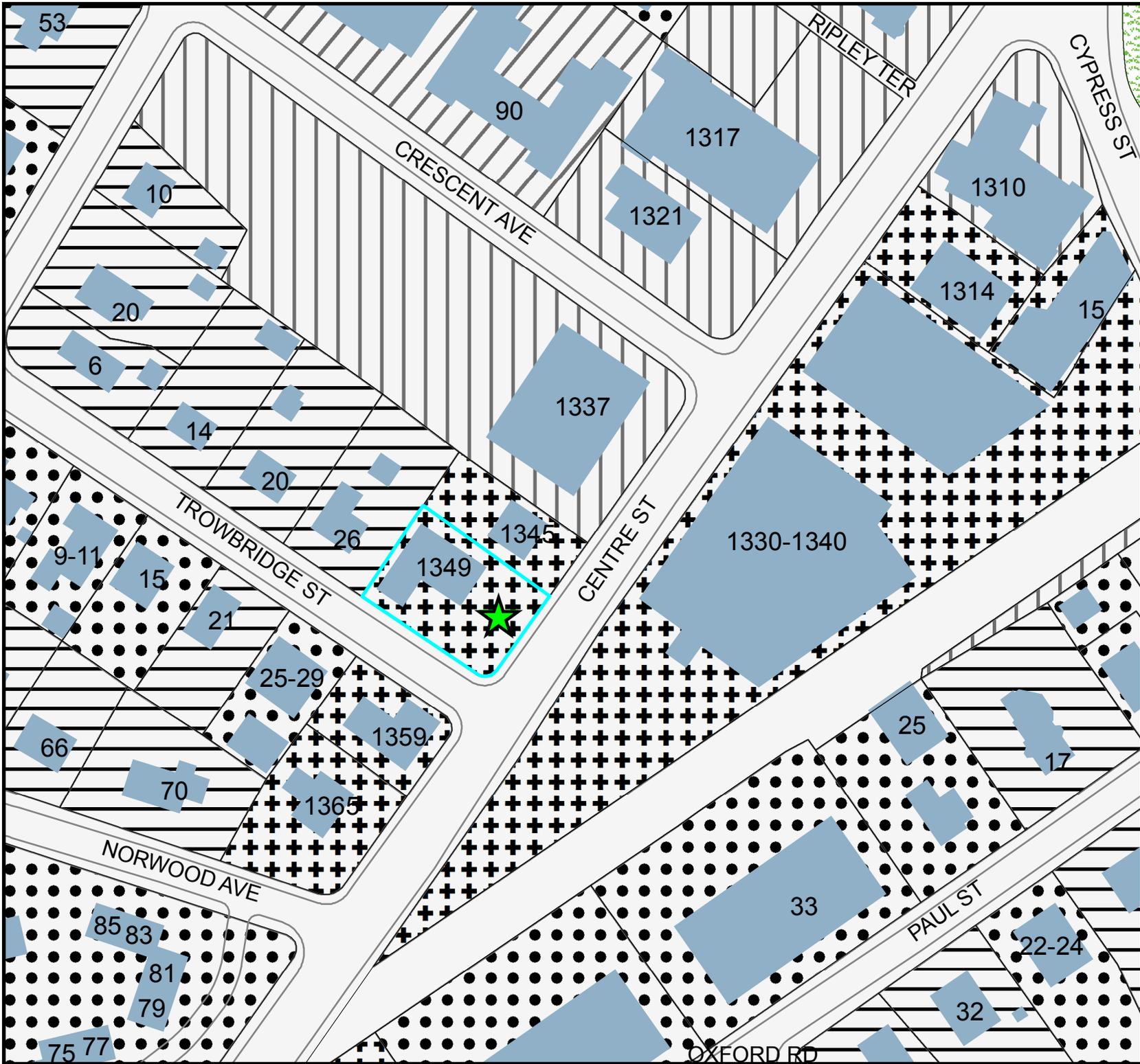


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: August 24, 2015



Zoning Map 1349 Centre Street

*City of Newton,
Massachusetts*

ATTACHMENT D

Legend

- Single Residence 2
- Multi-Residence 1
- Multi-Residence 2
- Multi-Residence 3
- Business 1
- Business 2
- Public Use
- Property Boundaries
- Building Outlines



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Map Date: August 24, 2015

