

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 Special Permits 216-88, which allowed construction of a canopy, and 305-88, which allowed a free-standing sign, to extend a nonconforming front setback to allow for construction of a new canopy, to allow an oversized secondary sign, to allow multiple secondary signs, and to waive the maximum aggregate signage allowed for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site in the Business 2 zone is an appropriate location for the canopy and signage as the increase in canopy size and changes to signage do not further encroach into the setback and serves to help identify the site from a distance to oncoming vehicular traffic from Boylston Street and Elliot Street. (§7.3.3.C.1)
2. The canopy and signage will not adversely affect the neighborhood as it will improve wayfinding and will aid visitors in both locating and navigating the site. (§7.3.3.C.2)
3. The canopy and signage will not be a nuisance or serious hazard to vehicles or pedestrians as the canopy and sign will be reconstructed in the same locations, will not exceed the height of existing structures, and will enhance the appearance, safety, and navigability of the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as no changes to parking or circulation are necessary or planned with the installation of the sign. (§7.3.3.C.4)
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 exceptions to the signage requirements should be permitted in the public interest. The site's long-standing use as a service station, coupled with the surrounding mixed-use neighborhood, will benefit from updated signage that better identifies services on site and provides improved safety signage for vehicular and pedestrian traffic. (§5.2.13.A)
6. The proposed (horizontal) extension of the existing nonconforming front setback is not substantially more detrimental than the existing nonconforming front setback is to the

neighborhood, as the proposed extension of the canopy does not encroach deeper/further into the front setback than the existing canopy. (§7.8.2.C.2)

PETITION NUMBER: #13-26

PETITIONER: Ed Negoshian

LOCATION: 14 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 03, containing approximately 8,470 sq. ft. of land

OWNER: Ed Negoshian

ADDRESS OF OWNER: 12 Haven Road
Medfield, MA 02052

TO BE USED FOR: Service (Gas) Station Use

RELIEF GRANTED: Amendments to Special Permit #216-88 and #305-82 to allow for construction of a new canopy and updated signage.

Additional special permit relief granted:

- To extend the existing nonconforming front setback (§4.1.3; §7.8.2.C.2)
- To allow an oversized secondary sign (canopy) (§5.2.8; §5.2.13.A)
- To allow multiple (14) secondary signs (§5.2.8; §5.2.13.A)
- To waive the maximum square footage for aggregate gas station signage (§5.2.8; §5.2.13.A)
- To allow an oversized free-standing sign (§5.2.13.A; §5.2.13.B)

ZONING: Business 2

This Special Permit amends and supersedes prior Special Permits #216-88 and #305-82 governing this property. Any conditions in prior Special Permit #216-88 or Special Permit #305-82 not set forth in this Special Permit are null and void.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping, signage, and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Site Plan and Architectural plan set titled, "Sign Location Plan Sign Review Application" prepared by CMG Engineering Services, dated 4/30/3035 as revised October 6, 2025 and December 29, 2025 signed and stamped by Mark G. Smith, Professional Engineer consisting of the following sheets:
 - i. Site Plan titled, "Permit Plan", pg. UST-1.0
 - ii. Canopy Elevations, South/North East, and West, p. S-1.0
 - iii. Building Elevations, North and West, pg. S-1.1
 - iv. Fence and Ground Sign Elevations, pg. S-1.2
 - b. Sign Rendering Plans, titled, "14 Elliot Street Newton Highlands, Ma 02461" prepared by Total Imaging, consisting of 17 sheets, dated January 14, 2025 revised through January 23, 2025, March 18, 2025, April 22, 2025, August 27, 2025, September 26, 2025.
2. The "Sunoco" logo on the west facing canopy façade along Elliot Street will be non-illuminated.
3. No trucks shall be parked on the public areas abutting the property.
4. That the dumpsters shall be located within the fenced area.
5. That the site shall be cleared of all debris and auto body parts shall be removed from the rear of the site. The site shall be maintained in a clean manner.
6. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
7. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design

professional that the signs have been installed to comply with applicable building codes.

- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by the sign installer.