



# Town of Brookline Massachusetts

Town Hall,  
1<sup>st</sup> Floor  
333 Washington  
Street

BOARD OF APPEALS  
Jesse Geller, Chairman  
Jonathan Hook  
Christopher Hussey

RECEIVED  
TOWN OF BROOKLINE  
TOWN CLERK  
2017 NOV 20 A

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2017-0010  
CLAREMONT BROOKLINE DEVELOPMENT, LLC  
700 BROOKLINE AVE, BROOKLINE, MA

Petitioner, Claremont Brookline Development, LLC c/o Elias Patoucheas, Vice President of Claremont Companies, applied to the Building Commissioner for permission to construct a ten-story hotel with 175 hotel rooms and 29 structured parking spaces at the second-floor level. The application was denied and an appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule certified by the Board of Assessors of the Town of Brookline and fixed October 25, 2017 at 7:00 PM., in the Selectmen's Hearing Room as the date, time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioners, to their attorneys of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on October 12, 2017 and October 19, 2017 in the Brookline Tab, and also on October 10, 2017, in the Boston Globe, both newspapers are published and circulated in Brookline. A copy of said notice is as follows:

### Notice of Hearing

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at: **700 BROOKLINE AVENUE, BROOKLINE –**

**CONSTRUCT TEN STORY HOTEL NO MORE THAN 175 HOTEL ROOMS AND NO MORE THAN 70 PARKING SPACES in an I-(EISD) INDUSTRIAL SERVICES on 10/25/2017 at 7:00 PM in the 6th Floor Selectmen's Hearing Room (Petitioner/Owner: Claremont Brookline Development, LLC) Precinct 4**

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and any additional zoning relief the Board deems necessary:

1. Section 4.07: Table of Use Regulations Use #8
2. Section 5.06.4.j Special District Regulations I-EISD
3. Section 5.06.4.j.2.a.iv: Setbacks and Sidewalk Widths
4. Section 5.06.4.j.3.b: Special District Regulations (Max Height)
5. Section 5.06.4.j.4.a: Site Plan Review
6. Section 5.09 Design Review
7. Section 5.31.1: Exceptions to Maximum Height of Buildings
8. Section 6.04.2.e: Design of All Off-Street Parking Facilities
9. Section 7.01.c: Signs in All Districts
10. Section 7.04.1.c: Signs in I, G, L and O Districts
11. Section 7.06 Illumination
12. Section 9.03: Special Permits, the board may grant a special permit after public notice and hearing.

Any additional relief the Board may find necessary

Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: [www.brooklinema.gov](http://www.brooklinema.gov).

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [lgellineau@brooklinema.gov](mailto:lgellineau@brooklinema.gov)

Jesse Geller, Chair  
Christopher Hussey  
Mark G. Zuroff

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman Mark G. Zuroff and Board Members Christopher Hussey and Johanna Schneider. Also present at the hearing were Zoning Coordinator, Ashley Clark and Deputy Building Commissioner,

Michael Yanovitch. Chairman Zuroff welcomed the Applicant and members of the public and provided an overview of the proceedings and requested all speakers identify themselves for the record. He introduced the members of the Board, Chris Hussey and Johanna Schneider.

The case was introduced and presented by Attorney Jennifer Dopazo Gilbert, Law Office of Robert Allen Jr. LLP, 300 Washington Street, Brookline, Massachusetts 02445. She introduced the development team in attendance on behalf of the Petitioner, Elias Patoucheas, Vice President for Claremont Companies, Marc Rogers and Robert Bander, Architect with Cambridge 7 Architects, Joe Geller, Landscape Architect with Stantec and Giles Ham, traffic consultant with Vanasse & Associates. As requested by Chairman Zuroff she agreed on behalf of the Applicant to waive the reading of the public notice.

Attorney Dopazo Gilbert provided an overview of the project, history and timeline from the beginning of discussions with town officials in September 2015 regarding this industrial island. She noted that this was a unique location, because it is an island and it is the only industrial district. She stated that the River Road Study Committee meetings began in February 2016 and then the special district zoning (EISD) was approved overwhelmingly at the November 2016 Special Town Meeting. She noted the extensive design review process with the Design Advisory Team ("DAT") and Planning Board as well as the Conservation Commission approval process. She indicated that the development team attended all of the various committee meetings over the past 2 years. She thanked all of the participants in the almost 2-year process and then introduced the Applicant, Elias Patoucheas, Vice President of Claremont Company to make some introductory comments. She noted that the project Architect, Marc Rogers of Cambridge 7 Architects comprehensively present the plans for the design and program for the hotel as well as the various design changes made in response to feedback from citizens, DAT members and Planning Board members. Attorney Dopazo Gilbert also requested to clarify the

point on the planting strip that had recently been raised. She indicated that the Applicant had agreed to include the planting strip and that it was included in the plans before the Board and would also be part of a separate Landscape Maintenance Agreement with the Town. She noted that the belief that the planting strip would be removed after two years was not accurate, and that the planting strip would remain and be maintained unless and until the Town requested it be removed.

Elias Patoucheas thanked the Board and town officials. He stated that he is the Vice President of Claremont Company and has been with this family owned business for 20 years. He noted that the comments from the various committees have been incorporated into the program and design both from the outside and inside. He noted that Claremont Company has been in business for 50 years. Claremont looks forward to building a hotel that the town and Claremont will be proud of. He introduced the Architects that will present the plans, Marc Rogers from Cambridge 7 Associates and Joe Geller, Landscape Architect for Stantec.

Marc Rogers, Architect with Cambridge 7 Associates presented the plans for the project. He noted that there were many refinements made to the design over the months, and it was a terrific experience for the design team. He described the floor plans and building massing as well as lighting design. Then he discussed fenestration, signage and banners. There are 2 entrances; the main one Brookline Ave and one at the corner of Rover Road and Washington Street. He described the location on the several streets. He went over the detail on the ground floor plan and the public realm with sidewalks on 3 sides. He noted the intermodal transit location and the pedestrian circulation. He noted the program on the ground floor with the Café, bar, lounge, restaurant and meeting room. He noted the changes made in response to the town comments in order to activate the ground floor and moved the café to the River Road corner. The meeting space was relocated to behind the egress stair. The Café will be open to the public and amenable to the overall public realm.

Marc Rogers discussed the drop-off at Brookline Ave and the Valet park service with the exit of vehicles on to River Road. He discussed the structured parking spaces and the valet service for additional parking. He noted the ramps and the access point for a future connection to a future development at the adjacent site. He described the vehicular circulation and various scenarios depending on capacity. He showed the plan for the shared connection point and the easement area that was required as part of the MOU. He noted the important code aspects of the connection point as well as the mechanical systems that will be required to operate in the future.

Marc Rogers then moved up to the hotel room floors on levels 3 through 10 as well as the fitness center, pool area and meeting room. He noted the views of the park and Boston from the roof terrace area. He noted that at the mechanical level this area was pushed away from the roof line. It was reconfigured to accommodate the smaller space on the roof. The screen is now pulled back and appears much smaller and manageable.

The ground floor is required to be 50% or more glass. The plans show 53% glass and open and this was able to be managed even accommodating the back of house functions. The 15' requirement from the ground to Level 2 was met. The overall massing was below the 110' max per the EISD zoning. With respect to the EISD massing diagram, the project meets or comes under the allowable lot coverage at the upper levels. The entire max allowable zoning was not used for each level and the height also was reduced from the original proposal.

He next discussed the lighting plan. At the entryway there is good visibility for the drop-off area. Around River Road and Washington Street there are lights in the soffits. He presented a photometric study on the lighting plan and discussed the on-going coordination with the Gateway East street lighting plans. The study shows that there is no glare from the proposed lighting plan and materials. The model shows that the light pools and study shows the lighting regulations both Federal and State and ADA

have been met.

With respect to the fenestration, there were many refinements made through the Planning Board process. The bands and lines were refined to create a greater expression of glass. They worked closely with the engineers and material providers to refine the lines to create a less metallic feel and increase the glass and richness of the building. He showed several angles and views of the building with the refinements. The other aspect dealt with various facades and glass with respect to the energy code. About 25% is solid insulated material, but it is still modern. To achieve this, we used a frit pattern on the glass which creates a modern look and the frit pattern steps in two directions so there is a back and forth of the pattern that creates an appearance of lower scale. The frit conveys a perception of a smaller building.

The building signage was also an issue for the Planning Board. There is a large sign required at the top. There are a series of banners and several smaller signs. There is one canopy sign above the entryway at Brookline Ave. He showed the illustrations and renderings. He then discussed the specifications of the signs. He noted the one high sign has views drive East and West on Brookline Ave. He also noted the pedestrian smaller signs at River Road and at Washington Street. He discussed the 5 banners and their locations. Originally, the proposal was 3 large signs at the top, but that was reduced to 1. There are now 5 banners proposed; 2 near the entrance on Brookline Ave near the canopy sign above the entryway, 2 on Washington Street and one at the corner on River Road. The banners will be obscured somewhat by the trees. The signs are edge-lit and the red was changed to white. Chairman Zuroff asked what the building to the right of the hotel was. Marc Rogers noted that was intended to reflect the potential future development under the EISD. Ms. Schneider asked if this imaginary building would be where the future connection to the parking garage might be located and March Rogers indicated that was the building for potential future connection.

Joe Geller, Landscape architect with Stantec then presented the project landscape plans. He gave an overview of the site, the lot lines, the sidewalks and the foot print of the building. Mr. Geller noted the existing roadway easement. He also indicated that there was a pinch point of about 9 feet on Washington Street near River Road. He noted that the MOU requires the developer to give an easement for the town's future bicycle path in this area and this created the pinch point.

Mr. Geller went over all the different species of trees that were approved by the town around the site as follows: 8 sweetgums on Brookline Ave, 20 Hornbeam on Washington Street and 25 Black Tupelo on River Road. He noted that the grates for the trees can be easily cut to accommodate growth. He discussed the planting strip on Washington Street which will separate the bike path and the sidewalk. He noted the Silva Cells for the trees which eliminates compaction and allows the trees to thrive and grow in this particular area on Washington Street. In the other areas they will use structural soil as was successfully used on Beacon Street. There will also be pervious pavers used to help with water flow. There will also be an at-grade crossing at River Road to the park, which will create a green street. Mr. Geller discussed the benches, table and chairs that will be provided around the site. He noted the bicycle repair station and the internal and public access bicycle parking areas. Member, Mr. Hussey had a question as to the location of the trees on Town property and questioned who will maintain them. Joe noted that the developer has agreed to maintain all of the landscaping, pavers and walkways. He indicated that there will be a separate memorandum of agreement for the landscape obligations entered into with the Board of Selectmen.

Chairman Zuroff asked for further clarification on the planting strip on Washington Street. Attorney Dopazo Gilbert indicated that the planting strip is included in the plans to be approved by the Board this evening and the obligations with respect to the planting strip as well as all the public realm improvements, both on-site and off-site are all contained in a separate landscape maintenance agreement

that was negotiated with the town, approved by the Parks Director and will go before the Board of Selectmen for approval. A notice of this agreement will then go on record. Chairman Zuroff asked to again confirm that the planting strip will not go away after 2 years. Attorney Dopazo Gilbert confirmed that the planting strip does not go away after 2 years. She noted the confusion may have arisen during discussions about what might happen if the planting strip died. She noted that the planting strip is intended to remain and would only be removed if the town so requested. Chairman Zuroff then asked Attorney Dopazo Gilbert to go over the requested zoning relief. She noted that the relief requested was as follows:

1. Hotel Use is allowed by Special Permit and Site Plan Review under the Emerald Island Special Zoning District, Section 5.06.4.j.2 and Design Review under Section 5.09.
2. The Maximum Height up to 110' is allowed by Special Permit. The height of the hotel is proposed at 104.9 feet and is allowed by Special Permit under the EISD.
3. The mechanical Equipment Height complies at 118.3 feet as 120 feet is allowed.
4. Sidewalk Widths under the EISD must be 12 feet at River Road and Brookline Ave and the proposed width meets or exceeds 12' in these locations.
5. The sidewalk width at Washington Street must be 10 feet. A portion of the sidewalk on Washington Street is 9' due to the town's request for an easement at this location. All other portions of Washington Street sidewalk comply and/or exceed the 10' requirement. A special permit for the 9' pinch-point may be granted by special permit under the EISD Section 5.06.4.j.2.a.iv.
6. Parking Spaces are .40 per room maximum or 70 spaces maximum. The Applicant proposes 29 structured spaces with managed valet to accommodate 50 spaces and is in compliance.

7. Compact Parking spaces the by-law requires less than 25% of total parking spaces to be compact. The total proposed is 48.3% or 14 compact spaces. A special permit ay be granted under Section 6.04.2.e of the By-Law.
8. Relief is required in the form of a variance for signage height (25' maximum), Section 7.01 at the top of the building at 116' and over the Brookline Ave entryway at 27.5 feet.
9. Relief is required in the form of a variance for signage area (maximum 12 s.f. each), Section 7.01 for the 5 banner signs at 36 s.f. each.

Ms. Dopazo Gilbert then described why the relief for a Special Permit(s) under **Section 9.05** of the Zoning By-Law was warranted stating: (1) the specific site is an appropriate location for such use because the property is located in the EISD and the proposed hotel use is permitted by special permit in this district and was contemplated and approved at Town Meeting. The proposed use and design is architecturally consistent with the neighboring buildings both existing at the Brook House and as permitted at 2-4 Brookline Place. Additionally, the proposed project provides increased setbacks and additional sidewalk space and extensive public realm improvements both on-site and off totaling over \$400,000; (2) the proposed use will not adversely affect the neighborhood because the proposal, replaces a former gas station which had several curb-cuts, the hotel is not intrusive to neighbors, and is the preferred use at this location in the EISD because it exceeds the minimum lot requirement for such use; (3) there will be no nuisance or serious hazard to vehicles or pedestrians because the proposed project reduces traffic and reduces the curb cuts and parking is on the second level with ingress from Brookline Ave and egress on River Road; (4) adequate and appropriate facilities will be provided for the proper operation and proposed use; and (5) there will be no effect on the supply of housing available for low and moderate income people as this was a gas station and now will be a hotel.

With respect to the special permits required under the EISD all elements have been satisfied including providing counterbalancing amenities such as public realm and landscape improvements and an easement to the town for its bike lane and the Planning Board's written report has affirmatively recommended the relief sought.

With respect to the variance from Sections 7.00-7.05 of the sign by-law, Attorney Dopazo Gilbert noted the uniqueness of the site, its location and surroundings. The site is a corner lot located on an island. Circumstances exist relating to the soil conditions, shape or topography of the Property and especially affecting the Property, but not affecting generally the EISD District. She made the following additional points:

- The Property is a corner lot with 3 front yards fronting on 3 public ways Brookline Ave, Washington Street and River Road;
- The property is the only parcel that meets the minimum lot size of 13,600 s.f. required for a hotel use;
- The Property is the Gateway to Brookline;
- It fronts on the thoroughfare of Washington to Huntington Ave and Route 9;
- It is located in close proximity to the City of Boston;
- To the East is Boston, to the West is Route 9, to the South is the Brook House (12 stories) to the North is the Longwood Medical Area and a large residential area (Village Way);
- On the Western corner is the Brookline Place Development with a proposed 8-story building and large garage;
- On the River Road side of the project is the Muddy River and Emerald Necklace park area as well as the Jamaica Way overpass; and
- The Property will be used as a hotel with the Hilton flag.

She noted that these characteristics do not generally affect other parcels in the District and require the introduction of signage at the Property to adequately direct visitors to the hotel (Wayfinding), identify the site as a hotel and identify the Hilton Brand. She opined that a literal enforcement of the provisions of the Zoning By-Law would result in financial hardship because without signage, the Developer will not get a hotel flag and could not operate. Furthermore, the Town Meeting vote to allow a hotel contemplated signage and the Planning Board reviewed and approved the final design package for the signs which were reduced in size, number and the color was changed from red to white.

Finally, she noted that the relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law because the Project contributes to the public good, adds much needed public realm improvements (former gas station) and the Project efficiently utilizes an under-developed lot by introducing a vibrant exciting new hotel use with public attributes and improvements to the park and increases the sidewalk width along all 3 sides. The Project signs do not directly face any residential units or impose on the park area. She asked the Board to grant the relief requested for the reasons stated. Member Hussey asked the Building Department if variances were granted for the Homewood Suites hotel signage on Route 9. Mike Yanovitch responded that variances were granted for these signs.

Chairman Zuroff then asked if anyone from the public wanted to speak in support of the project. Ben Franco, Selectman spoke in support of the project. He stated he was the former chair of the River Road Study Committee. He wants the project to proceed and urges the Board to grant all the necessary zoning relief for the project. He noted that the 700 Brookline Ave site will be an anchor site that will create a more welcoming gateway in to the community. He believes the increase of the width of the existing sidewalks in the area will facilitate the creation of new publicly accessible open space, reclaim

park land for pedestrian and passive use, and facilitate the beautification of the public realm that surrounds the project area. Finally, he noted that the hotel will also generate much needed new tax revenue for the Town indicating that the hotel is estimated to produce \$1.5M in tax revenue, whereas the entire industrial district now pays a total of \$160,000.

Karen Mauney-Brodek, member of the Emerald Necklace Conservancy spoke in support of the project. She stated the project team went to the Emerald Necklace Conservancy meeting to present the plans for the project and incorporated a lot of changes requested by the Conservancy. There is a Public Restroom included in the project which is beside the park, and she is very happy about this. People are not able to stay and spend the day going through the park as there is currently no public restroom near the park area. She stated the maintenance that will be provided for this part of necklace is really important and she is excited to see projects that respond to park needs. She also thinks that reducing the number of parking spaces is a good thing, because fewer cars in this area is best for pedestrians.

Wendy Machmuller spoke in support of the project, she was a member of the River Road Study Committee, and also the DAT for the Planning Board. Initially, she had concerns about the project, but over the course of the review and the changes the developer made, she is not at all concerned now. She is now very excited about the project and says it will benefit the town, residents, and pedestrians and bring in revenues. She walks back and forth between Brookline and Boston a lot and has been envisioning the hotel and thanks the team for listening and responding to the public and the committee. From a visual and gateway standpoint, she is personally very excited about it and hopes the board supports it.

Chairman Zuroff then asked whether anyone was present to speak in opposition to the proposal.

Hugh Mattison, resident of Pond Ave, Member of the River Road Study Committee and a Town Meeting Member from Precinct 5. He noted he was not speaking in opposition to the project in general.

He thinks that it is a very suitable use and the location is ready for a hotel. In general, he supports the project. He asked how much distance is between the base of the trees and the building itself. Joe Geller, the project Landscape Architect stated he thinks there is enough room and that Tom Brady, the Town Arborist was consulted throughout the process and felt the space and types of trees can be maintained properly. Mr. Mattison was not pleased that originally there were 2 levels of parking and now there was only one. He read from a letter that Dick Benka sent to the Planning Board on this issue. He believes that if the developer could reduce the parking then they should be able to provide even wider sidewalks.

Richard Simonelli owns unit 711 at 44 Washington Street. He noted he was not opposed to the project. He thinks Claremont has done a nice job fixing up a messy location. He had one question regarding the lighting for the sign over the doorway of main entrance. His unit looks directly down Brookline Ave. and he wanted to know whether the light would be a problem and could they be dimmed if needed. Marc Rogers, project Architect said the type of lighting being used it will actually cut down the glare and can be dimmed if too bright.

Chairman Zuroff then called upon Ashley Clark, Zoning Coordinator & Planner, to deliver the report and recommendations of the Planning Department. Ms. Clark put the Planning Board's report on the screen and noted it was also available on-line. The Chair noted that she need not read the report, but rather the Board would ask questions only if necessary. The Planning Board's report was as follows:

#### **BACKGROUND**

In 2016, the River Road Special District Zoning Study Committee (RRSC) consisting of 17 members was formed and charged with reviewing and analyzing current conditions, zoning, parking requirements; design guidelines; shadow studies; and other land use planning tools such as transit-oriented development, that affect the district bounded by Boylston Street, Brookline Avenue and River Road.

Prior to the close of the Fall 2016 Town Meeting warrant, a zoning amendment was submitted

creating a Special District under Section 5.06 of the Zoning Bylaw that would permit appropriate commercial and mixed-use redevelopment projects, while mitigating impacts on adjacent neighborhoods, the Muddy River, Emerald Necklace and historic districts. The new zoning creating the new Emerald Island Special District was approved by Town Meeting and established parameters for allowed uses, building heights, building form, parking requirements and public benefits.

The RRSC discussed at length, the importance of this site and its relationship to sensitive nearby park areas (including River Road) and residents. The RRSC also recognized that redevelopment of this site would serve by virtue of its location, as a gateway building to the Town. For those reasons, the RRSC drafted supplementary Design Guidelines which were adopted by the Planning Board in August, 2016. The Design Guidelines are intended to be used by the Developer, DAT and Planning Board to ensure that all future buildings constructed in the Emerald Island Special District (I-EISD) are designed in a manner that reflects the vision and guiding principles established by the Committee.

A preliminary plan for the hotel was presented to the Planning Board at its December 15, 2016 meeting, at which time the Board appointed a Design Advisory Team (DAT): Steve Heikin, Linda Hamlin, Yvette Johnson, Hank Tufts, Wendy Machmuller, Dan Lyons, Susan Knight and Tom Nally. The DAT met several times in early 2017 to discuss the design and landscaping plan both in the private and public way and offered feedback to the development team. At its last meeting, the DAT found that the design was refined enough for the proposal to be reviewed by the full Planning Board for its comments.

#### **SITE AND NEIGHBORHOOD**

700 Brookline Avenue (formerly known as 25 Washington Street) is the site of a former Gulf gas station. The site is located on a parcel of land bounded by River Road and Brookline Avenue and is at a gateway to Brookline from Boston. The site is in close proximity to the Longwood Medical Area, the Muddy River, and the Emerald Necklace Park.

Adjacent parcels are also included in the Emerald Island Special District, including the VCA Brookline Animal Hospital, Brookline Foreign Motors and Brookline Ice. To the west of the site is Brookline Place and to the northwest is Village Way. Across Washington Street to the south is Brook House, a large 12-story condominium complex.

#### **APPLICANT'S PROPOSAL**

The applicant proposes to construct a ten-story hotel (Hilton Garden Inn) with 175 guest rooms and 29 structured parking spaces (.17). The first floor would contain the lobby, restaurant, meeting spaces and other public amenities, as well as back-of-the-house uses. The second floor would have a parking level with 29 structured spaces, and with managed parking and valet service, a capacity of 50 spaces. The hotel parking ramp and northern facing garage wall will be designed, constructed and operated to provide a potential connection point for parking access for a future development on the adjacent site. The applicant has provided an easement and accompanying term sheet for the shared access ramp to

Town Counsel. Prior to the issuance of any Special Permit, the easement and term sheet have to be finalized. The remaining floors would have hotel rooms. Not counting rooftop utilities, the building height is 104.74'.

Hotel amenities would include a 24-hour "Pavilion Pantry" with snacks, light meals, convenience supplies and beverages; a lounge area; and a restaurant for breakfast and dinner. Other amenities would include a meeting space on the ground floor and a fitness center and pool on the third floor. An outdoor seating area facing the Emerald Necklace, across River Road, would be open to both guests and the public.

The massing of the building would vary along the different frontages. On the Emerald Necklace-facing façade, the massing would step back at various points to allow for different geometries and planes at various floor levels and to create terraced spaces within the building footprint. This would also help to reduce shadow impacts to the park.

The proposed façade material is glass with metallic aluminum bands indicating each floor level. The glass would have a fritted pattern to hide the garage level and other non-public spaces. At the first floor, treated wood paneling will be used on part of the exterior façade to screen non-public spaces.

**Planning Board FINDINGS**

**Section 4.07 –Table of Use Regulations, Use #8:**

A hotel may be allowed by special permit in the Emerald Island Special District.

**Section 5.06.4.j.3.b – Special District Regulations (Max Height)**

Dimensional Requirement	Allowed	Proposed	Relief
Mechanical Equipment Height	120 feet (No more than 10' above height limit)	118.3 feet	Complies

**Section 5.31.1 – Exceptions to Maximum Height of Buildings**

Dimensional Requirement	Allowed by Special Permit	Proposed	Relief
Maximum Height	110 feet	104.75 feet	Special Permit*

\*Building heights also must not exceed the maximum % lot coverage area, which this project does not.

**Section 5.06.4.j.2.a.iii and iv – Setbacks and Sidewalk Widths**

\* A reduced width of 9 feet is needed for a 43-foot section of Washington Street in order to provide the Town with an easement for roadway improvements. The PB finds and recommends a special permit be granted for this limited reduction of the width of the sidewalk on Wash St. in order to provide the town its easement roadway improvement and counterbalancing amenities have been provided as outlined in the civil and landscaping plans. In addition, greater sidewalk width beyond those required by the zoning have been provided on the other three sides in certain areas.

Requirement	Required	Proposed	Relief
Compact Parking Spaces	< 25% of total	48.3% of total	Special Permit*

**Section 6.04.2.e – Design of All Off-Street Parking Facilities**

Dimensional Requirement	Required	Proposed	Relief
Sidewalk Width	Brookline Ave: 12'	Brookline Ave: 12'	Complies
	River Road: 12'	River Road: 12'	Complies
	Washington Street: 10'	Washington Street: 9'*	Special Permit

**Section 7.01.c – Signs in All Districts**

**Section 7.04.1.c – Signs in I, G, L and O Districts**

Requirement	Required	Proposed	Relief
<u>Signage Height</u> Top of Bldg Canopy Sign Over Entry	25 feet maximum	116 feet 27.5 feet	Variance*

<b>Signage Size</b> Projecting Banners (5)	Sign area maximum of 12 square feet	36 SF each	Variance*
---	--	------------	-----------

**Section 5.09.2.a and 5.09.j.2 – Design Review: Community and Environmental Impact and Design Standards**

**a. Preservation of Trees and Landscape**

Minimal landscaping exists on the site due to its former use as a gas station, and any existing landscaping will be removed. New landscaping will be provided with street trees on all sides of the building and planters along River Road and at the main entrance to the hotel. New public shade trees will be added on all three of the site’s street frontages.

**b. Relation of Buildings to Environment**

The proposal generally meets the dimensional special permits requirements of the I-EISD District, including height, façade articulation, and pedestrian environment, aside from a slightly narrower sidewalk width for a portion of the frontage where the Town is implementing traffic improvements. The Conservation Commission has reviewed the project regarding its impact on the Emerald Necklace and River Road and the applicant continues to work with the Parks and Open Space Division on improvements to the adjacent park and public realm.

**c. Relation of Buildings to the Form of the Streetscape and Neighborhood**

The proposed hotel is designed to define the entry to Brookline from Boston, along Washington Street. The form of the hotel steps back at different levels in order to present a minimal massing facing the Emerald Necklace. The façade along Washington Street and Brookline Avenue form a solid street edge similar to the Brook House Condominium and the Brookline Place Development.

**d. Open Space**

The hotel will provide recreational space for guests on the terraced portions of the third level overlooking the Emerald Necklace. Additionally, the applicant will be entering into a management and maintenance agreement with the Parks and Open Space Division to maintain the parkland along River Road across from the site and all public realm improvements surrounding the site.

**e. Circulation**

The proposal adheres to the I-EISD requirement for no street level parking. All parking will be located in a second-floor level garage. There will be 29 self-parking spaces within the garage for the building allowing for 14 compact spaces, 13 regular spaces as well as 2 handicap van spaces. Valet services could allow a total of 50 parking spaces. Drive lanes are designed to meet minimum aisle widths and turning radii. A drop-off area will be located along Brookline Avenue to allow for three cars to load and unload passengers. The garage’s entrance and exit drives are separate and located on Brookline Avenue and River Road along the rear property line. The garage design also allows for a future connection to structured parking on the adjacent parcel in the Emerald Island Special District

#### **f. Stormwater Drainage**

The Stormwater management for the site has been reviewed as part of the Notice of Intent process at the Conservation Commission and received an Order of Conditions and complies with Article 8.25. In proposed conditions, the majority of the stormwater runoff will be captured on the roof. Runoff from the roof will be directed to a rainwater harvesting tank that will overflow to the new drainage system in River Road. The unit pavers that will be located around the perimeter of the building within the streetscape and within a portion of River Road. The Town requested additional improvements and the developer agreed to provide four new water valves at an estimated cost of \$100,000.

#### **g. Utility Service**

All electrified cabling (i.e. power, cable...etc.) will be trenched underground from its in-street source within the public way and into the building. Electrical transformers and utilities alike are all located within the building and fully concealed from public view. All garbage will be managed within a fully enclosed and ventilated garbage room containing a trash compactor and temporary storage area for processed trash.

#### **h. Advertising Features**

The applicant originally proposed a red sign on all three sides at the mechanical penthouse, but upon feedback revised the signage to one sign facing north down Brookline Avenue which will be white and halo-lit so the light reflects back on the building. There will also be a series of projecting banner signs on all sides of the building at the garage level and signs located at the garage level approximately 15' above grade located on Washington Street and River Road. These will be externally lit so as not to create a "glow" effect on the neighborhood. Lastly, there is a sign located above the main hotel entry on Brookline Avenue. This sign consists of 2'-6" channel letters with a red acrylic face, mounted above the porte cochere that are externally lit.

#### **i. Special Features**

There are no loading zones within the building. Trucks will park on River Road and access the building through service-doors located along the River Road ground floor elevation.

#### **j. Safety and Security**

The proposed hotel will meet all requirements regarding safety and emergency access. The ground floor of the building has been designed to maximize views in and out of the building. Also, all architectural features are readily accessible via emergency personnel.

#### **k. Heritage**

Not applicable.

#### **l. Microclimate**

The proposed building will comply with the provisions of the Noise Control By-law. All mechanical equipment will be located either within the building or on the building's roof and screened from view and acoustically isolated to limit air-borne noise transmission.

**m. Energy Efficiency**

This project will meet or exceed the building code's energy efficiency requirements.

**Section 5.06.4.j.4.a – Site Plan Review**

All applications for new structures shall be subject to site plan review by the Planning Board.

**EMERALD ISLAND SPECIAL DISTRICT DESIGN GUIDELINES AND PLANNING BOARD COMMENTS**

(Adopted by the Planning Board on 8/17/16)

**1. Building Façade Zones**

**a. First Floor Façade Zone:**

The first floor should be designed and treated as a seamless extension of the adjacent public sidewalk, providing for pedestrian circulation and/or other activities typically expected on a public sidewalk. The use of columns should be limited and should provide for ample space for accessible pedestrian passage on all sides.

**The widening of sidewalks on the three sides of the parcel will increase pedestrian access and activities. However, there was a loss of significant transparency from the original proposal due to the elimination of meeting rooms along River Road. At the Board's request, the applicant explored opportunities to create more visual interest along the portion of the building wall facing River Road that now serves to obscure the kitchen. Visual interest has now been achieved through the utilization of different building materials such as wood paneling, back-lit glass with frit patterns and applied window graphics, as well as a bike repair/maintenance station to create added uses and activity along River Road. Additionally, the applicant adjusted the first-floor program to activate the corner of River Road and Washington Street via moving the meeting room and shifting the bar/lounge area towards River Road.**

**b. Mid- Building Façade Zone Setbacks:**

The portion of the building façade located approximately between 15' and 65' above the public way may be designated as a "build-to" zone, where the building facade may be located on or near the designated property line with the intent of establishing an articulated and visually interesting facade adjacent to the street.

**The building is designed with a façade that steps back from the property line above the second story (above 25 feet) and complies with the maximum lot coverage as allowed by special permit.**

**c. Upper Floor Façade Zone Setbacks:**

In order to reduce any sense of unrelieved vertical rise, the upper floors above 65' should taper or step back from the public way.

**The floors above 65' (floors six through ten) step back and create terracing effects overlooking the Emerald Necklace.**

**Design guidelines, # 2. Mid-District Drainage Easement and #3. Northern District Edge 100 Year Flood Plane Zone, are not applicable to this parcel.**

**4. Building Design Elements:**

a) **Canopies.** In order to establish an appropriate and inviting relationship to the pedestrian realm at street level and create visual and varied interest for pedestrians, all new structures in the I-(EISD) may incorporate architectural features, awnings, marquees, or canopies, that project from the building face, subject to the provisions of section 7.00 of the Zoning By-law.

**Along the Brookline Avenue façade, the main lobby entrance features a canopied and recessed wood panel detail.**

**5. Vehicular Circulation, Access, and Parking:**

To minimize vehicular access (curb cuts) on primary building frontages, to reinforce a clear hierarchy and organization of circulation, to maximize uninterrupted public sidewalks and minimize conflicts between vehicles and pedestrians, to minimize the visual presence of automobile circulation as well as service functions such as deliveries and refuse pick up by locating parking and service access away from primary building frontages, new buildings are encouraged to meet the following requirements:

a. Curb cuts for driveways may be limited to a maximum of 15' in width for one-way access and 20' in width for two-way access;

**The site utilizes two one-way access points – one entrance and one exit – to the proposed second level parking. The proposed entrance is 13 feet wide and the exit is 15 feet wide.**

b. A maximum of one (1) curb cut per building should be allowed on the Brookline Avenue, and River Road frontages, respectively; **Complies.**

c. Service and delivery activities should be separated whenever possible from the primary public access and screened from public view by means such as: locating underground, or locating internal to structures;

**The proposed loading/unloading area will be along River Road. Trucks will pull over adjacent to the hotel's kitchen and internal trash storage area. The Planning Board would have preferred that a loading area be on the site but acknowledges that an internal loading dock might further compromise the limited ground floor space and require a second curb cut on River Road which is discouraged under 5b above. Deliveries should not be made during the hours of 7:00 am and 9:00 am and 4:00 pm to 6:00 pm.**

d. Wherever possible, curb cuts and driveways should be shared between multiple projects; **The hotel's parking access ramps and second-story parking structure have been designed to accommodate a future pass-through to structured parking at the adjoining parcel to the north allowing shared driveways. However, originally two floors of parking were proposed with pass through opportunities, and this reduction to only one floor now limits the number of parking spaces which would be possible at the other Emerald Island Special District sites. The Board is concerned that this not only limits parking for the adjacent lot but for the hotel, which at only 0.17 spaces may not have sufficient parking for guests and employees. This would cause guests to park on-street and overburden the surrounding areas. The Planning Board believes that the development agreement does not commit**

the applicant to parking connections on two levels and with the use of stackers and elevators in tight urban situations becoming more typical, the other sites may be able to provide parking with the single connection – or possibly no connection - if they use an elevator. Most important is whether only 0.17 spaces per hotel room, or .29 spaces with valet parking, is adequate for this proposal. The applicant has done a survey of parking at the 111 Boylston Street hotel and based on those numbers believes that the proposed number of parking spaces is adequate. The Town Director of Transportation and Engineering agrees with this assessment.

e. Parking structures should be designed to conceal the view of all parked cars and internal light sources from the adjacent public right of way or public open space for the full height of the structure; **The parking level will utilize a type of fritted (patterned) glass that will conceal cars and the structure from view and block lights on all sides. The applicant has now shown more detail on how the treatment of the façade at the parking level will integrate with the rest of the building design.**

f. Facade openings which face any public right of way or open space should be vertically and horizontally aligned and the floors fronting on such facades should be level;

**The key concern here was that there not be visible sloped garage floors and that has been accomplished.**

g. Parking structures should utilize materials and architectural detailing found in the primary development being served;

**The patterned glass will complement the glass utilized throughout the hotel façade and at the same time screen the parked cars.**

h. Where appropriate, shared walls between buildings should be connected and designed to accommodate shared parking and ramp access.

**The hotel's parking access ramps on the second floor have been designed to accommodate a future pass-through to structured parking at the adjoining parcel to the north allowing shared ramping. However, originally two floors of parking were proposed and this reduction to only one floor now limits the potential for parking on other Emerald Island Special District sites**

#### **6. Architectural Scaling Elements:**

To create a human-scaled and well detailed urban environment through the establishment of an organized composition of building massing, coherent architectural form, and detail; to provide for a pedestrian friendly environment through the provision of architectural character; to avoid thoughtless areas of undifferentiated building facades; to create building facades that may feature changes in plane, material texture, and detail through the interplay of light and shadow; and to establish architectural scale patterns or features that relate to the context, all new buildings constructed in the I- (ESID) are encouraged to incorporate the following elements:

a. Architectural elements should be used to provide scale to large building facades into architectural patterns and component building forms that may correspond to architectural or structural bay dimensions;

**Window systems should contribute to making the building appear shorter and the glass in the windows should reflect the park and new greenery. The revised proposal incorporates narrower metal banding which makes the building less imposing and generally appear to be shorter. The Board has been assured that the glass it will reflect the park.**

b. Variation in building massing may include changes in wall plane or height and may relate to primary building entries, window openings, important corners, or other significant architectural features;  
**The revised building design accomplishes this.**

c. Variation in building massing and detail should relate to the scale and function of the context of surrounding buildings and to pedestrian-oriented uses along the street.

**The façade along River Road incorporates step-backs and terracing that aim to be in scale with the public realm, cast fewer shadows on the park and allow for open space on the roofs that relate to the views of the park.**

#### **7. Fenestration:**

To provide a high degree of transparency at the lower levels of building facades; to insure the visibility of pedestrian active uses; to provide an active, human scaled architectural experience along the street; to establish a pattern of individual windows at upper floors that provide a greater variety of scale through fenestration patterns, material variation, detail, and surface relief, fenestration in the I-(EISD) should meet the following guidelines.

a. A majority of the ground floor facade should be constructed of transparent materials, or otherwise designed to allow pedestrians to view activities inside the building or displays related to those activities;

b. Transparent glazing on upper floors is encouraged;

c. The location and patterns of glazing should enhance building function and scale;

d. Recessed glazing, glass framing, and mullion patterns should be used to provide depth and substance to the building facade and should consider the play of sunlight across the façade where appropriate.

**The Planning Board would have liked a larger proportion of the façade at the first floor (53%) to be glass; however, it acknowledges that back-of-house/private functions within the lobby have to be screened.**

#### **8. Building Materials:**

To encourage human-scale buildings through the use of material modules and to ensure the consistent use of high quality materials appropriate to the urban environment, buildings in the I-(EISD) may incorporate the following materials and detailing as appropriate:

a. Masonry, including stone, brick, terra cotta, architectural precast concrete, cast stone and prefabricated brick panels;

**The applicant has proposed a phenolic wood paneling to complement the glass façade. The Board has seen samples of the materials and colors and was supportive of the program. A mockup of the materials will be shown on-site at a later date for the Planning Board's approval.**

b. Architectural metals, including metal panel systems, metal sheets with expressed seams, metal framing systems, or cut, stamped or cast, ornamental metal panels;

**The Planning Board finds that the aluminum spandrel which has been significantly reduced in width is a big improvement.**

c. Glass and glass block;

d. Glazing systems may utilize framing and mullion systems that provide scale and surface relief;

e. Building materials used at the lower floors adjacent to street frontage should respond to the character of the pedestrian environment through such qualities as scale, texture, color and detail;

f. Building materials should be selected with the objectives of quality and durability appropriate within an urban context;

g. Carefully detailed selections of materials should reinforce architectural scaling requirements.

#### **9. Building Entries:**

Building entries should enhance the identity, scale, activity, transparency and function of the public streets and should be designed in accordance with the following criteria:

a. All buildings should provide at least one primary building entry orientated directly to a public street;

**The hotel proposes a main entrance along Brookline Avenue and a secondary entrance along River Road connecting the outdoor seating area to the lobby. The programmatic changes to the ground floor including modifying a single door to a double door along River Road are notable improvements over the previous proposal.**

b. All pedestrian active uses with street level, exterior exposure should provide at least one direct pedestrian entry from the street;

**Although an originally proposed café has been eliminated, there will be an entrance between the outdoor seating area and the interior seating areas/restaurant. The architect has indicated that what was believed on the River Road side of the building to be an ADA handicap ramp with handrails is actually a sloped walkway without handrails. There will be plantings in front of the walkway. The Planning Board had requested that the applicant find an alternative**

approach if possible, so that sidewalk space previously dedicated to public sidewalk seating and pedestrian use not be narrowed. This was not able to be accomplished.

c. Primary building entries should be emphasized through changes in wall plane or building massing, differentiation in material and/or color, greater level of detail, and enhanced lighting as well as permanent signage;

**The main entrance along Brookline Avenue features a heightened canopy, wood panels, automatic sliding doors and low building signage. The Board would like the applicant to incorporate some modest signage for the entrance along River Road, and in the final plan, this has been done.**

d. Entries to ground floor uses should be direct and as numerous as possible to encourage active pedestrian use

#### **10. Roofs:**

a. All rooftop building systems should be incorporated into the building form in a manner integral to the building architecture in terms of form and material;

**The mechanical penthouses will be screened with materials that attempt to complement the main structure.**

b. All mechanical, electrical and telecommunications systems should be screened from view and should minimize audible sound impacts from the surrounding streets and structures;

**Most mechanical systems will be enclosed within a 13.6-foot-high mechanical penthouse atop the tenth floor screened with a painted vertical louver screen wall on a steel backup frame. To reduce the size of the penthouse, some remaining mechanicals have been placed atop a terraced portion of the eighth floor. However, the height should be reduced further, if possible.**

c. The architecture of the building's upper floors and termination should complete the building form within an overall design concept for the base, middle, and top that works in concert with architectural scaling requirements, use and functionality of the building;

**The Board is concerned with the scaling of the 12-foot signage that will be affixed to the penthouse and attention that may be drawn to the roof mechanical system. The Board had been concerned that the size of the signage would adversely impact the surrounding neighborhood, and the developer has now reduced the size of the signage and changed the color of red signs to white.**

d. Roof form should consider and respect the context in which it is viewed (in terms of height, proportions, use, form, and materials);

e. Roofs tops should be designed to accommodate useable open space;

**There is no open space proposed for the top tenth floor roof but there will be terraces and green space provided atop the third floor overlooking the Emerald Necklace. The height of the rooftop utilities and screen should be reduced.**

f. Design should emphasize sustainability and resiliency in the form of green roofs, reflective white covering and rainwater harvesting.

#### **PLANNING BOARD COMMENTS**

The Planning Board supports this proposed hotel for the newly created Emerald Island Special District. The proposed building will enhance the appearance of this important gateway into Brookline and bring increased vitality to the area, economic revenue, and public benefits to the Town and Emerald Necklace Park.

The Planning Board was pleased with the revisions the applicant made in response to its concerns, including:

- Shuffling of first floor program to activate the corner of River Road and Washington Street
- Reducing the number of larger signs affixed to the mechanical penthouse. (There is now only one halo-lit sign facing North down Brookline Ave.)
- Narrowing the width of the horizontal metal banding to reduce the building's bulkiness
- Revising the frit patterns on the glass to give the building more visual interest, and
- Reducing the number of signs and banners and changing the lettering of two red signs to white

The Town Director of Traffic and Engineering has reviewed the Traffic Report and the Transportation Demand Management (TDM) Plan and, after having reviewed additional requested information, finds that any traffic impacts will be satisfactorily mitigated through the TDM requirements.

Much time and effort has been spent over the past year and a half by the River Road Study Committee, Design Advisory Team, Planning Board and Town staff to produce a project that will have many benefits for the Town. The applicant has agreed to provide 1% of hard construction costs to provide improvements within 500 feet of the Emerald Island Special District boundary; up to \$71,000.00 for on-site pedestrian and landscaping improvements; up to \$376,855.00 for pedestrian, bicycle and landscaping improvements and maintenance adjacent to the site or at the Emerald Necklace park area; and up to 276.25 square feet of land for a permanent easement to the Town for roadway improvements.

**Therefore, the Planning Board recommended approval of the site plan by Stantec, dated 7/24/2017, and architectural plans by Cambridge 7 Associates, dated 8/30/17) subject to the following conditions:**

1. As a condition of granting a special permit, the Project shall:
  - a) Have no more than 175 hotel rooms.
  - b) Contain a **minimum of 29** structured parking spaces for use by hotel guests and employees only, with said parking spaces configured and managed in a way so as to insure that if there is tandem parking with a valet service to increase the number of spaces to no more than 50 vehicles on-site at any one time, it will not impede the ability for an

adjacent property owner construct and utilize a connection point for the purposes of utilizing the shared ramp and access easement.

- c) Demarcate 14 inside bike parking spaces.
  - d) Not allow any long-term on-street parking for hotel guests or employees.
  - e) Have all vehicles to the site enter only from Brookline Avenue and exit only onto River Road.
  - f) Limit the duration of overnight occupancy of the hotel rooms to not exceed ninety (90) consecutive days as to each hotel room.
  - g) Not allow delivery vehicles between the hours of 7:00 am and 9:00 am and between 4:00 pm and 6:00 pm.
  - h) All internally illuminated exterior signs shall be designed and installed with the ability to be automatically dimmed during night time hours.
  - i) All internally illuminated exterior signs shall be dimmed between the hours of 11:00 pm and 5:00 am.
  - j) Provide notice to the Town of job openings for the benefit of Brookline residents and in particular residents of the Brookline Housing Authority and Village Way and conduct a job fair at the Brookline Teen Center or other similar venue.
  - k) Leave the double door entrance on the River Road side of the building unlocked to the general public between the hours of 7:00 am and 7:00 pm except in unusual circumstances that present a security issue.
  - l) Maintain the portion of the Emerald Necklace park adjacent to the site and all public realm improvements surrounding the site as recommended by the Director of Parks and Open Space and in accordance with the Memorandum of Understanding to be entered into with the Board of Selectmen.
  - m) Maintain a double door public entrance facing River Road.
2. Prior to the issuance of a building permit, the applicant shall submit (3) 11x17 copies of final site plans; floor plans, indicating uses and a parking ramp for a possible future adjacent building; elevations, indicating façade details, colors, materials, windows, rooftop equipment; a signage plan with dimensions and colors; placement and specifications of utilities for HVAC and transformer; subject to the review and approval of the Assistant Director of Regulatory Planning. An on-site mock-up of materials and colors shall be scheduled for the Planning Board's review and approval.

3. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, including plantings in the public way, subject to the approval of the Assistant Director of Regulatory Planning and Director of Parks and Open Space.
4. Prior to the issuance of a building permit, the applicant shall deposit funds in an amount to be determined by the Director of Parks and Open Space into a segregated account to pay for review by a project manager hired by the Town to oversee all landscape and streetscape improvements completed by the applicant.
5. Prior to the issuance of a Building Permit, final plans showing the construction of the Shared Parking Ramp design shall be submitted for approval by the Building Commissioner and Director of Engineering.
6. Prior to the issuance of a building permit, the applicant shall submit a specific pedestrian streetscape and streetlight improvement plan subject to the approval by the Director of Transportation and Director of Parks and Open Space.
7. Prior to the issuance of a building permit, a final construction management plan, including parking locations for construction vehicles, hours of construction and materials delivery, noise mitigation, staging areas, security fencing, pedestrian pathways, location of portable toilets, rodent control, erosion and sediment control, protocols to insure protection of persons in the vicinity of the construction work, including air quality monitoring during activities involving disturbance of contaminated soils or management of any contaminated media, emergency contact information, and name and contact information for a community coordinator provided by the project proponent, shall be submitted for review and approval by the Director of Transportation/Engineering, the Building Commissioner and the Director of Public Health . A copy of the approved plan shall be submitted in paper and electronic form to the Planning & Community Development Department.
8. Prior to the issuance of a Building Permit, Claremont shall make a payment to the Town in an amount totaling no less than 1% of hard construction costs as defined in the EISD zoning to be used towards improvements within 500 feet of the EISD boundaries. Following submission of final project cost affidavits, if actual hard construction costs exceed the amount utilized in the above calculation, Claremont shall, prior to issuance of any Certificate of Occupancy, make an additional payment in the amount necessary to have the total paid equal to 1% of the actual hard construction costs.
9. Prior to the issuance of a building permit, a final Transportation Demand Management (TDM) Plan, shall be submitted for review and approval by the Director of Transportation/Engineering and the Planning and Community Development Director (or designee) and shall have a requirement for a minimum 30% discount for MBTA and Hubway memberships for employees and have traffic monitoring and annual reporting to the Town of Brookline, including providing

information as to its existing employee transportation then in effect and the mode use resulting from such existing policies; an annual monitoring and reporting program will commence after receipt of the final Certificate of Occupancy for the Project. If the final Certificate of Occupancy for the Project is issued between September 1 and February 29, the monitoring will take place during the months of September or October and a report provided to the Town no later than November 30. If the final Certificate of Occupancy for the Proposed Project is issued between March 1 and August 31, monitoring will take place during the months of April or May and be reported to the Town no later than June 30. The monitoring program will be based on traffic counts and employee surveys as to vehicle, transit, pedestrian, and bicycle usage to the Project and will provide detailed information on the travel modes to work and overall transportation characteristics by type of traveler (employee, visitor, etc.). The survey instrument to be used for mode share monitoring will be provided to the Director of Transportation/Engineering for approval prior to conducting the survey. The employee survey (which may be conducted through electronic means) will be sent out to all employees, with a goal of securing a 60 percent minimum response rate. A guest/visitor survey shall be conducted during; business hours, with a goal of securing at least 200 guest/visitor surveys. location and timing of delivery operations

10. Prior to the issuance of a building permit, a drainage plan shall be submitted for review and approval of the Director of Traffic/Engineering.
11. Prior to the issuance of a building permit for the above-ground portion of the building, an as-built foundation plan shall be certified by a registered professional engineer or surveyor to be in accordance with the approved site plan and shall be submitted for review and approval by the Building Commissioner.
12. Up to two temporary construction and/or development sign(s), each no greater than 30 square feet, may be erected on site during construction, with the design subject to the review and approval of the Assistant Director of Regulatory Planning.
13. Prior to the issuance of a special permit, a perpetual easement accompanied by a term sheet shall be granted, in a form satisfactory to Town Counsel that permits the adjacent property owner to utilize the shared parking ramp for its own intended use. The Easement and term sheet shall be held by Town Counsel in escrow and recorded only after the issuance of an appeal free building permit for the Project.
14. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including fencing, grading, and location of utilities; 2) final building elevations including exterior signage, stamped and signed by a registered architect; 3) final floor plans, stamped and signed by a registered architect; and 4) evidence that the Board of Appeals decision has been recorded at the Registry

of Deeds.

15. Prior to the issuance of the Certificate of Occupancy, complete as-built plans certified by a registered architect as in compliance with the approved plans shall be prepared and filed with the Building Commissioner.
16. Claremont shall with the approval of the Town's Transportation Director and Director of Parks and Open Space as necessary and in addition to the payment of 1% of the hard construction costs described above in condition #8, provide the following public benefits and improvements to mitigate the impacts to the Town and the public from the Project:
  - a) On-site pedestrian and landscaping improvements at a cost not to exceed \$71,000.00;
  - b) Pedestrian, bicycle and landscaping improvements at or adjacent to the site and the Emerald Necklace park area at a cost not to exceed \$376,855.00;
  - c) Enter into and record a Restrictive Covenant in substantially the form attached as Exhibit D to the existing MOU on record to assure the long-term certainty of the payment of real estate taxes on the Property or the equivalent payment in lieu thereof;
  - d) Enter into a Memorandum of Understanding with the Board of Selectmen to maintain a portion of the Emerald Necklace Park adjacent to the Property as recommended by the Director of Parks and Open Space;
  - e) In connection with the Town's Gateway East Project, Claremont or its successor-in-interest shall provide a permanent easement to the Town for roadway improvements containing up to 276.25 square feet of land, generally in the area depicted on Exhibit E to the existing MOU on record (the "Roadway Easement").
  - f) The Applicant shall complete the improvements to the extent possible prior to the issuance of the Certificate of Occupancy, and the balance of funds that are uncommitted to the completion of these improvements at the time of the issuance of the Certificate of Occupancy shall be paid to the Town.

With respect to Condition No. 2. it was noted by the Chair that the on-site mock-up would be a public meeting requiring Planning Board review and approval. He also noted that in Condition No. 9 the term Hubway should include other similar bike sharing services. Finally, with respect to Condition No. 16, counsel for the Applicant clarified for the Chair that there is an existing Memorandum of Agreement that was signed in November 2016 that is in record and there will be another Landscape

Maintenance Agreement that is being finalized and will be approved by the Board of Selectmen.

Chairman Zuroff then called upon Michael Yanovitch, Deputy Building Commissioner, to deliver the recommendation of the Building Department. Mr. Yanovitch stated that the Building Department has no objections and supports the proposed project. He believes that the Applicant has met the standard for relief from the Zoning By-Law as set forth by counsel. He noted that the project was well-vetted through the committee process. He also noted that there was a formal site review process which worked well and addressed many of the issues. He believes unequivocally that the standard to grant the special permits and variances has been met and that this is a unique site located on the only industrial island in town. Mr. Yanovitch stated that should the Zoning Board of Appeals find that this proposal meets the criteria for the special permits and variances, the Building Department will work with the Petitioner to ensure compliance with all conditions.

During deliberations, Member Chris Hussey agreed that the standard for the grant of the special permits and variances for signage were met for the reasons stated by Attorney Dopazo-Gilbert. Mr. Hussey was impressed with the design changes made along the way by the Architects which he opined made for a better building overall. He also found the use of the glass very interesting. Member Johanna Schneider agreed with her colleagues, and noted that normally she is very skeptical on finding that the standard for a variance has been met. However, she opined that in this particular case she fully agreed with counsel that the parcel is unique in both shape and location compared to other lots and buildings in the district, and that there would be financial hardship if the variances for signage were not granted. She and the Chair also believe that the special district zoning itself contemplated the relief requested, and in some ways created the need. Chairman Zuroff stated that the proposed project clearly went through a lot of vetting and review and the hotel is the intended and proper use in this special district. He stated that the variances were justified and that the hotel use within the special district was intended. He noted

that the project was viable and attractive and hoped it would be the jewel on the Emerald Necklace. Members generally agreed that the reasons set forth by Attorney Dopazo Gilbert in her presentation met the standards to grant the necessary relief. Members thanked all of the town officials, staff and committees involved in the process.

The Board then determined, by unanimous vote that the requirements for all requested relief were met. The Board made the following specific findings pursuant to said Section 9.05:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Development will have no effect on the supply of housing available for low and moderate-income people.

In addition, the Board found by unanimous vote that the standard to grant a variance from Section 7.00-7.06 for signage were met for the reasons stated by counsel for the Applicant. The Board agreed with counsel and the Building Commissioner that due to circumstances relating to the soil conditions, shape, or topography of the of the land and structures and especially affecting such land or structures but not affecting generally the Emerald Island Special District, a literal enforcement of the provisions of the sign by-law would involve substantial hardship to the Applicant. The Board also found that the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the by-law.

Accordingly, the Board voted unanimously to grant all the requested relief subject to the following conditions:

1. The Project shall:

- a) Have no more than 175 hotel rooms.
  - b) Contain a minimum of 29 structured parking spaces for use by hotel guests and employees only, with said parking spaces configured and managed in a way so as to insure that if there is tandem parking with a valet service to increase the number of spaces to no more than 50 vehicles on-site at any one time, it will not impede the ability for an adjacent property owner construct and utilize a connection point for the purposes of utilizing the shared ramp and access easement.
  - c) Demarcate 14 inside bike parking spaces.
  - d) Not allow any long-term on-street parking for hotel guests or employees.
  - e) Have all vehicles to the site enter only from Brookline Avenue and exit only onto River Road.
  - f) Limit the duration of overnight occupancy of the hotel rooms to not exceed ninety (90) consecutive days as to each hotel room.
  - g) Not allow delivery vehicles between the hours of 7:00 am and 9:00 am and between 4:00 pm and 6:00 pm.
  - h) All internally illuminated exterior signs shall be designed and installed with the ability to be automatically dimmed during night time hours.
  - i) All internally illuminated exterior signs shall be dimmed between the hours of 11:00 pm and 5:00 am.
  - j) Provide notice to the Town of job openings for the benefit of Brookline residents and in particular residents of the Brookline Housing Authority and Village Way and conduct a job fair at the Brookline Teen Center or other similar venue.
  - k) Leave the double door entrance on the River Road side of the building unlocked to the general public between the hours of 7:00 am and 7:00 pm except in unusual circumstances that present a security issue.
  - l) Maintain the portion of the Emerald Necklace park adjacent to the site and all public realm improvements surrounding the site as recommended by the Director of Parks and Open Space and in accordance with the Memorandum of Understanding to be entered into with the Board of Selectmen.
  - m) Maintain a double door public entrance facing River Road.
2. Prior to the issuance of a Building Permit, the applicant shall submit (3) 11x17 copies of final site plans; floor plans, indicating uses and a parking ramp for a possible future adjacent building; elevations, indicating façade details, colors, materials, windows, rooftop equipment; a signage

plan with dimensions and colors; placement and specifications of utilities for HVAC and transformer; subject to the review and approval of the Assistant Director of Regulatory Planning. An on-site mock-up of materials and colors shall be scheduled for the Planning Board's review and approval.

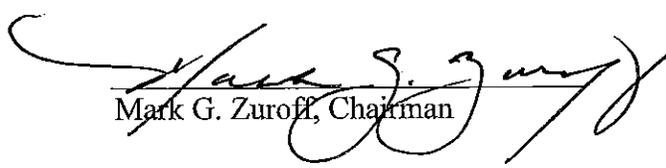
3. Prior to the issuance of a Building Permit, the applicant shall submit a final landscaping plan, including plantings in the public way, subject to the approval of the Assistant Director of Regulatory Planning and Director of Parks and Open Space.
4. Prior to the issuance of a Building Permit, the applicant shall deposit funds in an amount to be determined by the Director of Parks and Open Space into a segregated account to pay for review by a project manager hired by the Town to oversee all landscape and streetscape improvements completed by the applicant.
5. Prior to the issuance of a Building Permit, final plans showing the construction of the Shared Parking Ramp design shall be submitted for approval by the Building Commissioner and Director of Engineering.
6. Prior to the issuance of a Building Permit, the applicant shall submit a specific pedestrian streetscape and streetlight improvement plan subject to the approval by the Director of Transportation and Director of Parks and Open Space.
7. Prior to the issuance of a Building Permit, a final construction management plan, including parking locations for construction vehicles, hours of construction and materials delivery, noise mitigation, staging areas, security fencing, pedestrian pathways, location of portable toilets, rodent control, erosion and sediment control, protocols to insure protection of persons in the vicinity of the construction work, including air quality monitoring during activities involving disturbance of contaminated soils or management of any contaminated media, emergency contact information, and name and contact information for a community coordinator provided by the project proponent, shall be submitted for review and approval by the Director of Transportation/Engineering, the Building Commissioner and the Director of Public Health . A copy of the approved plan shall be submitted in paper and electronic form to the Planning & Community Development Department.
8. Prior to the issuance of a Building Permit, Claremont shall make a payment to the Town in an amount totaling no less than 1% of hard construction costs as defined in the EISD zoning to be used towards improvements within 500 feet of the EISD boundaries. Following submission of final project cost affidavits, if actual hard construction costs exceed the amount utilized in the above calculation, Claremont shall, prior to issuance of any Certificate of Occupancy, make an additional payment in the amount necessary to have the total paid equal to 1% of the actual hard construction costs.
9. Prior to the issuance of a Building Permit, a final Transportation Demand Management (TDM) Plan, shall be submitted for review and approval by the Director of Transportation/Engineering and the Planning and Community Development Director (or designee) and shall have a

requirement for a minimum 30% discount for MBTA and Hubway (or other similar Bicycle sharing service) memberships for employees and have traffic monitoring and annual reporting to the Town of Brookline, including providing information as to its existing employee transportation then in effect and the mode use resulting from such existing policies; an annual monitoring and reporting program will commence after receipt of the final Certificate of Occupancy for the Project. If the final Certificate of Occupancy for the Project is issued between September 1 and February 29, the monitoring will take place during the months of September or October and a report provided to the Town no later than November 30. If the final Certificate of Occupancy for the Proposed Project is issued between March 1 and August 31, monitoring will take place during the months of April or May and be reported to the Town no later than June 30. The monitoring program will be based on traffic counts and employee surveys as to vehicle, transit, pedestrian, and bicycle usage to the Project and will provide detailed information on the travel modes to work and overall transportation characteristics by type of traveler (employee, visitor, etc.). The survey instrument to be used for mode share monitoring will be provided to the Director of Transportation/Engineering for approval prior to conducting the survey. The employee survey (which may be conducted through electronic means) will be sent out to all employees, with a goal of securing a 60 percent minimum response rate. A guest/visitor survey shall be conducted during business hours, with a goal of securing at least 200 guest/visitor surveys. location and timing of delivery operations

10. Prior to the issuance of a building permit, a drainage plan shall be submitted for review and approval of the Director of Traffic/Engineering.
11. Prior to the issuance of a building permit for the above-ground portion of the building, an as-built foundation plan shall be certified by a registered professional engineer or surveyor to be in accordance with the approved site plan and shall be submitted for review and approval by the Building Commissioner.
12. Up to two temporary construction and/or development sign(s), each no greater than 30 square feet, may be erected on site during construction, with the design subject to the review and approval of the Assistant Director of Regulatory Planning.
13. Prior to the issuance of a special permit, a perpetual easement accompanied by a term sheet shall be granted, in a form satisfactory to Town Counsel that permits the adjacent property owner to utilize the shared parking ramp for its own intended use. The Easement and term sheet shall be held by Town Counsel in escrow and recorded only after the issuance of an appeal free building permit for the Project.
14. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, including fencing, grading, and location of utilities; 2) final building elevations including exterior signage, stamped and signed by a registered architect; 3) final floor plans, stamped and signed by a registered architect; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

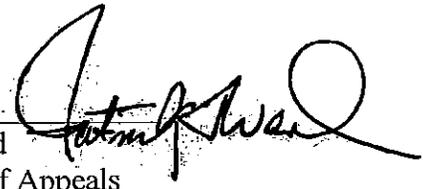
15. Prior to the issuance of the Certificate of Occupancy, complete as-built plans certified by a registered architect as in compliance with the approved plans shall be prepared and filed with the Building Commissioner.
16. Claremont shall with the approval of the Town's Transportation Director and Director of Parks and Open Space as necessary and in addition to the payment of 1% of the hard construction costs described above in condition #8, provide the following public benefits and improvements to mitigate the impacts to the Town and the public from the Project:
- a) On-site pedestrian and landscaping improvements at a cost not to exceed \$71,000.00;
  - b) Pedestrian, bicycle and landscaping improvements at or adjacent to the site and the Emerald Necklace park area at a cost not to exceed \$376,855.00;
  - c) Enter into and record a Restrictive Covenant in substantially the form attached as Exhibit D to the existing MOU on record to assure the long-term certainty of the payment of real estate taxes on the Property or the equivalent payment in lieu thereof;
  - d) Enter into a Memorandum of Understanding with the Board of Selectmen to maintain a portion of the Emerald Necklace Park adjacent to the Property as recommended by the Director of Parks and Open Space;
  - e) In connection with the Town's Gateway East Project, Claremont or its successor-in-interest shall provide a permanent easement to the Town for roadway improvements containing up to 276.25 square feet of land, generally in the area depicted on Exhibit E to the existing MOU on record (the "Roadway Easement").
  - f) The Applicant shall complete the improvements to the extent possible prior to the issuance of the Certificate of Occupancy, and the balance of funds that are uncommitted to the completion of these improvements at the time of the issuance of the Certificate of Occupancy shall be paid to the Town.

Unanimous Decision of  
The Board of Appeals

  
Mark G. Zuroff, Chairman

Filing Date: 11-20-17

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeals

