



# Town of Brookline Massachusetts

**BOARD OF APPEALS**  
Jesse Geller, Chairman  
Mark Zuroff  
Christopher Hussey

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043  
Patrick J. Ward, Clerk

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TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2018-0054  
WESTBROOK PARTNERS  
1200 BEACON STREET BROOKLINE, MA

Petitioner, Westbrook Partners, applied to the Building Commissioner for permission to renovate the existing Holiday Inn hotel, add 38 new guestrooms and replace the basement level function room with a restaurant. 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 September 27, 2018 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 attorney (if any) 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 September 13, 2018 and September 20, 2018 in the Brookline Tab, a newspaper published 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:  
**1200 BEACON STREET, BROOKLINE, MA 02446 - Renovate existing hotel, adding 38 guestrooms, modifying exterior facade details, and replacing basement-level function facility with**

**a restaurant in a(n) M-2.0 APARTMENT HOUSE on 09/27/2018 at 7:00 PM in the 6th Floor  
Select Board's Hearing Room (Petitioner/Owner: Marty McInnis) Precinct 1**

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:

**§5.09.2.A – DESIGN REVIEW**

**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 in its programs or activities on the basis of disability or handicap or any other characteristic protected under applicable federal, state or local law. Individuals who are in need of auxiliary aids for effective communication in Town programs or activities may make their needs known by contacting the Town's ADA Compliance Officer. Assistive Listening Devices are available at the Public Safety Building for public use at Town of Brookline meetings and events. Those who need effective communication services should dial 711 and ask the operator to dial the Town's ADA Compliance Officer.*

*If you have any questions regarding this Notice or the Assistive Listening Device, please contact Caitlin Haynes at 617-730-2345 or at [chaynes@brooklinema.gov](mailto:chaynes@brooklinema.gov).*

*Jesse Geller, Chair  
Christopher Hussey  
Mark Zuroff*

**Publish: 09/13/2018 & 09/20/2018**

At the time and place specified in the notice, this Board held a public hearing. At the hearing, the Petitioner requested that the hearing be continued to allow time to return to the Planning Board. The hearing was continued to November 1, 2018 at 7:10 p.m. in the Select Board's Hearing Room. Present at the continued hearing were Chairperson Johanna Schneider and Board Members Lark Palermo and Randolph Meiklejohn. Also present at the hearing were Planner Karen Martin and Deputy Building Commissioner Michael Yanovitch.

The case was presented by Robert L. Allen, Jr., Law Office of Robert L. Allen Jr., LLP, 300 Washington Street, Second Floor, Brookline, Massachusetts 02445. Also present at the hearing were representative for the Petitioner, Marty McInnis, and architect for the project, Rob Festa of Group One Partners.

Chairperson Schneider called the hearing to order at 8:45 p.m. Attorney Allen waived the reading of the public notice.

Mr. Allen then described the proposal stating that the Petitioner wishes to make cosmetic improvements to the building's exterior, improve its streetscape presence, add thirty-eight guest rooms by converting space in the existing atrium, and convert the basement-level function space to restaurant space. He stated that the new rooms would be constructed within the existing footprint and would not require any exterior additions. Attorney Allen noted that the Petitioner attended two Planning Board meetings for this proposal. He stated that at the second Planning Board meeting the Planning Board unanimously approved the plans. He added that after speaking with representatives of the neighborhood, the Petitioner suggested a condition to the Planning Board that the applicant return to the Planning Board for final review and approval of the site plan, landscape plan, floor plans, and elevations, which would give the Petitioner the opportunity to meet with neighbors, one of whom is an architect, to get some feedback.

Rob Festa of Group One Partners then presented the architectural plans.

Attorney Allen then stated that the Petitioner seeks a special permit for relief from **Section 5.09.2.A** and **E** for design review, pursuant to **Section 9.05**. He added that the Petitioner also seeks **modification** of prior Board of Appeals Decision for Case No. 2539 (1982) as necessary and that the Petitioner will work to address any outstanding issues of this original decision, as have been raised by neighbors. He then described the standards under **Section 9.05** of the Zoning By-Law stating: the location is

appropriate for the proposed improvements as the building has been a hotel for many decades and the proposed exterior modifications will modernize and improve the exterior appearance of the hotel while the internal renovations will be entirely within the existing footprint; the use will not adversely affect the neighborhood because building will continue to be used as a hotel and the building's facades will have an improved presence along the streetscape; there will be no nuisance or serious hazard to vehicles or pedestrians because the garage will continue to be used for hotel guests and many patrons are expected to continue to make use of the available mass transit options within the immediate area; adequate and appropriate facilities will be provided for the proper operation of a hotel and restaurant; and there will be no effect on the supply of housing available for low and moderate income people.

Chairperson Schneider then asked whether anyone was present to speak in favor of the proposal. Deborah Brown, 26 Parkman Street #1, Brookline, Massachusetts spoke in favor of the proposal. Ms. Brown stated that she was concerned regarding issues with the original decision from 1982 particularly related to vegetation and the generator, but noted that she sees the proposal as an improvement and believes that the proposed changes will benefit the neighborhood. Susan Houston, 1258 Beacon Street #8, Brookline, Massachusetts, also spoke in favor of the proposal. Ms. Houston thanked the Petitioner for incorporating the ideas of the neighborhood. Jim Franco, 126 Amory Street #9, Brookline, Massachusetts also spoke in favor of the proposal but noted that he would like to see the proposed landscape area connect to the lobby.

Chairperson Schneider then asked whether anyone was present to speak in opposition to the proposal. Frank Caro, 1264 Beacon Street, Brookline, Massachusetts spoke in opposition to the proposal. Mr. Caro vocalized concerns regarding the slope of the driveway and that it is not handicap accessible.

Chairperson Schneider then called upon Karen Martin, Planner, to deliver the findings of the Planning Board. Ms. Martin noted the following:

## **FINDINGS**

### **Section 5.09.2 a & e –Design Review**

A design review special permit is required for properties fronting on Beacon Street and for hotels. All of the standards for design review per Sec. 5.09.4 have been met. (See attached Community and Environmental Impact and Design Standards and Project Narrative.)

### **Modification to ZBA Case 2539 (1982)**

This is the decision which granted conditional approval to modify the hotel/motel with fifteen additional hotel units (231 rooms total) and 45 tandem and compact cars in an existing garage (227 total parking spaces).

## **PLANNING BOARD COMMENTS**

The Planning Board was supportive of these revisions to the plans in response to their initial feedback. The Board was particularly in favor of the new landscaped plaza and recommended that more seating area be provided. They also supported the changes to the Beacon Street façade. The Board would like the applicant to return for final design approval after the Board of Appeals.

**Therefore, the Planning Board approves the plans by Group One Partners, dated 10/18/18, subject to the following conditions:**

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, parking plan, floor plans, roof plan (including location of condensers), and elevations indicating all materials and colors, subject to the review and approval of the Planning Board.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan, subject to the review and approval of the Planning Board.
3. Prior to the issuance of a building permit, the applicant shall submit a construction management plan, subject to the review and approval of the Building Commissioner.
4. Plans for signage shall be approved by the Planning Board at a future date.
5. 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: a) a final site plan stamped and signed by a registered engineer or land surveyor; b) final floor plans and building elevations; and c) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Chairperson Schneider then called upon Michael Yanovitch to deliver the comments of the Building Department. Mr. Yanovitch stated that Building Department has no opposition to this request and,

should relief be granted, the Building Department will work with the Petitioner to ensure compliance with the Building Code. He noted that due to the size and scope of the renovations, the Petitioner will need to bring the slope into compliance with ADA standards.

During deliberation, Chairperson Schneider noted that she hopes the Town works with the applicant to remedy the issue of the sloped driveway. She further noted that this is a needed renovation for an existing facility. Board Members Palermo and Meiklejohn agreed. Board Member Meiklejohn asked that the discussion of an accessible entrance be discussed at the future Planning Board meeting.

In reliance on the above referenced plans, the Board then determined, by unanimous vote, that the requirements for a special permit for relief from **Section 5.09.2.A** and **E** for design review, pursuant to **Section 9.05** and **modification** of prior Board of Appeals Decision for Case No. 2539 (1982) as necessary, were met, finding specifically under said **Section 9.05**:

- a. The specific site is an appropriate location for the proposed improvements because the building has been a hotel for many decades and the proposed modifications will modernize and improve the appearance of the hotel.
- b. The use as developed will not adversely affect the neighborhood because the building will continue to be used as a hotel, and the building's facades will have an improved presence along the streetscape.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians because the garage will continue to be used for hotel guests and many patrons are expected to continue to make use of the available mass transit options within the immediate area.
- d. Adequate and appropriate facilities will be provided for the proper operation of a hotel and restaurant.
- e. Development will have no effect on the supply of housing available for low and moderate income people.

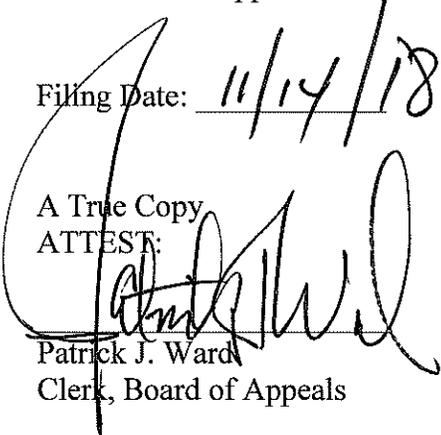
Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

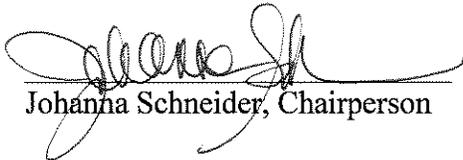
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Unanimous Decision of  
The Board of Appeals

Filing Date: 11/14/18

A True Copy  
ATTEST:

  
Patrick J. Ward  
Clerk, Board of Appeals

  
Johanna Schneider, Chairperson